



Appeal Decision

Hearing held on 13 & 14 June 2023

Site visits made on 12, 13 & 14 June 2023

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/Y3940/W/23/3315432

Land off Melksham Road, Holt, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Ltd against Wiltshire Council.
 - The application Ref PL/2022/03315, is dated 22 April 2022.
The development proposed is for outline permission for the erection of up to 90 dwellings, including 40% affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 90 dwellings, including 40% affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point at land off Melksham Road, Holt, Wiltshire, in accordance with the terms of the application, Ref PL/2022/03315, dated 22 April 2022, subject to the conditions in the Conditions Schedule below.

Preliminary matters

2. This is an outline application with all matters but access being reserved for subsequent consideration. I have therefore treated any details relating to other matters as illustrative but informative.
3. The site was identified by means of a grid reference only on the application form so, for clarity, I have used the address found on the appeal form.

Main Issues

4. As this is an appeal against the non-determination of the application, there was no decision notice. After the appeal was lodged though, the Council gave the reasons why, if it still had that power, it would have refused the proposal. Having regard to these putative reasons and other submissions, the main issues in this case are
 - a) whether the development would be contrary to the spatial strategy;
 - b) whether it would harm the character and appearance of the countryside and the village;
 - c) whether it would be in an unsustainable location and
 - d) if harm would arise from any or all of the above, whether that harm significantly and demonstrably outweighs the benefits.

Reasons

The spatial strategy

5. In the *Wiltshire Core Strategy*, Core Policy 1 identifies the settlements where sustainable development can take place, and this is within a hierarchy of Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. It adds that Large Villages are those with a limited range of employment, services and facilities, and development within them will be restricted to that needed to meet housing needs and improve employment, services and facilities. In paragraph 4.15 of the supporting text to this policy it says in Large Villages such development will '*predominantly*' take the form of small housing and employment sites.
6. Core Policy 2 then provides a requirement of 42,000 houses to be delivered across the County over the lifetime of the plan. It outlines how this will be provided within the settlement hierarchy, allocating over half of the houses to the North and West Wiltshire Housing Market Area (HMA), one of the 3 HMAs in the County. It adds that there is a presumption in favour of sustainable development within the limits of development while, outside those limits, development will not be permitted other than in the circumstances identified in paragraph 4.25 of the supporting text. In relation to Holt, this position is reaffirmed by the *Holt Neighbourhood Plan*, in which Objective 3 seeks to protect the settlement boundary and Policy H3.1 states it will not support development that involves the outward extension of the settlement boundary.
7. Finally, Core Policy 7 in the Core Strategy, which gives the spatial strategy for the Bradford on Avon Community Area (which, in turn is in the North and West Wiltshire HMA), identifies Holt as a Large Village.
8. The development would be abutting but nonetheless outside of the settlement boundary for Holt. As none of the circumstances in paragraph 4.25 of the Core Strategy apply, I therefore conclude the scheme would be contrary to the spatial strategy, and Core Policies 1 and 2 in the Core Strategy, as well as Neighbourhood Plan Objective 3 and Policy H3.1.

Effect on the character and appearance

9. The landscape around Holt is not a valued one under the terms of paragraph 174 of the *National Planning Policy Framework* (the Framework) while the countryside around the eastern end of the village is not allocated as Green Belt. It is nonetheless no doubt much appreciated and enjoyed by local residents and visitors alike, as it comprises a pleasing and attractive patchwork of fields with strong established hedges, interspersed with woodlands, settlements and farmsteads in a rolling, undulating topography.
10. The village of Holt appears to have had its origins at its western end, but over time has extended eastwards along the B3107 as it runs up a gentle ridge. The appeal site is the first field on the south side of this road (at this point known as Melksham Road) as it leaves the eastern end of the settlement. Currently, this field is grassed and is used for horse jumping. It is mainly bounded by hedging and trees with intermittent gaps and sections of fencing. Being on the southern slope of the ridge, it is visible from across the valley, and its elevated position means it now allows views from the edge of Holt over the landscape to the south and southeast. Taking these factors together, I

consider the site at present contributes positively to the intrinsic character and beauty of this area of countryside.

