



Appeal Decision

Site visit made on 19 January 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date 28 March 2023

Appeal Ref: APP/Y3940/W/22/3296058

Land at Broadfield Farm, Broadfield Farm, Great Somerford SN15 5EL

- 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 Peter Rawlinson of Gleeson Strategic Land Limited against the decision of Wiltshire Council.
- The application Ref 21/01950/FUL, dated 22 February 2021, was refused by notice dated 24 February 2022.
- The development proposed is described as *'Proposed development of 21 residential dwellings, vehicular access from Broadfield Farm, ancillary works and associated infrastructure on land at Broadfield Farm, Great Somerford.'*

Decision

1. The appeal is allowed and planning permission is granted for 21 residential dwellings, vehicular access from Broadfield Farm, ancillary works and associated infrastructure at Land at Broadfield Farm, Broadfield Farm, Great Somerford SN15 5EL in accordance with the terms of application Ref 21/01950/FUL, dated 22 February 2021, subject to the conditions in the attached schedule.

Procedural Matter

2. The Council's fourth reason for refusal refers to the absence of planning obligations relating to affordable housing, financial contributions to education, public open space and play equipment, and waste and recycling. During the appeal the appellant provided a Unilateral Undertaking (the UU) to secure such. The Council has confirmed the acceptability of the planning obligations therein and has submitted a 'CIL Compliance Statement' to that effect. Given such, I have not made further reference to the fourth reason for refusal, but I address the matter of planning obligations later in my decision where necessary.

Main Issues

3. The main issues are: (i) whether or not the site is a suitable location for the proposal having regard to the development plan's spatial strategy for the supply of housing; (ii) whether or not the site is a suitable location for the proposal having regard to the accessibility of services and facilities; and, (iii) the effect of the proposal on the character and appearance of the area.

Reasons

Spatial strategy

4. The appeal site comprises part of a large arable field directly to the south of the rural settlement of Great Somerford. Immediately to the north is a newly completed development of 20 houses constructed on a former business estate

- at Broadfield Farm. This housing site was allocated within the Great Somerford (incorporating Startley) Neighbourhood Plan 2016-2026 (made 2017) (GSNP).
5. Policies 1 and 2 of the Wiltshire Core Strategy (adopted 2015) (CS) set out the Council's spatial strategy for the delivery of at least 42,000 homes in Wiltshire over the plan period. 24,740 of these homes are to be distributed to the North and West Wiltshire Housing Market Area, within which is Great Somerford. The development plan takes a hierarchical approach to the location of growth, with Great Somerford defined as a large village and at the bottom of the settlement hierarchy. The extent of the village is defined by a boundary pursuant to Saved Policy H4 of the North Wiltshire Local Plan 2011 and as revised by the GSNP.
 6. Policy 2 seeks to further disaggregate the overall housing requirement into indicative quanta across settlement and community areas. The site is within the Malmesbury Community Area (MCA), the market town of Malmesbury being the largest settlement within the MCA. Policy 13 of the CS deals specifically with the MCA. It informs us, amongst other things, that over the plan period around 1,395 new homes will be provided of which about 885 should occur at Malmesbury with the remaining 510 homes provided in the rest of the area.
 7. This indicative housing requirement for the MCA has been exceeded by around 33% before a number of extant permissions for housing are taken into account. However, as an indicative figure it does not dictate that further housing cannot be provided if, for example, it would address housing shortfalls in other parts of Wiltshire. Indeed, the supporting text to Policy 2 explains that these figures are intentionally indicative so as to ensure a potential flexibility in approach.
 8. That being said, Policies 1 and 2 identify that in the larger villages such as Great Somerford, housing will be limited to that needed by the local community and at sites within the village limits as so defined. As the site is beyond, albeit adjacent to, the settlement boundary for Great Somerford, and as the proposal would constitute a predominately open market housing development seeking to address a need beyond just Great Somerford, it would fall into conflict with Policies 1, 2 and 13 of the CS as read together. Some housing in the open countryside is supported in limited circumstances which are set out in Saved Policy H4 of the North Wiltshire Local Plan and signposted by Paragraph 4.25 of the CS. However, none of the given circumstances apply in this case.
 9. Consequently, I conclude on this issue that the site would not be a suitable location for the proposal, having regard to the development plan's spatial strategy for the supply of housing. In this regard, the proposal would conflict with the relevant requirements of Policies 1, 2, and 13 of the CS and Saved Policy H4 of the North Wiltshire Local Plan. The Council has also sought to rely on the GSNP. However, by the Council's own admission, there are no policies within the GSNP which explicitly prohibit residential development at the appeal site. I agree, and thus I can find no policy conflict with the GSNP in this case.

