
Appeal Decision

Site visit made on 9 May 2023

by P Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 05 June 2023

Appeal Ref: APP/Y3940/W/23/3316153

Land off High Street, Winterbourne Bassett SN4 9QD

- 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 Tony Iles against the decision of Wiltshire Council.
 - The application Ref PL/2022/04854, dated 23 June 2022, was refused by notice dated 6 December 2022.
 - The development proposed is erection of a dwelling house and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a dwelling house and associated works on land off High Street, Winterbourne Bassett SN4 9QD in accordance with the terms of the application, PL/2022/04854, dated 23 June 2022, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues are as follows:
 - The effect of the proposal on the character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
 - 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.

Reasons

The site and surroundings

3. Winterbourne Bassett is a small rural village with a central core area near the church and public house with more sporadic development along High Street to the west. The appeal building is proposed in a gap between 2 existing dwellings at the western edge of built development. The village lies within the AONB.

Policy Background

4. The development plan for the area includes the Wiltshire Core Strategy of 2015 (CS). According to policy Core Policy (CP)1, Winterbourne Bassett is a small village with a low level of services and facilities, and few employment opportunities, where development will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities,

services and facilities. CP2 advises additionally that development will be limited to infill within the existing built area.

5. CP57 requires a high standard of design and sets out a number of criteria which should be met in order to show how proposals will make a positive contribution to the character of Wiltshire. CP60 and CP61 relate to transport with the emphasis on reducing the need to travel particularly by private car, by planning new developments in accessible locations.

Character and appearance

6. The proposed dwelling would lie within the built area of the village and would not elongate it or, given its village location, impose development in an area of particularly sensitive landscape. Road signs and speed restrictions are sited further to the west outside the adjoining house, indicating the start of the built up area. The development would not be conspicuous in wider views or compromise the special landscape qualities and scenic beauty of the AONB and in this regard I note that the Council's landscape officer does not object. It would not be conspicuous in views from the Ridgeway national trail. Seen from the trail, Winterbourne Bassett is a minor feature in the very broad open landscape that characterises this part of the AONB. I visited local footpaths and found no locations where the scheme would be unacceptably prominent or out of place.
7. It would consolidate existing development to a degree at the western end of the village, but there would remain sufficient gaps between existing dwellings west of the upper Bourne for the character of the area to be preserved and appreciated by those using the High Street or local rights of way.
8. Whilst a large dwelling in comparison to many others in the settlement, its siting and design together with sympathetic materials and planting would enable it to relate comfortably to the village landscape context of open agricultural fields. I do not regard the lack of a pitched roof and the more contemporary appearance of the proposed dwelling to count against it in a village containing much unremarkable 20th century housing and note the design development process as set out in the Design and Access Statement, which corresponds to the process suggested in the National Design Guide. Accordingly I conclude on this issue that the proposed development would qualify as infill permitted under policy CP2 and conform to the design quality objectives and landscape protection aims of CP57.

Sustainability of location

9. Winterbourne Bassett Has few facilities and future occupiers would need to travel by car for many purposes, the nearest centres being Swindon and Marlborough around 10-11 kilometres (km) away. The location would conflict with the locational aims for new development as expressed in Core Strategy policies CP1, CP2, CP60 and CP61. However policy CP2 acknowledges that some infill development will be acceptable in small villages where it seeks to meet the housing needs of settlements and that would inevitably involve greater reliance on private cars. Moreover the National Planning Policy Framework (NPPF) acknowledges at paragraph 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

10. In considering this matter I have had regard to the emerging Broad Hinton, Winterbourne Bassett and Uffcott Neighbourhood Plan (NP) which expresses support for amongst other things the development of types of more affordable housing to meet the needs of young families, single people, and older residents¹. The NP is at an early stage and is yet to be put to referendum. The appeal proposal would be a larger dwelling but would help to sustain local services such as the local Winterbourne pub and restaurant and bus services along the A4361 (just over 1 km from the appeal site). For these reasons, the conflict with the development location aims of Core Strategy policies would be limited and I have taken this into account when considering the overall balance below.

Other matters

11. The Council advises that it is unable to demonstrate a five-year supply of housing land, the current level being around 4.72 years². The development would make a modest contribution towards meeting that need which nevertheless attracts significant weight.

Conditions

12. As well as the usual time limitation on commencement, conditions are necessary and imposed to control external materials including anti-glare film, visibility splays, flooding, drainage, access and parking. In view of the sensitive location of the development, the construction process needs to be subject to careful environmental management as well as the usual controls on such things as wheel washing, deliveries, parking and recycling of waste.. A programme of archaeological investigation is required in view of the proximity of heritage assets. The approved drawings are set out for the avoidance of doubt including the most recent (22 November 2022) landscaping plan. An important feature of the scheme is the relatively lower height of the roof compared with Mulberry House and a condition ensures the finished levels are subject to approval. Permitted development rights are reduced in AONBs but in view of the size of the building in its plot, a restriction is imposed in order that any proposals are subject to approval by the local planning authority. No Landscape and Ecology Management Plan is required as there is no public realm and landscaping details are required by condition 14.

Conclusion

13. The locational disadvantages conflict with the development plan and weigh against the scheme. The economic investment and employment opportunities weigh in favour, though limited by the small scale of the project. The benefit of an additional dwelling in an area where there is an insufficient supply of housing land adds significant weight. The environmental benefits of a carbon neutral development together with other measures set out in the Sustainability and Energy Statement attract considerable weight. There are no disadvantages in terms of the effect on the character and appearance of the area and this does not provide a reason to refuse the development proposed. In these circumstances, paragraph 11(d) of the NPPF applies. I consider that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the

¹ 2015 Housing Needs Survey

² Figure taken from appeal decision APP/Y3940/W/22/3303198 issued 8 March 2023

NPPF taken as a whole. The presumption in favour of sustainable development applies, and for all the above reasons, the appeal should succeed.

Paul Jackson

INSPECTOR

Schedule of 15 conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Landscape Plan Drawing No. LANDP001 Rev 2 (JPS Landscape Design, 22/11/2022)
 - 2122 01
 - 2122 02
 - 2122 03A
 - 2122 07A
 - 2122 04
 - 2122 05
 - 2122 06
 - 2122 08A
 - 2122 09A
 - 2122 10A
 - 2122 12A
 - Sustainability and Energy Statement by Envision dated May 2022
- 3) No development shall commence within the site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and the approved programme of archaeological work has been carried out in accordance with the approved details.
- 4) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The CEMP shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.

- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The development shall be carried out in strict accordance with the approved CEMP.

- 5) No development shall commence on site (including any works of demolition), until a Construction Management Statement (CMS) 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;
- 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 construction works; and
- 8. hours of construction, including deliveries;
- 10. a site layout drawing noting location of areas such as storage, staff parking, loading and unloading.

The development shall not be carried out otherwise than in accordance with the approved CMS.

- 6) No development shall commence until visibility splays have been provided for the access between the edge of the carriageway and a line extending from a point 2 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.
- 7) 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.

The development shall not be carried out other than in accordance with the approved measures. 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".

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.

- 8) Prior to the commencement of development of the dwelling hereby approved 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 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.
- 9) No development shall commence until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the foul drainage scheme has been carried out in accordance with the approved scheme and it shall be maintained in accordance with the approved details thereafter.
- 10) No development shall commence on site above ground level until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall commence until details of the proposed final levels (AOD) for the ground floor slab and roof level relative to the adjacent Mulberry House have been provided and approved by the Local Planning Authority. The development shall be carried in accordance with the approved details.
- 12) No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes thereafter.
- 13) The glazing panels on the south side of the development (including balcony glazing) shall be fitted with 'anti-glare' film and maintained as such in perpetuity in accordance with the specifications set out in the letter from David James Architects and dated 6th September 2022.
- 14) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the

first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 1, Part 1, Classes A-H shall take place.