



Appeal Decision

Site visit made on 13 September 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/Y3940/W/22/3296604

Land at The Old School, Fittleton SP4 9QA

- 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 & Mrs D Bawden against the decision of Wiltshire Council.
 - The application Ref PL/2022/00359, dated 14 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is erection of a new dwelling with associated access and parking (Revised Scheme).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the appeal site is a suitable location for a new dwelling taking into consideration local and national policy regarding the character and appearance of the area and the accessibility of services and facilities;
 - whether the proposed development would preserve or enhance the character or appearance of the Fittleton and Haxton Conservation Area (FHCA) and the setting of the Grade II listed School House; and
 - the effect of the proposed access on highway safety, with particular reference to visibility at the junction with the public highway.

Reasons

Location of proposed development

3. The appeal site consists of a parcel of land adjacent to the Old School and the Grade II listed School House. The site is at the northern edge of Fittleton, an attractive settlement containing many thatched buildings, trees and green spaces.
4. The site encompasses a roughly square area of overgrown land mostly enclosed by tall mature trees. There are a few modest outbuildings along its boundaries with the Old School and School House. The site's tree lined frontage faces some dwellings and enclosed fields on the opposite side of the road. Beyond its northern boundary there is an area of allotments that form a large gap between the appeal site and the cluster of dwellings beyond at Nos 353-359 Fittleton (Nos 353-359).

5. The Council's strategy for new housing is set out in Policies CP1, CP2 and CP26 of the Wiltshire Core Strategy 2015 (Core Strategy). Policy CP1 identifies four tiers of settlement within which sustainable development will take place, comprising Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. Policy CP2 confirms that within the defined development limits there is a presumption in favour of sustainable development at the four tiers of settlement identified in Policy CP1. The policy also allows for infill development within the existing built-up area of Small Villages, where it seeks to meet housing needs of settlements, and subject to meeting certain criteria in respect of its location and effect on the character and form of the settlement.
6. These policies are broadly consistent with the National Planning Policy Framework's (the Framework) aims of promoting sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities.
7. Policy CP26 sets out the spatial strategy for the Tidworth Community Area and identifies, amongst other things, the Large and Small Villages within the locality. Fittleton is not listed as one of the Small Villages and is therefore not one of the qualifying settlements within the spatial strategy. The nearest settlement identified in the policy is Netheravon, a Large Village, indicated by the appellants as being around half a mile to the south of the appeal site.
8. Therefore, in planning policy terms, the site is located within the countryside. Policy CP2 confirms that development will not be permitted outside defined limits of development, other than in the circumstances outlined in Paragraph 4.25 of the Core Strategy, and that the limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.
9. The appellants have not provided any evidence that the proposed dwelling satisfies the special justifications set out in Paragraph 4.25 of the Core Strategy, which include rural exceptions sites and dwellings required to meet employment needs of rural areas.
10. The appellants assert that, although the site, is not identified as a Small Village and is within the open countryside, the appeal site relates to a Small Village and accords with the Policy CP2 exception where it relates to limited infill within the existing built area.
11. Taking a closer look at this exception, the explanatory text to Policy CP2 defines infill as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally one dwelling. Proposals must also respect the existing character and form of the settlement, must not elongate the village or consolidate existing sporadic loose knit areas of development related to the settlement.
12. A distance of around 42m, according to the appellant, separates the appeal site from Nos 353-359, with the allotments occupying the intervening space. Those allotments are largely open and undeveloped and form a large gap that results in a significant break in the built frontage. In addition to the allotment land, Nos 353-359 are surrounded by wooded belts and agricultural fields and appear spatially disconnected from the appeal site and the more built-up part of Fittleton. There is also a clear sense of division between the appeal site and

those peripheral dwellings, as you travel along the verdant tree-lined highway that runs along the allotments. Taking those factors into account, I did not find that the dwellings at No 353-359 to be part of the village, rather, they are a satellite grouping close by. Therefore, even if Fittleton was recognised as a Small Village in the terms of the Core Strategy, the large gap created by the allotments and the appeal site's spatial and visual disconnection from Nos 353-359, does not amount to a small gap within the village, and accord with the Core Strategy's definition of infill.

13. It is acknowledged that the site is located close to the built-up frontage and is close to the boundaries of the Old School, and School House. Yet, its verdant and largely undeveloped character makes an important contribution to the hierarchy of green spaces in and around Fittleton as well as reinforcing the settlement's edge and separation from the sporadic arrangement of dwellings to the north, at Nos 353-359.
14. The introduction of built development on the site, as well as parked vehicles and residential paraphernalia would harmfully erode its soft, verdant qualities. The proposal would also have the effect of elongating the settlement in a manner that would unacceptably encroach into an important green space that defines the settlement's edge with the largely undeveloped pastoral land to the north.
15. The modest sheds on the site cover a small area and are positioned close to the boundary. They do not therefore justify the scale of the development proposed, which would cover a far greater portion of the site and have a detrimental impact upon the character and appearance of the existing green space.
16. I am cognisant that the appeal site is within the FHCA, as indicated on the submitted 'Map of Conservation Area' (MCA). However, I have no evidence that the MCA is used for the purposes of assessing the location of development in accordance with the Council's housing strategy. The MCA shows the CA to be a large designation that encompasses many green spaces that would appear to fall outside of the built-up parts of the village. Therefore, despite the appeal site's location within the boundary of the CA, this does not automatically translate to it being within the settlement for the purposes of assessing new housing development. I have therefore given this matter limited weight.
17. In terms of the site's accessibility to local facilities and services, my attention has been drawn to the amenities located in the Large Village of Netheravon located to the south. According to the appellant, Netheravon is around a 10-minute walk or 3-minute cycle away (approximately ½ mile), where services include a café, public house, primary school, and convenience store.
18. The pedestrian route to access those amenities is primarily along a narrow road that is lit only occasionally by street lights and has very limited sections of pedestrian footway for the majority of its length. Therefore, even if the services and facilities would sufficiently cater for future residents' needs, it would be unlikely that the occupiers of the proposed dwelling would choose to walk or cycle to them on a regular basis, as it would be much easier and more convenient to access them by car. For instance, the convenience store, would likely involve transporting purchased goods back to the proposed dwelling, but doing so by foot along the poorly lit route, with limited footways in places would be inconvenient and unappealing. I acknowledge that journeys made by

bicycle to local amenities could be an option, yet this would not be suitable to all future occupiers. Moreover, there are a greater range of services and employment opportunities further afield, making the use of the car by future residents even more likely. The proposal would not therefore encourage sustainable forms of transport to and from the site.

19. In conclusion the proposed development would not provide a suitable location for a new dwelling having regard to local and national policy regarding the character and appearance of the area and the accessibility of services and facilities. The proposal would therefore be contrary to Policies CP1, CP2, CP26, CP51, CP57, CP60 and CP61 of the Core Strategy and the Creating Places Design Guide. These policies, amongst other things, set out the Council's approach in relation to the settlement hierarchy, including when infill development is appropriate, ensure that new developments are situated in sustainable locations, encourage sustainable forms of movement and represent a sustainable pattern of development, as well as seeking to ensure that new homes in the countryside are only permitted if there is special justification in order to protect the countryside's intrinsic character.

Heritage

20. The FHCA encompasses an expansive area, within Fittleton and Haxton, that includes attractive thatched cottages and historic buildings. Stone walls, mature trees and green spaces occupy the intervening areas around the traditional buildings.
21. The significance of the FHCA, in my view, is primarily derived from the quality and appearance of its buildings and connecting spaces, that combine to create an attractive and coherent rural village. The appeal site's largely open and verdant appearance, particularly its tree lined frontage, makes an important contribution to the FHCA's significance, while also forming a predominantly undeveloped space between the former school buildings and the peripheral cluster of properties at Nos 353-359. The Council's Conservation Officer has expressed similar views, in terms of the appeal site's significance.
22. The proposed two-storey dwelling along with associated parking and residential paraphernalia would harmfully erode this edge of settlement green space. The removal of some of the trees around the site, together with the vehicular access would allow for views through the site, and reveal the scheme's evident encroachment upon it. One of the important natural green spaces that provide an attractive setting to the buildings in the village would be lost to sporadic residential development.
23. I do not share the Council's concern that the scheme would be at odds with the predominant position of dwellings, which in their view are close to the street. I saw during my site visit several dwellings nearby set back from the road and the appeal dwelling's recessed position would be consistent with the general layout of dwellings in the locality. Nonetheless the Council, as I have, highlight the importance of the site, and in my view, the proposal would harm an aspect of the FHCA's significance, and in doing so would be detrimental to its character and appearance.
24. The Old School building, according to its listing entry, dates to the eighteenth century. It is a two storey, partially thatched cottage, built from brick and flint. It has an open frontage that allows for views of the property's front elevation

from the street. Attractive landscaped grounds and mature trees surround it, providing a soft, verdant backcloth that neatly frames the building. The Old School derives a great deal of its significance from its historic detailing, cohesive relationship with other listed buildings nearby and attractive landscaped grounds. In terms of the appeal site, its contribution to the setting and therefore significance of the Old School, is primarily derived from it being one element of the frontage that reinforces the partly verdant character of the street.

25. The special features of the Old School would primarily be experienced from the adjacent public highway and within its grounds. The proposed development would to a degree be screened and contained by the trees that surround the appeal site and run along the boundary with the Old School. Those trees would also obscure clear views of the proposed dwelling and the Old School. Accordingly, the proposal would not encroach into the listed building's attractive landscaped surroundings, such that it would harm its setting and aspects that contribute towards its significance.
26. Even though I have found there to be no harm to the setting of the listed School House, I find that the proposal would fail to preserve the character and appearance of the FHCA, the desirability of which the Act requires that special attention is paid. It would therefore have a harmful effect on the area's character and appearance and conflict with Policy 58 of the Core Strategy. This requires proposals to protect and conserve heritage assets and elements of those assets which contribute to a sense of local character and identity. The proposal would also fail to accord with Paragraph 197 of the Framework where it requires development to take account of the desirability of sustaining and enhancing the significance of heritage assets.

Highway safety

27. Vehicles would enter and leave the appeal site through an existing gated access along its roadside frontage. This has historically been used by vehicles to access the outbuildings at the site.
28. The submitted drawings show that visibility either side of the access is in the region of 23m-24m when measured 2.4m back from the carriageway edge. Yet it is likely to be considerably less, according to the Council, as those measurements were taken from the far, rather than the near edge of the highway. Either way there would be an appreciable shortfall in visibility below the 43m required by the Council.
29. The adjacent highway is, in part, characterised as a rural road and serves as the main route in and out of Fittleton. The volume of traffic is likely to fluctuate during the day but there is nothing to suggest it is a busy route. It is restricted to 30 miles per hour in the immediate vicinity of the site. It is a single carriageway with soft verges. From the access looking left in the direction of Nos 353-359, there is a bend in the road, whilst visibility is restricted somewhat by the boundary vegetation running along the site. To the right looking towards the built-up part of the village, the road's alignment also curves. There is a boundary wall either side of the access, yet its recessed position does not totally impede visibility of the oncoming vehicles. Despite these circumstances, there has been no recorded accident or incident arising from the use of the access in connection with the appeal site, which, has existed, according to the appellant, for some time.

30. Despite the limited visibility traffic speed passing the access is likely to be low given the highway's layout, geometry and curvature. There is nothing to indicate drivers exceed the enforceable speed limit within the vicinity of the access. I observed that the gated access and driveway to the site are set back from the adjacent highway, which allows drivers to stop clear of the classified road. It also allows drivers to look in both directions before manoeuvring. Given the road's layout and the design of the access, drivers waiting to perform a left/right-turn manoeuvre are likely to be noticed at distance due to forward visibility along the highway.
31. As a result of the shortfall outlined by the Council, the available sightlines to the north east and south west of the access are likely to result in existing drivers being extra cautious and edge-out to gain additional visibility and overhang the highway thereby creating impediments to oncoming drivers. Nonetheless, it appeared to me that there is adequate stopping sight distance to allow drivers enough time to react quickly to emerging vehicles, due to the highway's layout. Moreover, the appellants could improve the situation by cutting back the roadside vegetation.
32. Therefore, having regard to the site-specific circumstances and evidence presented, I am not persuaded that the use of the access in connection with the appeal site would greatly increase the risk of collision given the limited scale of development proposed.
33. I find that the proposal would not have a harmful effect on highway safety, with particular reference to visibility at the junction with the public highway. Despite technical breaches in the visibility standards required by the Council, the specific circumstances of the appeal mean that the scheme would comply with the overall aims of Policies CP57 and CP61 of the Core Strategy, insofar as it requires development to be served by a safe access to the local highway network.
34. The Council did not refer to Policy CP61 in their refusal reason relating to highway safety. Yet, it is referred to elsewhere in their evidence and on this main issue I consider it to be relevant to highway safety.