Accessibility of services and facilities

10. The reduction of out-commuting is one of the most significant objectives of the CS. This is expressed in its Core Policies 60 and 61. They, amongst other things, seek for development to be located in accessible places where it would reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods.

11. As a designated large village, Great Somerford is identified as having a limited range of employment, services and facilities. However, it actually contains a fair number of services and facilities, many of which are within an easy, short walking distance from the site. Village facilities include a primary school, a pre-school, a playground and small playing field, a grocery shop, a public house, allotments, a community hall and also a church. This belies the classification of Great Somerford as having a limited range of facilities. In my view, future residents of the scheme would enjoy an essential level of self-containment.
12. Other functorial living requirements, such as secondary school education, medical treatment and employment, are likely to be accessed further afield, not least given that the main employment area at Broadfield Farm has been redeveloped for housing. Bus services are also limited and therefore a degree of dependence on private travel would occur. However, I am mindful that Paragraph 105 of the Framework requires decision makers to recognise that sustainable transport solutions will vary between urban and rural areas. I am also cognisant that the scheme is accompanied by a Travel Plan that would provide measures to help reduce the need to travel, particularly by private car. Moreover, a sustainability statement setting out energy efficiency measures, such as electric vehicle charging points, could be secured by a condition.
13. Accordingly, I conclude that the site is a suitable location for the development having regard to the accessibility of services and facilities. In this regard, it would accord with the relevant objectives of Core Policies 60 and 61 of the CS and the National Planning Policy Framework (the Framework).

Character and appearance

14. The site would be accessed off Seagry Road to the north west via the adjacent, recently constructed housing development at Broadfield Farm. The appellant's landscape evidence demonstrates that the scheme would be well screened from the majority of public viewpoints around and within the village by this housing and by intervening greenery, including that which lines Seagry Road. The most prominent and clear views of the site are from a Public Right of Way (PROW) which passes to the west of the site through the field on a north to south axis.
15. The site falls within the Avon Vale Countryside Character Area. This is a low lying and open landscape. The appeal site exhibits these qualities, and a very small part of the expansive open field within which the site is located would obviously be lost to the development. When approaching the village along the PROW, the full south frontage of the development would be open to view.
16. However, the site is equally highly defined by its position at the immediate settlement edge. At the moment, northward views along the PROW are towards the new housing, which forms a blatant and fairly compact built frontage. The proposed development would effectively replicate the existing relationship between the settlement and its rural edge, albeit the interface of that relationship would be brought a short distance further to the south. As such, and when the proposed soft, assimilatory landscaping is taken into account, the harm through loss of rural character would be inconsequential.
17. As to Great Somerford itself, I observed that it maintained that balance of human activity and tranquillity that one would expect in a fair-sized rural village. I do not consider that the additional housing would alter the overall, perceptible rural character of Great Somerford even with the other referenced

development sites are taken into consideration. The housing would respond to the scale and density of the adjoining development and would relate to the existing bungalows in a similar manner. It would utilise suitable materials, taking design cues from the vernacular. This is a small site and so I consider that the affordable housing would be adequately blended with the open market units. They would also be well integrated into the street scene if the proposal is considered visually together with the allocated Broadfield Farm development.

18. Consequently, I conclude on this issue that the proposed development would have an acceptable effect on the character and appearance of the area. It would accord with the overall landscape, design, and visual objectives of Core Policies 51 and 57 of the CS and the Framework.

Other Matters

19. The public highway network into and out of the village is typically rural and attracts typical rural recreational and business uses. However, there is no substantive evidence that the road network is under any severe strain at the moment or would be when the cumulation of prospective developments around the village, including this scheme, are taken into account. Whilst interested parties have referred to an increase in road accidents in the surrounding area, no records of such have been provided, and there is no persuasive evidence that the scheme itself would have an unacceptable effect on highway safety.
20. Likewise, there is no specific evidence that the sewer network would be unable to accommodate the additional households. An issue is referenced with regard to the Primary School, but I understand it has been resolved. The separation distances would ensure that the proposed houses would have an acceptable effect on the living conditions of existing residents with reference to light, outlook and privacy. Biodiversity net gain is deliverable within the scheme.
21. The emerging Wiltshire Local Plan sets a number of potential approaches for the delivery of growth within this part of Wiltshire, although none envisage significant growth at Great Somerford. However, given the relatively early stage of preparation of the emerging Wiltshire Local Plan, its potential to change and the lack of any fixed strategy for growth within this specific area, it has had very limited influence on my assessment of the scheme.

Planning Obligations

22. The UU would serve to provide a policy compliant quantum of affordable housing. It would secure the necessary public open space within the site and, notwithstanding the Parish Council's comments as to the current situation at Winkins Lane, an offsite contribution towards sports pitches and equipped play at the Winkins Lane playing fields. Education contributions would be made towards additional secondary school places. The UU would provide a sum for necessary waste recycling bins serving the site. The UU is therefore in compliance with regulation 122 and I can take it into account in my decision.

Planning Balance

23. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. The Framework emphasises that the planning system should be genuinely plan-led. I am also mindful in this case that the local community undertook to make a neighbourhood plan in order to develop with the Council a shared vision for

their area, and in doing so proactively allocated land for housing growth. In this context, the unsuitability of the location for the proposed housing when having regard to the spatial strategy of the development plan, draws the proposed development into conflict with the development plan when read as a whole.

24. I also attribute limited weight to the harm that would arise through the modest loss of a small area of the best and most versatile agricultural land, including to its economic and other benefits, such as the food security such land provides.
25. It is not disputed by the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, and the appellant has not sought to contradict the Council's latest position that the supply presently stands at around 4.7 years. I also have no reason to disagree. The Council's appeal statement offers an ardent and extensive defence of the CS's spatial strategy and its adherence to the Framework. Nonetheless, given the accepted absence of a five-year supply of deliverable housing sites, it is simply not providing enough housing within Wiltshire at the moment, and additional housing evidently needs to come forward to address the shortfall in supply.
26. The extent of the shortfall has reduced over the last couple of years and the latest Housing Delivery Test result of 141% also reflects the improving situation. The Council has sought to address the supply issue with an action plan that is clearly having an effect in bringing sites forward. Nevertheless, the supply has not fully recovered as yet, and I am mindful that appeal decisions have been an integral part of reducing the shortfall. Overall, this leads me to attribute the conflict with the spatial strategy limited weight in this instance.
27. In the absence of a five-year supply of deliverable housing sites, Paragraph 11 d) ii) of the Framework is engaged. It provides a presumption in favour of granting permission for sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. The government is seeking to significantly boost the supply of housing and the scheme would immediately contribute to addressing the shortfall in supply of deliverable housing sites in Wiltshire. The benefits of the housing, including a mixture of family sized properties and locally needed affordable housing, attract substantial weight in favour of the scheme.
29. It is suggested that the scheme may contribute to an overloading of existing services, facilities and infrastructure with consequent degradation in service delivery. However, there is no compelling evidence before me to that effect. On the contrary, these services and facilities are more likely to benefit from their increased use. Given such, the scheme is likely to enhance or at least maintain the vitality of this community, as reflected in Paragraph 70 of the Framework. It follows that the economic benefits of the scheme attract significant weight.
30. Drawing the various attributes of the scheme together, the adverse impacts of granting planning permission through the conflict with the spatial strategy and the modest loss of high-grade farmland would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework when taken as a whole. Consequently, the other considerations before me compel me to make a decision other than in accordance with the development plan in this case.

Conditions

31. The Council has suggested several conditions which I have amended for the sake of clarity and precision. The Council have recommended a shorter time condition. The appellant has not raised any objection to this and, given the land supply situation, a two year timeframe is justified. A condition shall define the approved plans in the interest of certainty. A condition shall ensure that a detailed drainage scheme would be delivered and retained. In order to ensure that the development provides a soft settlement edge, a detailed hard and soft landscaping scheme is required. However, given that landscape management is addressed within the UU, a condition is not needed to secure such. Means of enclosure can also be secured within the landscaping plan, as can the details as to the composition of the area around the sustainable urban drainage system. So as to secure appropriate standards of urban design, conditions are essential to ascertain the final external finishes and detailed specification of the houses.
32. A condition is essential to deliver ecological mitigation and gains in a Landscape and Ecology Management Plan, as is a condition which will protect retained landscape features. To safeguard the social and environmental interests of the area, it is necessary for a Construction Environment Management Plan to be agreed before work starts. To protect the living conditions of future neighbours, it is necessary to impose obscure glazing within the side windows of the houses on plots 13, 14 and 15. A sustainability statement is necessary to capture sustainability measures, such as electric vehicle charging points. That can be agreed prior to work above slab level.
33. In the interests of the character and appearance of the area, respective conditions shall secure the recommendations of the arboricultural report and protect trees to be retained. A Landscape and Ecology Management Plan must be secured and adhered to in order to protect wildlife. So as to safeguard the surrounding natural environment, including ecology, during construction works, a Construction Management Statement must be agreed with the Council before development is to begin.
34. In the interests of highway safety and the network, a condition is required to ensure that the detailed specification of the highway and related infrastructure within the site are agreed and delivered. For the same reasons, a condition shall preclude the conversion of the private garages. In the interests of the living conditions of residents and ecology, a condition shall require details of any external lighting to be installed. Finally, given the paucity of archaeological evidence and the scale of the development and likely ground works, a written scheme of investigation is to be submitted before development commences.

