
Appeal Decision

Site visit made on 24 November 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2020

Appeal Ref: APP/Y3940/W/20/3252030

Land adjoining Bereburne, 34 Dursley Road, Heywood, Westbury BA13 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Dunford against the decision of Wiltshire Council.
 - The application Ref 19/08838/FUL, dated 11 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is erection of 2 no. 3 bedroom chalet dwellings and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a clerical error in the decision notice relating to the quantum of development. For clarity, the appeal has been dealt with based on the description of development set out in this decision letter above. Similarly, there is a clerical error in the name of the appellant on the appeal forms, which has been clarified by the parties and reflected in this decision letter accordingly.
3. The appellant submitted revised plans with the appeal, including a revised site plan and topographical data to inform further highway analysis. The Council will have had an opportunity to review any revisions during the appeal and make comments within its statement of case as appropriate. I have therefore dealt with the appeal as it was submitted.

Main Issues

4. The main issues are:
 - (a) whether the proposal is in an appropriate location with regards the settlement strategy for the area;
 - (b) the effect of the proposal on the character and appearance of the area;
 - (c) the effect of the proposal on highway safety.

Reasons

Location

5. The site is located in Heywood, which is not included within defined limits of development identified on the policies map and referred to within Core Policy 2 of the Wiltshire Core Strategy 2015 (WCS). Consequently, the site is in the open countryside for the purposes of the WCS.

6. The policy goes on to confirm that other than in circumstances permitted as an exception by other policies, development will not be permitted in the open countryside. Exceptions are typically limited to agricultural need or rural based enterprise, and replacement dwellings, among other things. There is no evidence substantiating that the proposal meets any of these limited exceptions (or other such policy exceptions within the WCS). Accordingly, for the purposes of the appeal, the dwellings are treated as being market housing, which is not permitted in the open countryside as a matter of principle.
7. Paragraph 79 of the National Planning Policy Framework (the Framework) makes clear that planning policies and decisions should avoid the development of isolated homes in the open countryside unless very special circumstances exist. It is a very specific matter within the wider ambit of development in the open countryside and should not be conflated with policies (including those within the development plan) relating to residential development in the open countryside more broadly.
8. The proposal is for market housing, which is a form of development that does not benefit from open countryside exception policies under the development plan. This is irrespective of Paragraph 79 of the Framework, the issue of isolated homes or whether Heywood is a settlement or not, and any special circumstances that might be relevant in that specific context.
9. It may be the case that Heywood has a small range of services, including a village hall and public house amongst other things. However, the appellant acknowledges that the widest range of day to day services are found some 5km away from the appeal site. From my site visit, it was not apparent that there was a level of day to day service provision within the immediate vicinity of the site and therefore future occupants would more than likely require some level of vehicular travel on this basis.
10. Accordingly, this goes to the centre of what the WCS settlement strategy sets out to achieve in concentrating development in areas that are well catered for in terms of existing services, and where future services will also be delivered to support growth. Notwithstanding an assessment of service provision, there appears no evidence to suggest that such a consideration would overcome the nature of Core Policy 2 of the WCS when dealing with defined limits of development.
11. Paragraphs 77 and 78 of the Framework set out that housing should be located where it would enhance or maintain the vitality of rural communities. Notwithstanding, these particular provisions in the Framework do not preclude proposals from according with the settlement strategy for the area established by the development plan. In this case the development plan clearly provides opportunities for rural areas to experience growth through the application of its exception policies and it is therefore consistent with the Framework in this respect.
12. The application of Core Policies 45, 46 and 48 are appropriate where the principle of residential development has been established. As it has not been established, these policies have not been engaged. Similarly, whether the appeal site is located in an employment growth zone does not mitigate its position outside of defined development limits where market housing is strictly controlled.

13. Consequently, notwithstanding the matter of isolation and settlement status, the proposal is still in the open countryside and not in an appropriate location with regards the settlement strategy for the area. It is therefore in conflict with Core Policies 1, 2, 60, 61 and 62. Among other things, these policies seek to ensure that proposals come forward in locations that are well related to services.

