



Appeal Decision

Site visit made on 28 June 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2022

Appeal Ref: APP/Y3940/W/22/3294825

Monks Way, Corsham Road, Lacock SN15 2LZ

- 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 Mr & Mrs Self (c/o LPC Trull Ltd) against the decision of Wiltshire Council.
 - The application Ref PL/2021/08737, dated 8 September 2021, was refused by notice dated 24 February 2022.
 - The development proposed is the erection of new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. However, indicative siting, access and elevations have been shown on submitted plans and I have treated these plans as such.
3. The Decision Notice refers to plan ref LPC 5157 EX 01 A with access shown being from Rosemary Lane. Further plans were included in the application ref LPC 5157 EX 01 and LPC 5157 SK 01 showing an alternative access from Corsham Road. The Council indicate that consultation took place based on the Rosemary Lane access plan. I cannot be sure that third parties, including those close to the alternative access would have been aware of these plans and had opportunity to comment on it. Therefore, to avoid prejudice to third parties I have considered the proposal against the same plan as the Council.
4. To avoid prejudice to third parties, I have determined the appeal based only on the indicative access point shown on plan referenced as LPC 5157 EX 01 A.

Main Issues

5. The main issues are: -
 - Whether the appeal site is a suitable location for housing, with specific regard to the housing development strategy and accessibility to services, facilities and jobs; -
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Suitable Location for Housing

6. The appeal site is located between Corsham, a Market Town, and Lacock, a Small Village, as defined in the Wiltshire Core Strategy (2015) (CS). For the purposes of planning the site is outside both defined settlements within a countryside location.
7. Core Policies 1 and 2 of the Wiltshire Core Strategy (2015) (CS) set out the settlement and delivery strategy for Wiltshire. Core Policy 11 of the CS lists the recognised settlements for planning purposes for the Corsham Community Area. There is a general presumption against development outside the defined limits of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. However, it is stated that some very modest development may be appropriate at Small Villages.
8. Saved Policy H4 of the North Wiltshire Local Plan 2011 (LP) is relevant in the instance that the site is outside any recognised settlement boundary. It states that new dwellings will be permitted provided that the dwelling is connected to an agricultural, forestry or other rural based enterprises, or it is a replacement dwelling. There is no evidence that the site is one of the exceptions set out within Saved Policy H4 of the LP. The proposed development would not meet any of the exceptions where residential development in the countryside is permitted in the development plan.
9. Saved Policy H4 of the LP is not entirely inconsistent with paragraph 80 of the National Planning Policy Framework (the Framework, which also permits conversions of redundant buildings, subdivision of residential buildings and designs of exceptional quality. However, the site is not physically separate or remote from other residential development on Corsham Road. Accordingly, the site is not 'isolated' for the purposes of paragraph 80 of the Framework and none of its exceptions apply.
10. Core Policy 60 and 61 of the CS set out that the Council will help to reduce the need to travel by private car by planning developments in accessible locations. New Development should also be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable travel alternatives.
11. The closest settlement to the appeal site is the 'Small Village' of Lacock. Core Policy 2 states that 'Small Villages' have a low level of services and facilities, and few employment opportunities. The village boundary would be approximately 1km to the south west, which aside from the controlled crossing over the busy A350, would be accessible along roads with footways that are narrow or mostly to one side and with limited lighting. There is no bus stop on Corsham Road towards Lacock, but a bus stop on Reybridge Turn (north of Lacock settlement) is within a reasonable walking distance. The bus service provides a half hourly service between Chippenham and Lacock from morning to early evening in the weekdays, however, the service is more limited on a Saturday and no service is provided on Sunday.¹

¹ X34 timetable <https://bustimes.org/services/x34-from-trowbridge-chippenham>

12. Having regard to the limited evening and weekend bus service, while it may be physically possible, future occupants of the proposed development would be unlikely to regularly travel on foot or via bicycle to access the services and facilities at Lacock, in particular at times of darkness or in inclement weather.
13. I have also had regard to the larger settlements, such as Corsham and Chippenham and the bus services from Lackham College. However, both these settlements and the bus services at the college are more distant from the appeal site, with no appropriate footway infrastructure along the A350 or parts of Corsham Road. Having regard to the distance that would have to be travelled, they also do not represent a suitably attractive option for walking and cycling from the appeal site. As such, future residents of the proposed dwelling would have to rely heavily upon private vehicles to travel further afield to access services, facilities and jobs for everyday living.
14. I have had regard to the nearby garden centre, which does offer a range of additional services beyond gardening-related items. However, considering its primary function as a garden centre and its opening times², it would not provide sufficient facilities and services to sustain the everyday needs of future occupants.
15. Accordingly, the proposed development would not be a suitable location for housing, with specific regard to with specific regard to the housing development strategy and accessibility to services, facilities and jobs. As such, the proposal would be contrary to Core Policies 1, 2, 11, 60 and 61 of the CS and Saved Policy H4 of the LP, which encourage new development to occur within accessible locations, and existing settlement boundaries of towns and villages in rural areas to achieve a sustainable pattern of development and limit development outside of settlement boundaries to justified exceptions. The proposed development would also be contrary to the housing policies contained in Section 5 and sustainable transport policies in Section 9 of the Framework.