Other Matters

35. The Council's evidence indicates that they cannot demonstrate a five-year housing land supply. Thus, the presumption in favour of sustainable development set out in Paragraph 11 d) of the Framework is engaged. However, despite the deficiency in the housing land supply, Footnote 7 of the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Conservation Areas are relevant areas/assets in this respect and the proposal is contrary to the relevant policies of the Framework regarding these.
36. The appellants consider that the proposal would be consistent with the aims of Paragraph 78 of the Framework. But on closer scrutiny of that paragraph, it relates to affordable housing to meet identified local needs. I have no evidence to suggest that the proposal would be an affordable dwelling unit, while market housing is only supported by the policy insofar as helping to facilitate

affordable housing. As the proposal has not demonstrated this clearly, I have given limited weight to this matter.

37. The appellants have drawn my attention to an appeal decision at Lydiard Millicent¹, which, it is asserted, indicates previous support for limited infill development within a Small Village. However, upon closer inspection of that case I note that, unlike the appeal site, it is within a Small Village under the terms of the Core Strategy, where the criteria on infill exceptions would apply. Also, to my knowledge it is not covered by a conservation area and the same heritage considerations as the appeal I am considering. Therefore, I find that the Lydiard Millicent case is not similar to the appeal proposal in respect of the site circumstances and location. In any case, I must consider the appeal scheme on its individual merits. Therefore, the appeal decision referred to does not alter my findings on the location of the proposal.
38. The appeal site is within the catchment of the River Avon Special Area of Conservation (SAC), a designated habitat site. Proposals for new dwellings resulting in an net increase in foul water discharges into the river catchment could increase harmful nutrients entering the habitat site causing further deterioration. In the absence of acceptable mitigation to offset nutrient discharges into the River Avon catchment, the Council has concerns that the proposal would have unacceptable effects on the integrity of the associated SAC. The appellants dispute the need for mitigation as the scheme represents 'planned development' that would comply with the development plan, and therefore not lead to adverse impacts on the SAC.
39. However, as two of the main issues provide clear reasons for dismissing the appeal, there is no need for me to consider the implications of the development on the integrity of the SAC or the provisions of the Conservation and Habitats and Species Regulations 2017 (as amended), since my findings on that issue would not change the appeal outcome.
40. There are no objections from neighbouring residential occupiers. However, the lack of local opposition in this respect does not overcome my concerns. Accordingly, this matter attracts limited weight.

Heritage and Planning Balance

41. I have found that the proposed development would fail to preserve the character or appearance of the FHCA and the locality. There would also be harm resulting from the scheme's unsustainable location and failure to comply with the Council's settlement strategy.
42. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given my findings above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

¹ Appeal Decision Ref - APP/Y3940/W/16/3154507, allowed 6th February 2017

43. I acknowledge that the development would likely result in a small increase in the local housing stock and contribute towards the Council's unfulfilled need for new dwellings. It would also develop an under-utilised site and lead to an increase in local spending. These matters attract moderate weight as public benefits. However, they would not outweigh the harm identified above to the significance of the heritage asset, the conservation of which the Framework indicates that great weight should be given. I conclude therefore that the proposal would fail to preserve the special character and appearance of the FHCA. This would fail to satisfy the requirements of the Act, Paragraph 197 of the Framework and it would not be in accordance with the development plan. The scheme benefits would also fail to overcome the significant harm associated with its failure to accord with the Council's settlement strategy.

Conclusion

44. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR