



Appeal Decision

Site visit made on 6 December 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2023

Appeal Ref: APP/Y3940/W/22/3303198

Land at High Street, Winterbourne Bassett, Swindon, SN4 9QB

- 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 Miss Catherine Pullan against the decision of Wiltshire Council.
 - The application Ref PL/2021/09801, dated 14 October 2021, was refused by notice dated 19 May 2022.
 - The development proposed is change of use of land and erection of a detached dwelling with associated access & landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land and erection of a detached dwelling with associated access & landscaping at Land at High Street, Winterbourne Bassett, Swindon SN4 9QB in accordance with the terms of the application, Ref PL/2021/09801, dated 14 October 2021, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. In the banner heading above, I have taken the description of development from the Council's decision notice and the appellant's appeal form as the proposal was amended during the course of the application.

Main Issues

3. There are 2 main issues. These are:
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

Suitable Location

4. The appeal site consists of a parcel of land situated in the village of Winterbourne Bassett, which has been identified in the Wiltshire Core Strategy (Core Strategy) (2015) as a 'small village'. Whilst there is no defined settlement limit associated with the village, Core Policy 2 of the Core Strategy sets out an exception at small villages. Within small villages, amongst other criteria, development will be limited to infill within the existing built area and

will be supported where they seek to meet housing needs of settlements or provide employment.

5. Existing residential dwellings are situated to both the east and west of the appeal site. However, the dwellings to the east would be separated from the proposal by a small gap as this land, which is within the appellants ownership, lies within Flood Zone 2 and 3. Therefore, whilst the size of the site may be large enough for more dwellings, other site constraints would restrict this number to the sole house proposed. I am therefore satisfied that the appeal site would represent the filling of a small gap within the existing built area of the village.
6. In terms of housing needs of the settlement, the most recent housing needs survey for the area was carried out in 2015. I note that this survey found that there was more demand for smaller affordable houses, and whilst the Council considers the survey to be out of date, the appellants agree that this is unlikely to have changed in that time. Therefore, despite the age of the latest housing needs survey, I have been provided with no evidence to suggest that the development would go towards meeting any identified local housing needs. The proposal would fail to satisfy all the criteria required for infill development.
7. Furthermore, the village has few day-to-day facilities, comprising only a public house and church. Therefore, future occupants would still need to travel further afield to access day to day services, including schools and employment opportunities. Therefore, future occupants of the proposal would remain largely reliant on the private motor car to carry out day-to-day activities.
8. Therefore, the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities. Consequently, the proposal would conflict with Core Policies 1, 2, 60 and 61 of the Core Strategy. Amongst other things, these policies, in combination, direct growth and new housing to defined settlements and resist new homes in the countryside except in certain circumstances. They also encourage planning developments in accessible locations and promote sustainable transport alternatives to the use of the private car.

North Wessex Downs Area of Outstanding Natural Beauty

9. The appeal site lies to the south of High Street which runs through Winterbourne Bassett. The village is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Apart from a row of stables, the northern side of the road is devoid of dwellings beyond the Bourne, which runs north to south under High Street. However, to the south of the road, there are a handful of dwellings beyond the Bourne, which are seen as part of the village, rather than as a separate group of dwellings. Consequently, whilst the site is currently undeveloped, the site is read as a gap in the built-up area of the village, rather than as a distinct end point.
10. Whilst the siting of dwellings to the east of the Bourne is more regular and closer together, and those to the west more sporadic, the built form along the length of High Street is arranged in a predominately linear arrangement. This contributes positively to the character and appearance of the area, and the natural beauty of the AONB.