Character and Appearance

16. Corsham Road, between the garden centre and Rosemary Lane, is a rural location characterised by detached dwellings fronting the road within spacious plots. Rosemary Lane does not include any footways or lighting and is surfaced in a mixture of gravel and grass, with trees, grass and hedges each side before narrowing to a footway.
17. The appeal site is a detached dwelling within a spacious plot fronting Corsham Road, with an undeveloped field adjoining the rear boundary. The undeveloped field to the rear together with the more rustic appearance of Rosemary Lane contributes to the natural landscape, which is a positive aspect of the character and appearance of the area.
18. The access would, for the most part, follow the route of Rosemary Lane. But Rosemary Lane would have to be hard surfaced to a width of 4 metres and extended in length across an undeveloped field to access the appeal site. Although specific detail has not been provided, the works to formalise and extend Rosemary Lane, including the removal of any trees and vegetation, would significantly harden the appearance of Rosemary Lane and

² 0900 until 1730

fundamentally alter the unspoilt appearance of the field to the rear. These works would be visible from localised views from Corsham Road and Rosemary Lane. Consequently, on the basis of the evidence before me, the proposed access would have an adverse impact on the rustic look of Rosemary Lane and the natural landscape of the undeveloped field, which contribute to the character and appearance of the area.

19. The garden centre and its car park does occupy a far greater land-take than the requirements to facilitate access to this new dwelling. Be that as it may, the garden centre and car park are well screened from the back of the site and would not mitigate the adverse impact the scheme would have on Rosemary Lane or the undeveloped field.
20. I note the appellant's suggestion that a condition requiring the access to be from Corsham Road, and not Rosemary Lane would resolve the impact on the character and appearance of the area. However, I cannot be sure that the alternative access is acceptable in respect of highway safety matters or neighbours living conditions. Also, those close to the alternative access may have not been aware of this plan and missed the opportunity to comment on it. As such, I do not consider it appropriate to condition the proposed development in this manner.
21. Consequently, the proposed development would have a significant impact on the character and appearance of the area, contrary to the aims and objectives Policies CP51 and CP57 of the CS. These policies look to ensure development has a high standard of design, including positively relating to its landscape setting by protecting, conserving and where possible enhancing landscape character. The proposed development would also be contrary to the general aims of section 15 of the Framework.

Other Matters

22. The appellant has made references to a dwelling approved by the Council at land adjacent to 15, Loophill, Bromham³. In this case, the supply of housing was below 5 years, and the proposed dwelling was also outside any settlement with issues of accessibility. While the two proposals have similarities, this case relates to a different settlement and, as such, would have a different transport network and has a different impact on character and appearance of the area. Therefore, it is materially different to the scheme before me and is not directly comparable. I have considered this scheme on its own merits.

Planning Balance and Conclusion

23. To allow housing on the appeal site, an area of open countryside, would run contrary to the policies of the development plan, which encourage new development to occur within accessible locations and existing settlement boundaries of towns and villages in rural areas to achieve a sustainable patterns of development and limit development outside of settlement boundaries to justified exceptions to protect the countryside. The proposed development would, therefore, conflict with these policies. I therefore give significant weight to the conflict with Core Policies 1, 2, 11, 51, 57, 60 and 61

³ LPA reference PL/2021/06526

of the CS and Saved Policy H4 of the LP, which are generally consistent with the Framework.

24. The Framework supports the provision of a range of dwelling sizes, with paragraph 69 noting the contribution that can be made by small and medium sized sites, and windfall developments. However, neither the Framework, nor the support in the development plan for new housing in settlements is at the expense of ensuring that development is in an accessible location or that the proposal integrates appropriately with its surroundings.
25. In terms of benefits, the provision of a new dwelling would make a contribution towards the supply of housing, in an area with an under supply. There would also be social and economic benefits arising from the construction period and the potential future spending of occupants. However, the shortfall in housing supply is small, the construction benefits would be short term and the proposal is only for a single dwelling, provided a small uplift to the supply of housing and support to services in adjoining villages. I give these benefits only limited weight.
26. The Council is currently unable to demonstrate the supply of housing sites as required by the Framework and therefore paragraph 11(d) is engaged. There are no relevant protected areas or assets that provides a clear reason for refusing the development proposed. However, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, as set out in paragraph 11(d)ii the presumption in favour of sustainable development does not apply.
27. The appeal scheme would conflict with the development plan when considered as a whole. There are no material considerations, individually or cumulatively, worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

M. P. Howell

INSPECTOR