



Appeal Decision

Site Visit made on 8 December 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/Y3940/W/20/3254729

Land Adjacent, 2a Clivey, Dilton Marsh BA13 4BQ

- 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 R Whitefield against the decision of Wiltshire Council.
 - The application Ref 19/08686/FUL, dated 10 September 2019, was refused by notice dated 23 December 2019.
 - The development proposed is erection of 3 bed house.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 3 bed house at Land Adjacent, 2a Clivey, Dilton Marsh BA13 4BQ in accordance with the terms of the application, Ref 19/08686/FUL, dated 10 September 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2297:01 - Site survey plan; 2297:02A - Site layout and location plans; 2297:03 Lower ground floor plan; 2297:04A Upper ground floor plan; 2297:05A Street elevation; 2297:06A - South West elevation Sheet 1 of 3; 2297:07A - Elevations Sheet 2 of 3; 2297:08A - Elevations Sheet 3 of 3; 2297:09A - Visibility splay [right] Sheet 1 of 2; 2297:10A - Visibility splay [left] Sheet 2 of 2; 2297:11 - Site layout plan: Landscape proposals.
 - 3) Development shall not proceed above finished lower ground floor level until details / samples of the materials to be used in the construction of the external surfaces of the house hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Main Issue

2. The main issue is whether the site would be suitable for a dwelling, bearing in mind the settlement policies of the development plan.

Reasons

3. The appeal site lies adjacent to the western edge of Dilton Marsh. It is a small plot of land covered in scrubby vegetation and enclosed by boundary hedging.

It borders a public footpath to the east, which runs along the rear boundaries of houses in Shepherds Mead, and it has a road frontage to Clivey to the south west. There is open countryside to the west and north of the appeal site, but the built form of the settlement extends further westwards on the opposite side of the road.

4. The Council's settlement strategy is set out in the Wiltshire Core Strategy (the Core Strategy), which was adopted in January 2015. Core Policy 1 (CP1) identifies a four-tiered hierarchy of settlements where sustainable development will take place. Dilton Marsh is identified as a Large Village, which is in the lowest of the four tiers, defined as settlements with a limited range of employment, services and facilities. Development in Large Villages is limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. The supporting text indicates that development will predominantly take the form of small housing and employment sites within the settlement boundaries, and that development outside the settlement boundaries will be strictly controlled.
5. Core Policy 2 (CP2) sets out the delivery strategy, which seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner. Within the defined limits of development for settlements, including Large Villages, there is a presumption in favour of sustainable development. Development is not permitted outside the limits of development, except in certain specified circumstances, which do not apply in this case. The policy states that these limits may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.
6. The appeal site lies outside the defined settlement boundary limits for Dilton Marsh. The proposal would, therefore, be contrary to Policies CP1 and CP2 of the Core Strategy, which set out the settlement strategy for the area. My attention has not been drawn to any policies in the Core Strategy, or any other Development Plan Documents, that positively favour development of this kind in this location. Consequently, I conclude that there would be a conflict with the development plan as a whole. The legislation¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning Balance

7. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence indicates that the extent of the shortfall is relatively modest, at 4.62 years. It also shows that, within the Trowbridge community area, the 165 dwellings required over the plan period by Policy CP2 have already been delivered. These factors affect the weight that I give to the conflict with the development plan. Nevertheless, the shortfall means that Policies CP1 and CP2, which are the most important policies for determining the appeal, are out of date. As a result, Paragraph 11 d) of the National Planning Policy Framework (the Framework) advises that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

¹ Section 38(6) of the Planning and Compulsory Purchase Act (2004)

8. The Framework does not protect the countryside for its own sake, but it does recognise its intrinsic character and beauty. The site is enclosed by hedges on all sides, so it is visually separated from the wider, open countryside to the north and west. In most views the site is seen in the context of existing urban development in Shepherds Mead to the east, or Clivey and Red Pit on the opposite side of the road. The house would be set below the level of the road and would have a low-profile green roof. It would, therefore, be largely screened by the boundary hedges. Consequently, although it would be outside the settlement boundary, the development would not appear as an extension of the urban form of the village into the countryside, and there would be no harm to the character and appearance of the area.
9. The Framework aims to promote sustainable transport, by directing development to locations which limit the need to travel, and offer a genuine choice of transport modes. Dilton Marsh has a range of facilities, including a school, church, village hall, playing fields and shop/post office. There is a pavement opposite the appeal site that provides easy pedestrian access to these services. There is a bus stop within about 200 metres, and a railway station approximately 1.4 kilometres away, providing sustainable travel options to higher order centres. Occupants of the house would not, therefore, be reliant on private transport to access essential services, so there would be no harm to the Framework's aims in this regard.
10. The adverse impacts of the development are, therefore, limited to the conflict with Policies CP1 and CP2 of the Core Strategy. Although these policies are out of date, in view of the modest shortfall in housing supply and the record of delivery in the immediate area, they still attract significant weight. However, the addition of one dwelling would result in very limited harm to the overall settlement strategy.
11. The proposal would provide economic benefits through the creation of employment during the construction process, and the future spend of residents in the local economy. In terms of social benefits, its location, immediately adjoining the village, means it would readily enhance or maintain the vitality of the rural community, in accordance with paragraph 78 of the Framework. The development would provide an additional dwelling, which would contribute towards addressing the shortfall in housing sites, and would also support the Framework's objective of significantly boosting the supply of homes.
12. In view of the small scale of the proposal, these benefits would be modest. Nevertheless, the adverse impacts, when assessed against the policies in the Framework taken as a whole, would not significantly and demonstrably outweigh them. Therefore, the presumption in favour of sustainable development applies, and planning permission should be granted.
13. In arriving at this conclusion, I have considered the appeal decision² that the Council drew to my attention, in which the Inspector concluded that the adverse impacts of a residential proposal at Warminster outweighed the benefits. In that case, however, the site was about 150 metres outside the settlement boundary, and the Inspector concluded that the proposed development could not be safely accessed by pedestrians, so would encourage use of the private car. The balance of harm to benefits was not, therefore, comparable to the appeal scheme.

² Planning Inspectorate Ref: APP/Y3940/W/20/3245400

Conditions

14. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has also suggested a condition requiring approval of external materials. I agree that such a condition is necessary to protect the appearance of the area. However, in accordance with the advice in the Planning Practice Guidance, I have altered it so that it is not a pre-commencement condition.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR