



Appeal Decision

Site visit made on 27 March 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/Y3940/W/22/3310616

Land at The Roost, Ravensroost Road, Minety, Wiltshire SN16 9RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs L King against the decision of Wiltshire Council.
 - The application Ref PL/2022/02867, dated 6 April 2022, was refused by notice dated 15 July 2022.
 - The development proposed is for residential development of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a maximum of one dwelling at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and the PPG.

Main Issue

5. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and to the accessibility of services and facilities.

Reasons

6. The appeal site currently consists of a small orchard, situated to the north of The Roost, a detached bungalow situated along Ravensroost Road. Ravensroost

Road is a narrow rural road with a handful of dwellings, agricultural buildings and stables situated in the immediate vicinity, sited sporadically along the road. To the south of The Roost, there are a range of stables and an agricultural building. Old Ravensroost Farm lies to the north, which comprises a farmhouse, some agricultural buildings and stables. A post and rail fence encloses the site to the west from the open countryside beyond.

7. The appeal site is situated approximately 2km from Minety, the closest settlement, which is identified as a small village in the Wiltshire Core Strategy (Core Strategy) (2015). Core Policy 2 of the Core Strategy states that at small villages, development will be limited to infill within the existing built area. Given the distance from Minety, the proposal would lack any physical or visual relationship with the built up area of the village. Therefore, the proposal would represent a new dwelling in the countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. As such, it would be contrary to the development strategy for the area.
8. The appeal site is within an area with very limited services and poor transport connections. Whilst I acknowledge the location of the site in relation to Minety, and the services and facilities it offers, there is no footpath between the site and Minety and there is no street lighting. The unlit nature of the road would restrict access to the site by non-motorised transport to certain times of the day. Whilst the appellant states that there is a bus service to Swindon from Minety, I have not been provided with any bus timetables. Nevertheless, due to the inaccessibility of Minety, any bus services that are available are unlikely to represent a convenient alternative to the car.
9. I note the network of Public Rights of Way (PROW) that surround the site, and that these allegedly could provide future occupants with walking routes to Minety and other surrounding villages. However, I am not persuaded that, based on the evidence before me, any PROW would represent a convenient alternative to the car, given their unlit nature and distances involved.
10. Whilst paragraph 105 of the National Planning Policy Framework 2021 (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I have found that there are no sustainable transport solutions applicable to the appeal site. Future occupants of the development would be heavily reliant on the private motor car to access services and facilities. This lack of accessibility to enable future occupants to carry out day to day activities demonstrates that the site would be an unsuitable location for new housing.
11. In consideration of the High Court judgement¹ regarding paragraph 80 (formally paragraph 79) of the Framework, as the proposed development would be adjacent to The Roost and other buildings along Ravensroost Road, the physical location of the proposals would not result in a new isolated home in the countryside that the Framework seeks to avoid. Nevertheless, there would still be negative environmental and social effects arising from the unsuitable location in terms of the conflict with the development strategy for the area and the lack of accessibility to local services and facilities.

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

12. In conclusion, the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area and to the accessibility of services and facilities. It would conflict with Core Policies 1, 2, 19, 60 and 61 of the Core Strategy and Saved Policy H4 of the North Wiltshire Local Plan 2011 (adopted 2006). Amongst other things, these policies, in combination, direct growth and new housing to the most suitable and sustainable locations 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.
13. The proposal would not meet the objectives set out in Chapter 2 of the Framework in regard to achieving sustainable development, in particular ensuring homes have accessible services. It would also conflict with the objectives set out in Chapter 9 of the Framework in regard to promoting sustainable transport.

Other Matters

14. Both parties have drawn my attention to other appeal decisions and another Permission in Principle granted by the Council. However, I have been provided with limited information in regard to these other decisions. Nevertheless, the circumstances of each proposal are likely to be different. Most notably, the appeal decision² cited by the appellant in support of the proposal appears to have involved previously developed land, which would be a notable difference to the appeal proposal. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
15. I note the lack of any ecological or landscape designations on the appeal site. I also note that the area is not in an area known to be at risk of flooding nor is the area within the setting of any heritage assets. However, the lack of any designations does not outweigh the unsuitable location of the proposal identified above.

Planning Balance and Conclusion

16. The main parties agree that the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, paragraph 11 of the Framework is engaged, which states that 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 a whole, or there are specific policies in the Framework which indicate that development should be restricted.
17. The proposal would not provide a suitable location for housing, having regard to the development strategy for the area and to the accessibility of services and facilities. As such it would be contrary to the aims of the Framework in regard to achieving sustainable development, in particular ensuring homes have accessible services and in regard to promoting sustainable transport solutions. I ascribe substantial weight to this conflict since it would be long lasting.
18. The proposal would make a small contribution towards the provision of housing. It would provide some social benefits, including supporting strong,

² APP/Y3940/W/21/3266427

vibrant and healthy communities. There would also be economic benefits contributing to building a stronger, responsive and competitive economy, supporting growth with construction and post-construction benefits. The proposal would encourage development and associated economic growth with future occupants contributing to the local economy and continued viability of services in the local area. Moreover, I note that the proposal would be occupied by the daughter of the existing occupants of The Roost, and that this would reduce the need to travel to care for her horses and to visit her parents.

19. The appellant has also drawn my attention to paragraph 69 of the Framework which recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. However, paragraph 69 also states that in order to achieve this mix, great weight should be given to the use of suitable sites within existing settlements for homes. Given my reasoning above, the proposal would not be in a suitable location for delivering a small sized site. Therefore, I can only attach limited weight to this benefit.
20. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
21. In conclusion, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, which outweigh that conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Laura Cuthbert

INSPECTOR