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# Appeal Decision

Site visit made on 23 November 2020

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 January 2021**

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**Appeal Ref: APP/Y3940/W/20/3258748**

**Former Nursery, Northleigh, Bradford on Avon, Wiltshire BA15 2RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Doric Developments (Bath) Ltd against the decision of Wiltshire Council.
  - The application Ref 20/02835/OUT, dated 26 March 2020, was refused by notice dated 15 June 2020.
  - The development proposed is the erection of a self-build dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the proposal would be inappropriate development in the West Wiltshire Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
  - The effect of the location of the proposed dwelling with regards to whether there is sustainable access to services and facilities, and how this effects sustainable transport, for example.
  - The effect of the development on highway safety as a result of use of the access to serve the dwelling.

## Procedural Matter

3. The appeal seeks outline permission with all matters reserved except for access and landscaping. In so far as the submitted plans and drawings show details of matters other than the access and landscaping, I have treated those as being purely illustrative.

## Reasons

### *Green Belt*

4. The Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt. The construction of new buildings within the Green Belt is inappropriate development, unless the development falls

within one of a number of stated exceptions, which includes limited infilling in villages. The term limited infilling is not defined in the Framework.

5. To qualify for this exception the proposal must be both 'limited infilling' and in a 'village'. Firstly, the site is within the settlement known as Northleigh. Whilst the site may be outside of any settlement boundary, this is not a determinative factor in this case for establishing whether the plot is within a village for Green Belt purposes. Whilst there may be a lack of services and facilities in Northleigh, it is a sizable settlement with many houses. Therefore, I cannot agree with the Council that Northleigh does not constitute a village. To my mind, when viewed on the ground, and also on plan view, the site is within a village.
6. With regards to being limited, this is a single dwelling proposed which is not indicated to be of a particularly large scale, and so I conclude that this is a limited form of development.
7. The proposed would develop a largely undeveloped plot, which was once a nursery garden now associated with Garden House. There are other dwellings adjacent and near to the plot, especially to the north, east and west. This is a gap in an otherwise built up frontage along the northern side of the B3105, which is characterised by a variety of dwelling types typically in the form of detached dwellings in spacious plots. The proposed dwelling would fit with the general character of the area and would be a form of infill development.
8. As such, I would regard the proposal as a form of limited infill in a village. The proposed development would therefore meet with the exception set out in paragraph 145(e) of the Framework and would not amount to inappropriate development in the Green Belt.

#### *Location and Accessibility*

9. Whilst I would agree that Northleigh is a village, in planning policy terms there is no settlement boundary for this village and is therefore in the countryside. Although over time Northleigh has seen the development of many houses, it is still a small village and has very little in the way of services and facilities which would support future occupants on a day to day basis.
10. There is no shop or school in the village, with the services available within Bradford on Avon being too far for it likely that future residents would frequently walk or cycle to this town. There does appear to be a bus route, but I do not have sufficient detail of the frequency of local services through Northleigh to satisfy me that this would overcome this issue. A bus service would likely be beneficial in such considerations, but I would regard it unlikely in such circumstances to fully address the issue that this new dwelling would be within a village with little or no facilities or services.
11. Considering all the above, future occupants of the development would be largely reliant on the private motor vehicle to access services and facilities. Such a lack of accessibility by means of transport other than the private car weighs significantly against the proposal and would be contrary to the relevant sustainable transport aims of the Framework.
12. Overall, the proposed development would not provide a suitable location for a new dwelling having regard to planning policies that seek to create sustainable patterns of growth. Consequently, the proposal would be contrary to the

Framework's aims of minimising the need to travel and supporting the transition to a low carbon future. It would also not accord with Core Policies 1, 2 and 7 of the Wiltshire Core Strategy, which seek to, amongst other things, strictly control development outside of settlement boundaries, directing development to sustainable locations.

13. As the Council cannot currently demonstrate a sufficient housing land supply, these Core Strategy policies carry less weight and the tilted balance applies, which I shall come back to with the later 'Planning Balance' section.

#### *Highway Safety*

14. The proposed dwelling would be served by the existing access onto the B3105. From my observations, this is a road which can get busy and some vehicles travel at fast speeds through Northleigh.
15. The appeal scheme proposes to share the access approved under application 17/08976/FUL with the Garden House. This approved access was to provide initially for the Garden House, which currently has a shared access to the west. As such, although the new access would be substandard in terms of visibility available for vehicles leaving onto the B3105, it was not much different from the existing shared access that was being used. However, this proposal would introduce a new development of a dwelling, which would be served by a substandard access.
16. Therefore, whilst there was some justification given as to why planning permission was given for the new access for Garden House, there is no such justification for a new additional dwelling proposed to use a less than suitably safe access. The appellant has suggested a condition so that the new access is only used by the new dwelling as proposed. However, whereas the result of this would be just a single dwelling using this access with low levels of usage probable, the situation would still remain that the proposed dwelling would be served by a substandard access with highway safety implications.
17. There is a lack of sufficient evidence provided to convince me that the proposed access is indeed appropriately safe to use for occupants of the proposed house, following the Council conclusion that there is inadequate vision available onto what appears to be a busy highway and classified road. Indeed, from my observations on site, the visibility at the access would be poor for such a highway.
18. As such, the proposal would result in a new dwelling using a sub-standard access to the detriment of highway safety. The proposal is therefore contrary to Core Policy 61, which requires new development to be served by a safe access to the highway network, amongst other things.

#### **Planning Balance**

19. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning 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.

Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.

20. In the context of the development plan I have found that the proposed development would be contrary to the aforementioned Core Strategy policies. However, in the absence of a demonstrable five year housing land supply, I give the fact that the proposed dwelling is outside of any defined settlement boundary limited weight. Nonetheless, for this appeal, I have found these policies and their aims to be generally consistent with the relevant aims of the Framework, such as the need to achieve sustainable development.
21. The proposal would provide a dwelling towards the local housing supply, on what appears to be vacant previously developed land. There would be economic benefits from the construction of the dwellings, and this could be considered an efficient use of the site, amongst other potential benefits. However, as this is only a single dwelling proposed the benefits are limited.
22. The proposals would be a self-build dwelling, to which the appellant demonstrates that there appears to be an unmet demand for the provision of self-build plots in Wiltshire. I recognise the support given to self-build dwellings in the Framework. I also note the appellant's suggested condition that this development be restricted to give purchase priority to people in the Bradford on Avon Community Area and those on the Council's self-build register. Nonetheless, this would be just a single dwelling plot towards such an unmet need. As such, I give this aspect modest weight.
23. Considering all the above, when assessed against the policies in the Framework taken as a whole, the adverse impacts as set out in the main issues would significantly and demonstrably outweigh these cumulative benefits.

### **Conclusion**

24. For the reasons given and in considering all matters raised, the appeal should be dismissed.

*Steven Rennie*

INSPECTOR