



Appeal Decision

Inquiry held on 28-30 March 2023 and 3 April 2023

Site visit made on 27 and 30 March 2023

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/Y3940/W/22/3309354

Land at Brynards Hill, Royal Wootton Bassett

- 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 Wainhomes Severn Valley Ltd against the decision of Wiltshire Council.
 - The application Ref 20/11655/FUL, dated 24 December 2020, was refused by notice dated 29 June 2022.
 - The development proposed is erection of 61 dwellings, access and open space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Statement of Common Ground¹ (SoCG) sets out that highway matters which formed the basis of reason for refusal 3 are no longer contested by the Council.
3. Reason for refusal 4 required the provision of affordable housing, contributions towards infrastructure and securing surface water drainage management and maintenance. The Planning SoCG confirms that this reason for refusal would be addressed through the completion of a section 106 agreement (s106 agreement).
4. In support of the appeal, the appellant has submitted a unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended). This is signed and dated 12 April 2023. The UU makes provision for affordable housing, surface water drainage management and maintenance as well as financial contributions to infrastructure, including waste and recycling, early years and secondary education, off-site leisure and off-site highway works. It would also secure green travel vouchers. In addition, it provides a sum of money for country park enhancements and a commuted sum to be paid on the transfer of the country park to the Town Council.
5. The submitted UU deals with the matters in respect of reason for refusal 4. The Council confirmed it would not be defending this reason for refusal and no evidence was submitted to the Inquiry. I have therefore proceeded to deal with the appeal on the basis that reasons for refusal 3 and 4 are no longer contested.

¹ CD4.03, para. 5.9

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- whether the site is a suitable location for the proposed development, having regard to the spatial strategy;
- the effect of the proposed development on green infrastructure with particular regard to recreational provision at Brynards Hill Country Park; and
- whether there are any other material considerations, including the housing land supply situation and benefits of the proposal, which would indicate that the proposal should be determined otherwise than in accordance with the terms of the development plan.

Reasons

Character and appearance

7. Brynards Hill Country Park is a large area of open parkland, enclosed by development on its western, northern and eastern boundaries and a mainline railway line on its southern boundary. The land slopes steeply from north to south, becoming less steep on its southern slopes. The Wilts and Berks Canal and canal path run parallel to railway to the south, with open and rural countryside beyond. The country park is open and largely undeveloped apart from a series of footpaths which traverse parts of its upper and western slopes, some formal with gravel surfacing and others just mown pathways. The absence of large amounts of formal landscaping, development and its openness, contribute to the rural character of the country park.
8. The appeal site is positioned within the south-eastern corner of the country park where it adjoins a recent housing development, Woodshaw Meadows, to its east and the railway line to the south. It currently comprises a large area of open and sloping land, partially enclosed by trees and hedgerows. It therefore has the appearance of an agricultural field. The absence of any boundary planting between the Woodshaw Meadows development and the country park results in a stark and well-defined edge to the settlement. The appeal site clearly lies outside the built up area and therefore does not form part of the urban fringe.
9. Neither the appeal site nor the wider country park fall within any designated landscape area and would not be a valued landscape in terms of paragraph 174 of the National Planning Policy Framework (the Framework). This area of parkland nevertheless provides an attractive, soft and verdant edge to the settlement as it transitions into the rural landscape beyond the railway line. Its sloping character gives the site prominence locally. As such, I take the same view as Mr Radmall, the Council's landscape witness, that the country park is a locally valued landscape asset.
10. The appellant submitted that the low level of public participation at the Inquiry runs counter to that view. However, there were some 552 objections to the scheme, and whilst I accept that not all of these relate to the loss of the

country park or ham to its character, a substantial level of objection to this is identifiable. I therefore place limited weight on the appellant's submission and it does not alter my view that the country park should be considered a locally valued landscape asset.

11. A Landscape and Visual Impact Assessment (LVIA)² of the proposal was undertaken by Mr Friend but as evidence to the Inquiry rather than to inform the application³. The LVIA identified that the landscape sensitivity of both the site and its context was medium. Whilst Mr Radmall broadly agreed with this assessment, he considered the sensitivity to be higher for the country park. This does suggest that the site itself has a lower sensitivity than the rest of the country park. I concur with that position because the appeal site, is on the lower slopes and to a degree, enclosed by vegetation. Nevertheless, it remains visible and if developed, whilst it could no longer form part of the country park, it would be prominent and a detractor within its rural setting.
12. The respective landscape witnesses disagreed as to the extent of harm that would arise and this is largely based on professional judgment. However, a more fundamental difference arose in respect of whether or not the country park had been assessed as a landscape receptor which the Council's landscape witness advocated should have been done. I concur with the Council in this regard. Whilst it has been put to me that Mr Friend did consider this and the difference of opinion arises from terminology, the evidence on cross-examination was not clear that he had drawn a clear distinction between the country park and any other type of park, including those that may be found within an urban area. I consider these to be fundamentally different in character and therefore requiring a different response in landscape terms.
13. To my mind, a country park, differs from other types of parks in respect of how it looks and feels to be within it. Notably, its character is less formal than that of a more urban park. I note that Natural England in its guidance⁴ on obtaining accreditation describes a country park as an area for people to visit and enjoy recreation in a countryside environment. The proposal would diminish the countryside character of the country park.
14. I was guided to a number of different viewpoints⁵ from which to consider the effect of the proposed development. It was agreed that views of the proposed development would be relatively localised, limited to views from within the country park and from surrounding residential areas. The railway line and significant intervening vegetation would largely screen it from the canal path to the south. Nevertheless, as part of my site inspection, I observed that currently views from the upper slopes of Brynards Hill looking south are largely uninterrupted views of open land, fields and trees. Development to the east, notably Woodshaw Meadows, and west, sit on the periphery of that view.
15. The proposed development would be set in from the boundaries of the appeal site where they adjoin the country park. It would be largely enclosed by existing vegetation and would therefore be partially screened from view. As suburban development the appeal scheme would not be uncharacteristic of Woodshaw Meadows which it would adjoin. It would also have a similar

² CD4.14B

³ CD4.10 para 1.6

⁴ CD8.3

⁵ CD8.08

relationship to the surrounding open land that Woodshaw Meadows has with the appeal site.

16. However, the proposed development would extend considerably into the open area. It would diminish the sense of an extensive area of open land both physically through a reduction in size but also visually in terms of seeing the park as extending towards the rural landscape beyond. It would be far more visually intrusive and significantly more urbanising than the railway infrastructure that is currently visible but viewed in the context of significant vegetation. It would significantly intrude into the country park, extending across a large section of the lower slopes, enclosing it considerably and more prominently along its southern edge, with a consequent erosion of its rural character. Therefore, it would fundamentally change the views from the upper slopes of Brynards Hill.
17. Specific viewpoints within the country park were highlighted to me, however, visitors to the country park are not static. They would therefore experience the sense of enclosure and urbanisation of the area from both the defined paths and also when roaming off path around the park. The adverse and urbanising effects of the proposal, whilst largely limited to views from within or just outside the country park, would therefore be widely experienced by a multitude of users.
18. Landscape mitigation is proposed to build upon existing planting to reduce the effects. The existing trees and hedgerows surrounding the site would be retained apart from an 11m section which would be removed to accommodate a relocated car park for the country park⁶. The existing field boundaries would therefore be largely retained with the development contained within it. The proposed trees and planting to augment the field boundaries which would be provided in mitigation would not be uncharacteristic.
19. As part of the mitigation, it is proposed to form a better transition between the built form and the country park by providing a more permeable green edge than currently exists to the east. The scheme would provide a much greater depth of planting between the proposed dwellings and the country park. There would certainly be a benefit in the provision of a more gentle transition between the edge of built development and the open land of the country park. However, this would not entirely screen the development. Moreover, any benefit derived from this would be significantly outweighed by the extent of built and urbanising development proposed to extend into a substantial area of the country park.
20. Despite the assertion that the proposal would not interfere with the footpaths to the north or the integrity of the country park, the scheme proposes the formation of a new footpath / cycleway through the country park to be provided as a 3m wide route, hard surfaced and lighted. The proposed route would zig zag up the steeper slope section of the slope and then extend across the upper slopes towards the north-west corner of the country park. This would be substantially wider than the existing paths through the country park and with the addition of lighting would have an urbanising effect that would be visually intrusive. This would also significantly detract from the rural character and would adversely impact the integrity of the country park.

⁶ CD4.03, para 5.8, CD1.01.12

21. My attention has been drawn to appeal decisions⁷ in respect of development to the north of the appeal site and upon the higher parts of Brynards Hill which was found to be acceptable in landscape terms. However, that housing was set upon the plateau at the top of Brynards Hill and not within the line of views southwards towards the rural landscape beyond the settlement. Of particular note, the Inspector found there would be no harmful disruption to any important views from Brynards Hill. Given my conclusions above, that is clearly not the case here.
22. Overall, whilst it has been stated that the proposal has been landscape-led, the production of an LVIA at the appeal stage indicates that landscape matters had not been fully considered at the application stage. As I have set out above, the scheme gives rise to adverse effects to the country park, its appearance and its open and rural character. The proposed landscape mitigation would not overcome these effects.
23. In conclusion, I find that the proposed development would result in significant harm to the character and appearance of the area. It would therefore conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy 2018 (the WCS) which together require development to protect, conserve and where possible enhance landscape character. This includes enhancing the transition between man-made and natural landscapes at the urban fringe and important views, enhancing local distinctiveness, responding to local topography through the retention and enhancement of views into and within the site and the delivery of appropriate development which relates to its immediate setting and the wider character of the area. It would also conflict with the objectives of the Framework in respect of achieving well-designed places that are sympathetic to local character and recognise the intrinsic character and beauty of the countryside.

Suitable location

24. The Council's spatial strategy for the delivery of growth is to guide development to the larger settlements in accordance with a settlement hierarchy, restricting development outside defined development limits. This is set out in Core Policies 1 and 2 of the WCS.
25. The appeal site lies outside the defined settlement boundary of Royal Wootton Bassett. It therefore lies in the open countryside for planning purposes. As such, the proposed development for housing on an unallocated site beyond the settlement boundary conflicts with the spatial strategy. This is accepted by the appellant. However, it is the appellant's view that the conflict with the development plan should be reduced as the most relevant policies are out of date. The development plan is failing to meet housing need and has not worked as intended. I return to this in my planning balance below.
26. Royal Wootton Bassett is a Market Town and a second tier settlement in the settlement hierarchy set out within the spatial strategy. Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. They are also identified as having the potential for significant development that will increase jobs and homes in each town in order

⁷ CD5.01a – APP/Y3940/A/09/2115332, CD5.02a – APP/Y3940/A/10/2141906

to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

27. As a site adjacent to a Market Town, I do not dispute that the appeal site is in a sustainable location when considered in the context of the predominantly character of the County. However, the sustainability of a location is influenced by various factors including its accessibility to services and facilities by means other than the private car. The Highways SoCG Addendum Information⁸ sets out that the appeal site is in an accessible location in respect of walking and cycling distances from services and facilities within the town. I also recognise that the accessibility of the site in itself no longer forms a reason for refusal. Notwithstanding this, the suitability of the proposed pedestrian / cycling route between the appeal site and the town was disputed by the Council during the Inquiry.
28. I concur that the distance of the appeal site itself would not be a barrier to accessing services and facilities by means other than the private car. However, due to the topography of Brynards Hill, the steepness of that walking / cycling route would make this a less viable option for some future occupants, particularly those with young children, the elderly or less mobile. In order to address this barrier to accessibility, significant interventions are required to make the route less steep through the formation of a zig-zag path at gradients agreed by the highways authority. The path would nevertheless still slope and would be a lengthy and convoluted route, and it would be unlikely to appeal to those with limited mobility. Furthermore, these interventions, which would include lighting to make the route safe, would be harmful to character and appearance in themselves.
29. For this reason, whilst I accept that some people may walk or cycle to services, even with significant intervention which gives rise to other harms, I do not consider that the route would be suitable for the majority. Therefore, based on the evidence I cannot conclude in favour of the proposal as being in a sustainable location in respect of its accessibility despite its proximity to the services and facilities available within the town. I recognise that it is closer to the town centre than the Woodshaw Meadows development to the east. However, this does not alter my conclusions in respect of the suitability of the location for the proposed development.
30. In conclusion on this second main issue, the appeal site is not a suitable location for the proposed development having regard to the spatial strategy. It therefore conflicts with Core Policies 1, 2 and 19 of the WCS and Saved Policy H4 of the North Wiltshire Local Plan 2006 which together identify the spatial strategy, the distribution and delivery of housing development within the County and restrict development within the countryside. The Royal Wootton Bassett Neighbourhood Plan 2018 (the RWBNP) is cited in the decision notice but no specific policy referenced.

Green infrastructure

31. The country park is an area of local green infrastructure intended to serve both the local population as well as visitors to the area. It gained consent on appeal⁹ in 2010 for a change of use from agriculture to a country park of approximately

⁸ CD4.07

⁹ CD5.01a – APP/Y3940/A/09/2115331

22 hectares of land. In the intervening period between now and that original consent, there have been subsequent applications for residential development which have reduced its size over time, with Woodshaw Meadows being the most recent. Currently, it is agreed by the parties that the country park is formed of around 17.8ha.

32. The country park is not formally designated within the local plan and is only recognised in the RWBNP rather than designated as a Local Green Space in the manner set out under paragraph 101 of the Framework. However, green infrastructure is a broad term used to characterise a range of different spaces and features. From my site visits, I observed that the country park provides an area of open land, accessible to the public for informal recreational purposes. It is an area of land, identified for use as a country park with some sign boards identifying it as such and footpaths. Therefore, I find the country park is green infrastructure irrespective of whether it has been formally designated as such.
33. Core Policy 52 of the WCS deals with green infrastructure. It sets out that where development is permitted developers will be required, amongst other things, to retain and enhance existing on site green infrastructure. It also states that if damage or loss of existing green infrastructure is unavoidable, the creation of new or replacement green infrastructure equal to or above its current value and quality, that maintains the integrity of the green infrastructure network will be required.
34. The proposal would reduce the area of country park by 3.1 hectares. This would be a loss of green infrastructure. It was argued that the loss of green infrastructure would be unavoidable because there is an immediate housing need. It is acknowledged that there is a shortfall in housing supply and this is discussed later on in my decision. However, whilst this point was made in the appellant's opening submission, there was no evidence that this had formed the basis upon which the application for development of this area of green infrastructure land had originally been made or justified.
35. Even if I were to agree that such a shortfall in housing supply were to lead to unavoidable loss of green infrastructure, the requirement of the policy in terms of new or replacement green infrastructure would still need to be satisfied.
36. The application and interpretation of Core Policy 52 in respect of this part of the policy was a matter of some dispute between the parties. Whilst the correct interpretation of policy is certainly a matter for the law, the Council took the view that the policy requires a quantity of green infrastructure to be provided, the appellant argued that qualitative improvements must form part of that assessment.
37. There is no proposal to replace the amount of green infrastructure that would be lost, therefore if the policy were to be applied on quantitative grounds, then the proposal would be in direct conflict. However, I find this part of the policy to be somewhat ambiguous. To my mind, the policy must consider more than just the quantum of land otherwise there would be no differentiation between what is required in terms of 'new' and 'replacement' green infrastructure. Thus, there is some merit in the appellant's argument that making qualitative improvements to that part of the country park which would remain could provide the required compensation for any quantitative loss, provided it maintains the integrity and functionality of the green infrastructure.

38. I turn now to whether the proposed enhancements would improve the quality and value of the green infrastructure. In particular, whether it would enhance the recreational role of the country park. The country park currently provides a small car park, a couple of information boards, which I note are not accurate, a number of footpaths and some planting. It was confirmed that, with the exception of sowing wildflower seeds that would be completed in the next planting season, there are no outstanding facilities or features that are required to be provided in association with any of the earlier consents relating to the country park.
39. Core Policy 52 additionally sets out that proposals for major development should be accompanied by an audit of the existing green infrastructure within and around the site and a statement demonstrating how this will be retained and enhanced through the development process. This did not form part of the Council's reason for refusal although it was referred to in its evidence to the Inquiry. The Council also did not request this audit as part of the application process.
40. It is not entirely clear why audit information in accordance with Core Policy 52 was neither requested nor provided to inform the application. However, this does not to my mind, negate the value of undertaking such an exercise in order to determine what improvements would be required and would be appropriate.
41. The appellant has identified various qualitative improvements to the paths as well as provision of signage, seating, bins, additional planting to benefit biodiversity, equipped play areas and public art. There is evidence from third parties, both orally and within written submissions, that they have concerns about the existing pathways through the country park, particularly in terms of their accessibility for people with mobility impairments. I also recognise that the park can become very wet and muddy during wet weather as I experienced on my site visit. I agree that it would benefit from some of the proposed improvements put forward by the appellant.
42. It was apparent through cross-examination of Mr Friend that the proposed improvements have not been informed by any specific assessment of the park, rather they are general features which would provide generic improvements. Moreover, from what I heard, it was evident that Mr Friend had only visited the country park during winter months and during weekdays, when it would not be expected to be busy.
43. In the absence of any such assessment, and on the basis of Mr Friend's evidence, I cannot find that the proposed improvements are soundly based taking into account the specific circumstances of the country park and how it is used. In this context, whilst I therefore agree there would likely be benefits from some of the proposed improvements, other improvements would be less suitable. I therefore attribute low weight to this.
44. Both parties have sought to rely on Natural England's accreditation guidance¹⁰ which sets out a range of essential and desirable criteria as to how to get accredited status for a country park. The country park, in its current state, meets some but not all of the essential criteria. Should the appeal be allowed and the site developed, the overall size of the country park would remain above the 10 hectare minimum advised in the guidance. Through this the

¹⁰ CD8.3

appellant asserts that the country park would become more inclusive and accessible, therefore meeting equality and disability needs; would be signposted and easier to navigate; as well as visibly staffed, for example through litter collection and maintenance.

45. There would be some improvements to accessibility through the proposed improvements to the footpaths. However, a substantial part of the less steeply sloping part of the country park, would be lost to development which would potentially exclude some users who are unable to access the steeper slopes despite measures to reduce the gradient of the footpath, from accessing the park.
46. Even if the proposals did bring about some improvements to the country park, such that it would meet more of the essential and desirable criteria as set out in the accreditation guidance, there would nevertheless be a substantial loss of the park area which would not be outweighed by the proposed enhancements. Furthermore, I have concerns about the urbanising effects of some of these improvements. Therefore, overall, I do not find this would equate to an increase in the value or quality of the green infrastructure.
47. Public access over the whole of the country park area was identified as a significant benefit of the scheme when granted permission on appeal in 2010. The proposal would decrease the benefit of this, not only in terms of reducing the physical space available to do this, but also the visual experience of doing so. This weighs against the loss of the country park.
48. The provision of the country park was tied to the 2016 planning approval¹¹ for the Woodshaw Meadows development through a section 106 agreement¹². This effectively caused all previous planning permissions and obligations relating to the provision of the country park to cease to have effect. This benefit to the community met the CIL tests and was necessary to make the development acceptable. Therefore, to now reduce the quantity of country park, raises some question in my mind as to whether or not the obligation associated with that earlier development would continue to have effect in terms of making that earlier development acceptable.
49. In this regard, I note that an Inspector in dismissing an appeal¹³ at Land to the west Drynham Lane and east of Eagle Park in Trowbridge considered a similar scenario in respect of Biss Meadows Country Park where a country park extension (CPE) had been secured through a section 106 agreement. The Inspector recognised that the requirement for the CPE at the time it was secured must have been deemed to be necessary to render the application acceptable in planning terms. He therefore was concerned that any variation to that agreement reducing the area of land within the CPE would undermine that.
50. The appellant in its Planning Statement¹⁴ sought to justify the scheme on the basis that a precedent was set since the loss of part of the committed country park had been accepted by an Inspector on appeal¹⁵ who concluded that the overall integrity of the country park would remain despite some loss. The appellant has argued that the same conclusions should be reached in relation

¹¹ CD5.05A Council Ref: N/15/10486/FUL

¹² CD05.05B Section 106

¹³ CD6.02 – APP/Y3940/W/22/3295577

¹⁴ CD1.01.01.44

¹⁵ CD5.02A – APP/Y3940/A/10/2141906

to this scheme. However, this neither sets a precedent nor provides the justification for a further reduction in the country park. Notwithstanding that commentary within the Planning Statement, in closing it was made clear that the appellant recognised that the appeal scheme should be determined on its own individual merits irrespective of past consents. I therefore give those decisions little weight in terms of justification for the scheme before me.

51. For the same reasons, whilst I recognise the concerns of the local community that the country park has been promised to them but has been eroded over time through incremental development, I must judge this appeal on its own merits irrespective of who the appellant is. The previous loss of the part of the country park does not therefore alter my findings in respect of this appeal.
52. The scheme was not objected to by the Council's public open space, urban design or public rights of way officers. No evidence has been presented to suggest that there is a deficit of open space. At the same time, I have no substantive evidence to suggest that the country park is not well used.
53. The submitted UU would secure the retention of the country park including through the transfer of the park to the Town Council with a financial contribution to secure its future maintenance. This would be a significant benefit of the scheme, however, it would not outweigh the significant harm that would arise from the loss of the country park.
54. In conclusion on this main issue, I find the loss of the green infrastructure and recreation provision has not been justified and would be harmful. This would conflict with Core Policy 52 as referred to above as well as Core Policy 51 which requires development to demonstrate that landscape functions including places to relax and recreate are either conserved, enhanced or mitigated against if lost. It would also conflict with the Framework which seeks to achieve healthy and inclusive places, including accessible green infrastructure and to guard against the loss of recreational facilities and for any loss of recreational land to be replaced by equivalent or better provision in terms of quantity and quality.

Other material considerations

55. The parties agree that the Council does not have a five year supply of deliverable housing sites as required by the Framework and have agreed that it falls within the range of 4.44 to 4.7 years. As such, where a five year housing land supply cannot be demonstrated, in accordance with paragraph 11 d) and footnote 8 of the Framework, the most important policies for determining the application are deemed to be out-of-date. My decision should therefore apply a presumption in favour of sustainable development. I return to this in my planning balance below.
56. The Council has acknowledged that it needs to address housing supply and has issued delivery briefing notes¹⁶ setting out its approach to dealing with this. These advise that the Council should positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated. Thus a breach of the settlement boundary alone does not preclude development. I address this in my planning balance.

¹⁶ CD3.6 – Briefing Note on Housing Land Supply No.20-20 June 2020 and CD3.07 – 5 Year Housing Land Supply and Housing Delivery Test Briefing Note No.22-09 April 2022

57. The Government is seeking to significantly boost the supply of housing. The scheme in providing 61 dwellings would make an important contribution to that as well as helping to address the Council's shortfall in housing land supply, both general and affordable within the County and within the North and West Housing Market Area. The houses would be delivered by a developer with a local track record for delivery. This attracts high weight.
58. The submitted UU would secure affordable housing contributions in accordance with policy and the aims of the Framework. It is agreed that there is an unmet need for affordable housing and therefore high weight should be attributed to this.
59. The scheme would deliver a number of economic benefits both during construction in relation to job creation and supply chain, but also through the occupation of the homes once completed, with economically active people and household spending within the local area. The parties agree these should carry medium weight.
60. The provision of 10% biodiversity net gain is a benefit of the scheme that the parties agree would attract low weight.
61. The appellant has attributed medium weight to the provision of open space. However, as this is required to meet the needs of the proposed development, it is not a wider benefit of the scheme and it is a neutral factor in the balance.
62. The Council considers accessibility is not a matter to which materially separate weight should be applied. However, I consider that the accessibility of housing, thereby reducing the need to use private vehicles for accessing everyday needs, is a factor that can attract weight in its own right. In this case, whilst the distance between services and facilities and the proposed development are not significant, the route itself is unlikely to significantly reduce car use due to its steepness and convoluted nature. Thus, I attribute low weight to the accessibility of the site.
63. In terms of the country park itself, there would be a reduction in size overall. Whilst I agree some of the improvements and the transfer of the country park to the Town Council would be beneficial, I find some of these improvements would be detrimental to the character of the country park. Taking all these factors into account, I find that the loss of green infrastructure and recreational provision within the country park weighs against the proposed development. I attribute high weight to that loss.

Planning Balance

64. The proposal would give rise to significant harm to the character and appearance of the area and significant adverse effects from the loss of green infrastructure. I find the conflict with the development plan policies in respect of these two matters would represent major policy obstacles to the proposed development. As such, there is no justification for the proposed development outside the settlement boundary when taking into account the Council's approach to addressing the shortfall in housing land supply as set out in its delivery briefing notes. Thus the proposal conflicts with the spatial strategy in terms of the site's location outside the settlement boundary and in the open countryside. The proposal would therefore conflict with the development plan as a whole.

65. Paragraph 11 d) of the Framework sets out that for decision taking 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: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. 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.
66. The proposal would deliver housing, both market and affordable, factors which carry high weight. It would deliver a range of economic, social and environmental benefits which together I attribute medium weight.
67. However, as I have identified above, the proposal would give rise to significant harm in respect of the character and appearance of the area and loss of green infrastructure, to which I attribute high weight. The harmful impact is a matter of very substantial weight and importance in the planning balance.
68. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

Conclusion

69. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gary A Grant

Counsel for the Local Planning Authority,
Instructed by Alwyn Thomas, Solicitor to
Wiltshire Council

He called

Peter Radmall MA (Oxon), BPhil
(Newcastle)
Lachlan Robertson MA Dip (UD)
BSc (Hons) MRTPI

Chartered Landscape Architect

FOR THE APPELLANT:

Paul G Tucker KC
Shemuel Sheikh

Counsel for the Appellant, Instructed by
Stephen Harris of Emery Planning
Partnership

They called

John-Paul Friend HND (LGD) BA
(Hons) Dip LA CMLI
Stephen Harris BSc (Hons) MRTPI

Director, LVIA Ltd

Managing Director, Emery Planning
Partnership

Andrew Thomas

Solicitor for the Appellant

INTERESTED PARTIES:

Mr Richard Storey
Ms Jemma Oakes
Cllr Steve Walls

Local resident
Local resident
Chair Planning Committee, Royal
Wootton Bassett Town Council

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	SoCG on Housing Need and Supply – Appeal at Land off the B4069, Chippenham
ID2	Opening statement on behalf of the appellant
ID3	Opening statement on behalf of the Council
ID4	Draft Unilateral Undertaking
ID5	Photograph of gap in hedge on SW boundary of the appeal site
ID6	Draft conditions in relation to new LEAP condition and amendment to existing condition 12
ID7	Amended draft list of conditions
ID8	Councillor Wall's statement
ID9	Closing statement on behalf of the Council
ID10	Closing statement on behalf of the appellant

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

ID11	Signed and dated unilateral undertaking
ID12	Written agreement of the appellant to pre-commencement conditions

END