Conclusion

35. For the reasons outlined above, and taking all other matters raised into account I conclude that the appeal should be allowed.

Matthew Jones
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - P1675.02 Rev D – Materials Layout
 - P1675.04 Rev D – Tenure layout
 - P1675.01 Rev F – Planning Layout and Location Plan
 - P1675.05 Rev D – Parking Layout
 - P1675.03 Rev D – Building Heights layout
 - P1675.SUB.01 Rev A – Substation plans
 - P1675.GAR.01 – Single garage Plans
 - P1675.GAR.02 – Double Garage Plans and Elevations
 - P1675.CS.01 – Cycle Storage Shed Details
 - P1675.06 Rev D – Refuse Layout
 - P1675.07 Rev E – Enclosures layout
 - P1675.A.02 – House Type A Elevations
 - P1675.A.01 – House Type A Floor and Roof plans
 - P1675.B.02 – House Type B Elevations
 - P1675.B.01 – House Type B Floor and Roof plans
 - P1675.C.02 – House Type C Elevations
 - P1675.C.01 – House Type C Floor and Roof plans
 - P1675.D.02 – House Type D Elevations
 - P1675.D.01 – House Type D Floor and Roof plans
 - P1675.1.02 – House Type 1 Elevations
 - P1675.1.01 Rev A – Type 1 Floor & Roof Plans
 - P1675.2.01 – House Type 2 Elevations, Floor and Roof plans
 - P1675.3.01 Rev A – Type 3 Plans & Elevations
- 3) No development shall commence on site until a scheme for the discharge of surface water from the site, including SuDS (sustainable drainage systems), has been submitted to and approved in writing by the Local Planning Authority. Scheme details shall include any required off-site capacity improvements needed to allow the site to be served, and to include a programme allowing sufficient time for the delivery of any required improvements. The scheme shall be carried out and retained in accordance with the approved details.
- 4) No development shall commence until a scheme of landscaping has been 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 to be retained
 - a detailed planting specification showing all plant species, sizes and densities;
 - finished levels and contours;
 - means of enclosure including their design, external appearance and decorative finish;
 - car park layouts;
 - vehicle and

pedestrian access and circulation areas; • all hard and soft surfacing materials; • furniture, play equipment, refuse and other storage units, signs, lighting.

All landscaping shall be carried out in accordance with a programme to be agreed in writing with the Local Planning Authority. 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.

- 5) Prior to their construction, details, including samples, of all external walls and roof cladding shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) Notwithstanding the approved plans, prior to the installation of the eaves, verges, windows, doors, garage doors, rainwater goods, chimneys, dormers and canopies, details of such shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
- 7) Before the development hereby permitted is first occupied, the first-floor windows in the southern elevations of plots 13, 14 and 15 shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the windows shall be maintained with obscure glazing in perpetuity.
- 8) Prior to development above slab level, a Sustainability Statement shall have been submitted to and approved in writing by the Local Planning Authority, which shall detail which sustainability features are included. The development shall be carried out in accordance with the approved details.
- 9) No development shall commence on site until a Construction Management Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: • the parking arrangement for vehicles of site operatives and visitors; • the loading and unloading of plant and materials; • the storage of plant and materials used in constructing the development; • the erection and maintenance of security hoarding; • wheel washing facilities; • measures to control the emission of dust and dirt during construction; • a scheme for recycling/disposing of waste resulting from demolition and construction works; • measures for the protection of the natural environment; • a pre-condition photo survey; • a Vehicle Routing Plan; • a Traffic Management Plan (including signage drawing(s)); • the size of delivery vehicles to ensure appropriately size vehicles are being used for the highway network; • Working method statements for protected/priority species • Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors. The development shall not be carried out otherwise than in accordance with the approved CMS.
- 10) No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, road sewers, road drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, swept paths, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to

and approved in writing by the Local Planning Authority. The development shall be constructed and laid out in accordance with the approved details.

- 11) No dwelling on the development hereby approved shall be occupied until its allocated car parking space(s) together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said space(s) shall not be used other than for the parking of vehicles or for the purpose of access.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.
- 13) No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.
- 14) The development shall be carried out as specified in the approved Arboricultural Impact Assessment and Arboricultural Method Statement prepared by Tree Source dated 18th February 2021 and shall be supervised by an arboricultural consultant. No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and at such a time that must be agreed in writing with the Local Planning Authority. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.
- 15) No development shall commence on site until: a) A written programme of archaeological investigation for trial trenching to be undertaken has been submitted to and approved by the Local Planning Authority; and b) The approved programme of archaeological work has been carried out in accordance with the approved details.