11. Given that there is further sporadic housing to the north west of the appeal site, the proposal would not elongate the village. The siting of the proposed dwelling would also be in keeping with the prevailing linear pattern of development. The spatial relationship with The Old Chapel would be acceptable by virtue of the proposal being set back slightly from the road further than The Old Chapel and given the distance between them. This would retain the more sporadic nature of the built form to the west of the Bourne, which would respect the existing character and form of the settlement.
12. By virtue of its appropriate siting, it would be seen in the context of the wider built form of the village within the wider landscape, relating positively to its landscape setting. Furthermore, the siting of the proposed dwelling would leave the eastern part of the appeal site undeveloped. This would ensure that the proposal would not consolidate the development to the western side of the village with that of the built form on the eastern side of the Bourne.
13. I also note that the scale, design and appearance of the dwellings has not been raised as a concern by the Council. Based on the evidence before me, and as confirmed by my site visit, I have no reason to come to a different conclusion on the matter.
14. I therefore conclude that the proposal would conserve the character and appearance of the area and the landscape and scenic beauty of the landscape within the North Wessex Downs AONB. The proposal would be in accordance with Policy 57 of the Core Strategy which requires development to enhance local distinctiveness by responding to the value of the natural environment, relating positively to its landscape setting and the existing pattern of development.
15. The proposal would also be in accordance with the principles within Chapter 15 of the Framework in regard to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regard to conserving and enhancing landscape and scenic beauty within the AONB.

Other Matters

16. The appeal site currently accommodates the septic tank and outfall soakaway for The Old Chapel, the neighbouring property to the west. I am satisfied that further details of foul drainage disposal for both the appeal proposal and that of The Old Chapel could be secured by a suitably worded planning condition.
17. Local residents have expressed a wide range of concerns including flooding, drainage, and highway safety. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that these matters can be controlled and maintained by appropriately worded conditions.

Planning Balance

18. Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, 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 whole or specific policies in the Framework indicate development should be restricted. Footnote 8 of paragraph 11 confirms that this includes, for

applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

19. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. The Council states that developable commitments and completions for the Marlborough Community Area already exceeds the housing requirement figure for the area. Nevertheless, they acknowledge that they are currently unable to demonstrate a 5-year supply of housing land, with the current level at 4.72 years. The proposal would make a modest contribution of one dwelling to the supply of housing. I have given this significant weight which I take forward to the overall planning balance below.
20. There would be economic investment from both its construction and subsequent occupation. These benefits are tempered by the small amount of development, but nevertheless carry modest weight in favour of the development.
21. I have also found no conflict with the development plan in terms of the natural beauty of the landscape within the North Wessex Downs AONB. Therefore, due to the preservation of the landscape and scenic beauty of the landscape within the AONB, there is not a clear reason to refuse the development under Framework paragraph 11 d)(i). Consequently, Framework paragraph 11 d)(ii) is engaged.
22. I have found conflict with Core Policies 1, 2, 60 and 61 of the Core Strategy, having regard to the development strategy for the area and accessibility to services and facilities. Therefore, the proposal would conflict with the development plan as a whole. While the proposal would conflict with the settlement strategy, the Council rely on windfall sites, such as this site, in the absence of a housing land supply. Whilst the proposal would not meet the criteria of Core Policy 2 in regard to infill development, the only real conflict with this Policy is the lack of the development providing for local housing needs, for which I have no up-to-date evidence.
23. Furthermore, there is clearly an acceptance in Core Policy 2 that small infill sites would be situated in less accessible locations like the appeal site, where there would be a greater reliance on the private motor car. In addition, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Therefore, the harm caused by conflict with the overriding strategy outlined in the Core Strategy would be limited.
24. Consequently, in the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development applies. In this case, it is a material consideration which outweighs the conflict with the development plan as a whole and indicates that planning permission should be granted for development that is not in accordance with it.

Conditions

25. The Council have suggested 11 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG) and have amended them as necessary.

26. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.
27. In order to minimise disruption to surrounding residents, to safeguard highway safety and to protect the character and appearance of the area, a condition to require a Construction Management Statement to be submitted and approved is considered both reasonable and necessary. I have amended it slightly for clarity purposes.
28. In the interests of highway safety, a condition is considered necessary to ensure that the required visibility splays have been provided on site. The condition has been amended slightly for clarity purposes.
29. A condition to ensure measures for the management and control of surface water and silt during the construction are submitted and approved is considered necessary in the interests of flood risk and biodiversity. A further condition to ensure appropriate disposal of surface water is considered reasonable and necessary to ensure the proposal is provided with a satisfactory means of disposal on both, in the interests of flood risk and highway safety. The condition has been amended slightly for clarity purposes.
30. To ensure adequate foul water treatment is provided for both the proposal and the Old Chapel, full details of a scheme of foul water disposal should be submitted and approved by the local planning authority.
31. A condition regarding details of all materials and finishes to be used externally is both reasonable and necessary to safeguard the character and appearance of the area. A condition to ensure that the first five metres of the access is consolidated and surfaced is considered necessary in the interests of highway safety.
32. The Council have also suggested the removal of permitted development rights in relation to extensions, outbuildings and first floor windows/doors/balconies on the west elevation. The PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. However, in order to protect both the character and appearance of the area and the living conditions of The Old Chapel, it would be both reasonable and necessary to ensure that the dwellings do not extend in size or have additional openings on the west elevation at first floor level. I have amended both of the conditions to omit reference to Class B as this class would not be applicable to the appeal site due to its location within the AONB.

Conclusion

33. For the reasons set out above, the appeal should therefore be allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan P100
 - Block Plan & Photos P101
 - Existing Site Plan P102
 - Proposed Site Plan P103
 - Proposed Ground and First Floor Plans P104
 - Roof Plan and Visibility Splays P106
 - Proposed Elevations P200
 - Proposed Front (Street) Elevation and Associated Perspective Views P202
 - Proposed Rear Elevation and Associated Perspective Views P203
 - Aerial Perspective Views P500
 - Local vernacular and Design Precedent P501
 - Flood Risk Assessment and Drainage Strategy P2726J2107 v. 8.0
 - Summary Landscape & Visual Assessment
 - Archaeological Desk Based Assessment (14/10/2021) HPS356/20
 - Arboricultural Report (14/10/2021) WTC_630.01
 - Preliminary Ecological Assessment (14/10/2021) v. 1.0
- 3) i) No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, have been submitted to and approved in writing by the local planning authority. The details shall include the following:
 1. the parking of vehicles of site operatives and visitors;
 2. loading and unloading of plant and materials;
 3. storage of plant and materials used in constructing the development;
 4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 5. wheel washing facilities;
 6. measures to control the emission of dust and dirt during construction;
 7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 8. measures for the protection of the natural environment.
 9. hours of construction, including deliveries;
 10. site layout drawing noting location of areas such as storage, staff parking, loading and unloading etc has been submitted to, and approved in writing by, the local planning authority.
- ii) The so-approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the local planning authority.

- 4) No development shall commence on site until visibility splays have been provided for the access between the edge of the carriageway and a line extending from a point 2m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the north west and 90 metres to the south east from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.
- 5)
 - i) Prior to the commencement of any excavation for the new development, there shall have been submitted to and approved in writing by the local planning authority, details of measures to be taken for the management and control of surface water run off and silt during the construction phase.
 - ii) The development shall not be carried out other than in accordance with the so-approved measures.
 - iii) The development shall be carried out in accordance with the submitted flood risk assessment and drainage strategy (dated December 2020, ref: P2726J2107), in particular the pollution prevention measures detailed in section "7 Drainage During Construction".
 - iv) These measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development
- 6) Prior to the commencement of development of the new dwelling details of a surface water drainage scheme based upon sustainable drainage principles, to dispose of all rainwater falling on the dwelling and new or replacement areas of hardstanding, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the so-approved details and shall be implemented in full prior to first occupation of the dwelling. The drainage measures as approved shall thereafter be maintained in perpetuity so as to control surface water run-off from the site.
- 7) No development shall commence until a scheme of foul water disposal has been submitted to and approved in writing by the local planning authority. The details to be submitted under this condition shall include details of a suitable scheme, including the timing and phasing, to ensure uninterrupted foul water disposal for The Old Chapel throughout and after the construction phases, and to provide for completion of the foul drainage arrangements for the new dwelling prior to its occupation. The development shall not be carried out other than in strict accordance with the approved scheme and shall be maintained in accordance with the approved details thereafter.
- 8) No building work as hereby approved shall commence above ground floor slab level until full details of all materials and finishes to be used for the external walls and roofing of the dwelling have been submitted to and

approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the so-approved details.

- 9) The development hereby permitted shall not be first brought into until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
- 10) Notwithstanding the provisions of the Article 3 and Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of the dwellinghouse hereby permitted, and there shall be no provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool.
- 11) Notwithstanding the provisions of the Article 3 and Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), No windows, doors, balconies or other openings shall be constructed or otherwise formed above ground floor ceiling level in the west elevation of the dwelling hereby permitted.