



Appeal Decision

Site Visit made on 17 May 2021

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/Y3940/W/21/3268135

Jasmine Cottage, Rollestone Road, Shrewton SP3 4HG

- 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 P Higon against the decision of Wiltshire Council.
 - The application Ref 20/03801/FUL, dated 5 May 2020, was refused by notice dated 15 September 2020.
 - The development proposed is construction of new detached dwelling with parking.
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Decision

1. The appeal is allowed and planning permission is granted for construction of new detached dwelling with parking at Jasmine Cottage, Rollestone Road, Shrewton SP3 4HG in accordance with the terms of the application, Ref 20/03801/FUL, dated 5 May 2020, subject to the conditions in the attached schedule.

Procedural matter

2. Since the application was determined the Council has confirmed that its second reason for refusal, concerning nutrients entering the River Avon catchment has been overcome. I consider this later in my decision.

Main Issue

3. The main issue is the effect on highway safety.

Reasons

4. The site is accessed via a private road that connects the B3083 and A360. It has a narrow width but there is no substantive evidence that traffic attracted to the numerous dwellings along its length cannot safely pass other vehicles or pedestrians when required. There is no substantive evidence that traffic, including that involved in the construction of the dwelling, would not be able to navigate the lane or turn into the site without damage to nearby property.
5. The poor surface and width would combine to encourage low vehicle speeds which, despite the number of private accesses, many of which have visibility obscured by hedges and the like, would likely create a safe highway environment. Existing vegetation could be cleared or replanted to provide better visibility at the site access, but doing so would cause some harm to the character and appearance of the area. With regard to the characteristics of the road, I find that there is no need to enhance the visibility at this site in the interests of highway safety.
6. The junction of Rollestone Road with the B3083 has a fully consolidated apron adjoining the running lane of the main carriageway and good visibility.

However, at the A360 junction, the surface is potholed with loose material and visibility splays that do not comply with the technical requirements for the 50mph speed limit of the main road. The loose surface may reduce anticipated traction if poor visibility were to encourage rapid acceleration.

7. On egress from Rolleston Road, visibility to the right is hampered by a tree close to the carriageway edge. This prevents visibility of the nearside carriageway edge. While the appellant's plans depicting the extent of visibility could be clearer, I observed that a bend brings the road back into view beyond the tree for the full length of required visibility. The inability to see the nearside edge of the carriageway in the central part of the splay could mean that cycles and motorcycles may not be visible for a short time. However, cyclists would be travelling more slowly and the geometry of the road where vehicles would be negotiating a right-hand bend reduces the likelihood of motorcyclists being tight to the nearside edge and out of sight.
8. To the left, the available visibility to the nearside edge is very short. However, double white lines prevent overtaking, the likelihood of which is further reduced by the approaching left hand bend which reduces forward visibility. I, therefore, find that considering visibility to the centreline would be appropriate. The appellant's photograph demonstrating the visibility to the left does not appear to have been taken from 2.4m back from the carriageway edge. Moreover, the Council contends that the available 96m claimed by the appellant is not available.
9. However, it appeared to me that it would be possible for a driver to see from the access to a point broadly at the brow of a hill where signage marks a change from a 30mph to a 50mph speed limit. Looking back, from the position of the driver in this location, it is possible to see the access and any emerging vehicle. There is no rigorous traffic speed data available for the access point, but vehicles approaching the site from the left would be unlikely to be travelling at 50mph at the point that they see or become visible to emerging traffic as they would just be leaving the 30mph zone.
10. I appreciate that the Council's twice-yearly vegetation cutting regime could, at times, result in slightly reduced visibility, but there is no substantive evidence that it would change significantly from the situation currently at the site. In this case, given the geometry and restrictions on the highway, adequate visibility appears to be available in both directions.
11. It is also necessary to consider the likely increase in volume of traffic. A single dwelling is proposed on a lane that already serves a large number of dwellings. There is also a hotel/restaurant that is located on the corner of the lane and A360 such that most traffic associated with it is likely to use the substandard A360 junction. The site is broadly centrally located on the lane, so traffic is likely to be shared between the junctions. There are fairly continuous lines of dwellings either side of the lane and so, in the absence of particular evidence of significant development opportunities, the Council's concerns about precedent are of limited weight.
12. I understand that the hotel/restaurant uses may have been allowed following closure of a worse access to the A360, but there is no evidence that the resulting additional traffic at the junction of the lane has caused harm. While accident records alone may not be a reliable indication of highway safety, there

is no substantive evidence that the established junction has caused historic highway safety problems such that a minor increase cannot be tolerated.

13. Overall, while the junction to the A360 does not meet generally accepted highway safety standards, considering all of the above matters together, I find that the minor increase in traffic, coupled with the particular circumstances surrounding the geometry and highway restrictions, mean that additional traffic from the development would not harm highway safety. There would, therefore, be no conflict with those aims of Policies CP57, CP60, CP61 and CP62 of the Wiltshire Core Strategy 2015 that seek to ensure that proposals are served by safe accesses to the highway network.

Other Matters

14. Jasmine Cottage is a listed building. While it has a large, spacious garden, its setting is essentially as part of an informal, varied residential area, surrounded by other dwellings. The Council's conservation officer has confirmed that the existing plot boundary is of little or no historic significance. While the design is fairly standard in approach, it would be compatible with the general variety of surrounding buildings and would not dominate the listed building.
15. Halfway Cottage, a further listed building, stands broadly opposite Jasmine Cottage on the other side of the lane. Its setting is similarly derived from its close relationship to the road and other surrounding buildings, including Jasmine Cottage. However, the appeal site is disconnected from it and an additional dwelling within this residential environment would have little effect on its setting. I, therefore, find that the proposal would preserve the setting and not harm the significance of these designated heritage assets.
16. It has been suggested in representations that the dwelling should be sited further back on its plot. However, while Jasmine Cottage may sit unusually forward compared to others on this side of the road, the arrangement of dwellings in the area is varied, as is the architectural approach. The siting would, therefore, be compatible with its surroundings and would safeguard the living conditions of neighbouring residents. In light of my findings on highway safety, the front boundary hedging and trees can be retained and, as such, there would be no harm to the character and appearance of the area.
17. There is no substantive evidence to support claims that there is no need for 4 bedroom houses, or that one should not be provided for some reason. There is equally no substantive evidence to suggest that matters such as ensuring the provision of foul drainage and the like would not be dealt with through other legislation. The ongoing repair of the private road is a matter that will have to be addressed by the parties concerned and does not alter my decision.

Appropriate assessment

18. The proposal could result in additional nutrients entering the River Avon catchment. In turn, this could result in adverse effects on the integrity of the River Avon Special Area of Conservation (SAC) and Avon Valley Ramsar site. The SAC and Ramsar site are designated for several species of wildlife, including wintering gadwall, that depend upon pristine water quality typical of chalk rivers such as the Avon. Pollutants entering the water environment, including phosphorous and nitrogen, such as from agriculture and sewage treatment plants could adversely affect water quality, exacerbated by an

increase in population from the development, in combination with other development in the catchment.

19. A Memorandum of Understanding between Wiltshire Council, Natural England, Wessex Water, the Environment Agency and other relevant local authorities agrees to deploy a range of measures to ensure that development is phosphorous neutral. Off-setting for additional loading is to be provided by the Council through measures such as new wetlands and woodlands located in the headwaters of the River Avon sub-catchments, with temporary measures until the schemes are established. A detailed phosphorous neutrality strategy sets out the approach in detail. Funding will be provided through a ring-fenced fund from the Community Infrastructure Levy (CIL), providing certainty to me that the mitigation can be delivered.
20. The proposal could also result in potential adverse effects on the integrity of the Salisbury Plain Special Protection Area (SPA). The qualifying features of the SPA include non-breeding hen harrier and breeding populations of Eurasian hobby, common quail and stone-curlew. The stone-curlew is a ground nesting species that is sensitive to disturbance by people and dogs. Additional residents from the development, in combination with other development, could increase disturbance.
21. The HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from residential development) Reviewed May 2018 (MS), set out an approach to the management of recreational pressure. This involves monitoring of species, careful management of appropriate habitat, monitoring of visitors and discussions with the public as to how their impact can be reduced. The MS explains that funding for the mitigation is provided through a ring fenced fund from CIL, providing certainty that the mitigation would be delivered.
22. Natural England is content that the various mitigation strategies already in place are sufficient to avoid adverse effects on the SAC, SPA and Ramsar site. Therefore, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I conclude that adverse effects on the integrity of these sites would be avoided.

Conditions

23. A plans condition is required in the interests of certainty. To protect the character and appearance of the area, details of external materials, a tree protection plan, landscaping scheme, and details of any means of enclosure must be provided.
24. To promote travel by non-car means, cycle parking facilities should be provided. To ensure that adequate facilities exist for the traffic likely to be attracted to the site, the access and parking areas should be provided prior to occupation. However, given the traffic levels and speeds within the lane, there is no clear reason to restrict the location of access gates. Nor is it necessary to insist upon a consolidated surface at the access, given the condition and generally loose surface of the lane itself. I have not, therefore, included conditions to that effect.
25. To protect archaeological interests, a programme of archaeological investigation is required. To promote biodiversity enhancement, biodiversity

net gain measures must be provided. The Council has recommended conditions removing permitted development rights. However, Planning Practice Guidance (PPG) indicates that such rights should only be removed exceptionally and no substantive case has been made to do so.

26. I have made some revisions to the Council's suggested conditions to avoid repetition of requirements, approval of details such as parking layouts and location of biodiversity enhancements that are already shown on the drawings, and to ensure compliance with the National Planning Policy Framework and PPG.

Conclusion

27. For the reason given, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 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: P19-056 02-02-001; P19-056 02-02-002B; P19-056 02-03-001; 019-056 02-04-001; P19-056 02-04-002; P19-056 02-05-001; P19-056 02-05-002A; P19-056 02-05-003A; P19-056 02-05-004A; P19-056 02-91-001.
- 3) No development shall commence on the site until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan must include details of any necessary fencing, in accordance with the relevant British Standard (BS5837: 2012). The trees must be protected in accordance with the approved Tree Protection Plan throughout the period of development.
- 4) No development shall commence on the site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority, and the approved programme of archaeological work has been carried out in accordance with the approved details.
- 5) No development above slab level shall occur on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter maintained as such in accordance with the approved details.
- 6) Prior to the occupation of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - location and current canopy spread of all existing trees and hedgerows on the land;

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- all hard and soft surfacing materials;

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

- 7) Prior to the occupation of the dwelling hereby permitted, the access, turning area and parking spaces shall have been completed in accordance with the details shown on the approved plans. These areas shall thereafter be maintained for those purposes at all times.
- 8) Prior to the occupation of the dwelling hereby permitted, the cycle parking facilities shown on the approved plans shall be provided in full and made available for use. The cycle parking facilities shall thereafter be retained for use in accordance with the approved details.
- 9) Prior to the occupation of the dwelling hereby permitted, the biodiversity enhancement measures identified in Section 5.4 of the submitted Preliminary Ecological Appraisal v4 (David Leach Ecology Ltd., April 2020) and shown on the approved plans shall be implemented on site and thereafter maintained as such.
- 10) No railings, fences, gates, walls, bollards and other means of enclosure shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.