Character and Appearance

14. The site is located within the garden area of an existing dwelling towards the western extent of Heywood's pattern of development. The existing dwelling sits on a large plot of land that in relative terms is substantially larger than the plots of neighbouring dwellings. Consequently, and in principle, the site could receive additional development whilst still achieving plot ratios that respect the wider pattern of development. Heywood comprises a contrasting mix of single storey bungalows and two storeys dwellings, with a further mix of detached, semi-detached and terraced configurations. There is a group of well-presented single storey detached bungalows immediately to the east of the site in a uniform row along Dursley Road. The existing dwelling is also a single storey detached bungalow and sits off axis at the end of the row also along Dursley Road but set back slightly in comparison.
15. The proposal would deliver two additional bungalows that would provide a continuation of bungalow development along Dursley Road. The building line would be forward of the existing dwelling at the site but would remain consistent with the uniform row. Given that the uniform row is the more dominant feature of the street scene, due to scale and extent, the proposal's chosen building line is logical and not harmful to the appearance of the street. The design of bungalows might depart from the design of other bungalows in the vicinity but given the varied mix of other dwellings in the area already there is flexibility to allow other dwelling types.
16. The siting of the two additional bungalows would be such that they remained within the western extent of the prevailing pattern of development, insofar as they would be in line with the semi-detached dwellings directly in front and other detached properties directly behind. The proposal would not therefore extend the existing pattern of development of Heywood into an undeveloped landscape and any urbanisation effects would be largely contained.
17. Overall, the proposal would create plot ratios that are consistent with the existing pattern of development, assimilate with the most dominant building line along Dursley Road whilst remaining within the limits of existing development. In doing so it would preserve the character and appearance of the area and accord with Core Policy 61 of the WCS and Paragraphs 127 and 130 of the Framework, which among other things are made pursuant to high quality design and place shaping.

Highway Safety

18. The site is accessed off Dursley Road, which is subject to a 30mph speed limit and located a short distance away from a junction with Hawkeridge Road in the north west and Westbury Road in the south east, which at the junctions are subject to 50mph and 60mph respectively.

19. The relevant guidance¹ sets out that a 2.4m distance is required at a junction in order to allow drivers to see down a road safely without encroaching onto it. Visibility splay distances are then calculated based on recorded highway speeds. Notwithstanding whether the existing junctions provide suitable visibility splays, there is no evidence that the existing usage of these junctions by the residential population of Heywood at large has created unacceptable highway safety impacts.
20. For example, there is no accident data demonstrating that there is an unacceptable pre-existing concern. The Council acknowledge that two 'slight' injuries recorded in the last 5 year period were not caused as a result of the restricted junction visibility. The Westbury Road junction recorded a single incident but the cause of this is only anecdotal. Consequently, there appears little substantive evidence to a serious highway safety problem at these junctions. Allied to this, the addition of a further two dwellings within Heywood can only reasonably be considered a limited form of development, with a limited number of vehicle trips comprising 7 per dwelling per 12-hour day-time period.
21. Regarding the cited appeal² it relates to a development comprising a materially different character and quantum, where the types of vehicles, movements and considerations about junction safety would be more acute compared to a small scale residential use. To this end, under the other cited appeal³ the inspector considered that additional commercial traffic of the scale likely to result from an unfettered B8 use would inevitably pose a threat to the safety of road users.
22. In this case, the trips generated by the development are limited, the nature of the traffic is the same as the majority of other traffic that use the junctions, overwhelmingly without incident. Therefore, even though the existing junctions may not accord with the metrics set out within the relevant guidance, I cannot conclude that the limited form of development under the proposal would have an unacceptable impact on highway safety. Overall, the proposal would not have a harmful effect on highway safety and would accord with Core Policy 61 of the WCS and Paragraph 109 of the Framework, which among other things requires that proposals are capable of being served by safe access to the highway network.

Other Matters

23. There is no evidence before me suggesting that housing market areas need to be assessed in accordance with their constituent parts, or that the housing land supply figure provided for the housing market area as a whole should not form the basis for determining whether there is sufficient supply of housing land. Consequently, it has been demonstrated that the North and West Housing Market Area (NWHMA) has a five year housing land supply and therefore the provisions under Paragraph 11 of the Framework are not engaged. The Heywood Housing Needs Survey 2019 would not change the five year housing land supply position under this appeal. Even if there was a requirement to undertake an assessment of the constituent parts of a housing market area, and a shortfall in housing land supply was established, the scale of the proposal would give rise to limited social and economic benefits.

¹ Design Manual for Roads and Bridges (DMRB)

² APP/Y3940/W/18/3214083

³ APP/Y3940/W/18/3205417

24. Accordingly, adverse impacts identified under the main issues would significantly and demonstrably outweigh the benefits, and a presumption in favour of sustainable development under Paragraph 11 of the Framework would not be engaged.
25. The planning history of the site is aged and therefore the planning policy context and situation on the ground will likely have moved on in the intervening period. Consequently, planning permissions, which are no longer extant, carry limited weight in support of the proposal.

Conclusion

26. For the reasons given, even though the proposal would preserve the character and appearance of the area and not have a harmful effect on highway safety, it would still conflict with the settlement strategy for the area. Therefore, without any substantive competing benefits to weigh in the planning balance, the appeal is dismissed.

Liam Page

INSPECTOR