11. In the immediate vicinity of the site, the introduction of a housing development here would be apparent when passing in either direction on the B3107, as well as from the houses on Great Parks along the western edge of the field. Although the intention is to retain the existing hedging on these boundaries (other than where the access is to be formed), the new housing would nonetheless be visible above, as well as through any gaps there may be. Furthermore, in the winter months when leaves are lost, these views would be more apparent. From such points the scheme would result in the built-up area of the village expanding at the expense of the rural landscape, and would also restrict the views now possible over the valley to the south and southeast.
12. There would be an awareness of the development as well from Public Footpath 56 (the public footpath). While the illustrative plans show this would cross the southeast corner of the site and would retain an uninterrupted outlook over the valley, there would be a clear awareness of the housing when on that section, as well as when approaching from either the north or the southwest. Moreover, the loss of a length of mature hedging to form the access would open up views into the estate from Great Parks.
13. As a result, from these points immediately around the site, the scheme would harm the intrinsic character and beauty of the countryside. Whilst the retention and bolstering of boundary hedging and the provision of landscaping along its north, east, and south boundaries would soften this impact, to my mind this would not be sufficient to allay its harm.
14. In the wider landscape, views from the north from Great Chalfield round to Broughton Gifford would be limited, as much of the development would be concealed as a result of being on the south-facing slope of the ridge. The upper floors of the houses closest to the B3107 may well be apparent to some extent, as they would be at the highest point of the site and would project above much of the hedging on the roadside. However, even accounting for these factors, from these viewpoints they would still be concealed to a great extent by the hedging and trees that form the intervening field boundaries and areas of woodland. Moreover, from where they could be seen they would be a small part of the overall landscape and would be read very much in the context of the village. The scheme would not have a materially harmful impact as a result in these views.
15. From the south, such as from Whaddon across the river, the development as a whole would be more apparent as it would be on the valley side. Again though, the on-site landscaping shown on the illustrative plans, coupled with the existing planting on the intervening field boundaries, the distances involved, and its relationship to the settlement adjacent, would all mean the development would not cause any material harm to the character and appearance of the countryside when seen from these points.
16. It was said that as various historic sites were visible in the distance when on the field, then the development, in turn, would be visible from them. While that may be so, the scheme would be such a small, distant part of the overall landscape that I anticipate can be seen when on each of those other sites, I have no basis to consider it would harm their significance as heritage assets, or erode the enjoyment that visitors to them experienced.

17. There was also concern about the effect on the setting of Oxen Leaze Farmhouse. This sits a few hundred metres to the east, and I understand it to be a Grade II listed building. While its open rural setting may add to its significance as a designated heritage asset by highlighting its farming origins, I consider that, even after this scheme was built, a sufficient setting would remain to mean this significance was not harmed.
18. Turning to the effect on the village, the built-up area of Holt currently lines the B3107 for some 1.4km. Consequently, it has a linear character but it would not be correct to describe it as a ribbon development, as generally throughout it contains a certain depth of housing to the south of the road. Moreover, although there is a historic core at the western end, moving eastwards the housing is of a diverse range of ages, with older properties sitting alongside newer. At the eastern end though, Great Parks and Little Parks form an estate of late 20th Century housing.
19. The scheme would be extending the length of the village along the B3107 by about 200m, and, although the precise designs are unknown at this stage, they would probably be dwellings of 2 or 2½ storeys. I consider this would not be an undue elongation of Holt, especially as it would be softened by the treatment to the site's northern boundary. Furthermore, its density of, at most, 90 houses on what is roughly a 3.7ha site would not be particularly high, and it would not be a form of development that was at odds with the adjacent housing areas. Indeed, the illustrative plans show the scheme would give the village a softer, more feathered edge when compared to the abruptness of Great Parks, which would better integrate it into the countryside around. Although its access would be off that estate road and not directly from the B3107, I see no reason why that need be seen as harmful.
20. The scheme also proposed to formalise the kerb on the northern side of the B3107 as it passes the site, but given the status of the road, that would not appear inappropriate. Furthermore, a pavement is to be formed along Bradley Lane. Whilst this has an informal character at present, I find that given it is in a Larger Village, any resultant urbanising effect would not be unacceptable.
21. Accordingly, by extending the built-up area of Holt onto a field that currently makes a positive contribution to the rural nature of the surroundings, I conclude that the development would fail to respect the intrinsic character and beauty of the countryside. It would therefore conflict with Core Policy 51 in the Core Strategy, which seeks to protect, conserve and where possible enhance landscape character, and also with the Framework.

Sustainability of the location

22. Core Policies 60 and 61 in the Core Strategy require development to be in accessible locations so as to reduce the need to travel, particularly by the private car, and to encourage other sustainable transport modes.
23. Holt has a shop/post office that caters for day-to-day needs. It has a primary school as well for which no additional education contributions were sought and so I assume has spare capacity, although the pre-school facility was full. There are also places of worship, public houses, and a small industrial estate. This is not an unreasonable level of provision for a village of this nature, and I recognise why it has been placed where it has in the settlement hierarchy.

24. Given its size though, inevitably the extent of the services it offers is limited, with no health provision, and no places of secondary or tertiary education. Employment opportunities are also restricted in nature and number, and residents have to travel further afield for greater shopping needs.
25. The bus service would be of some value in this regard. Although I recognise the access it provides to facilities beyond Holt is limited in terms of destinations and timetabling, it is nonetheless relatively good for a rural area and the journeys to Melksham, Bradford on Avon, Corsham and Trowbridge are not especially lengthy. The appellant is intending to provide a bus stop. It is also offering money, through a legal agreement (the agreement), to improve services and pay for a required Traffic Regulation Order, and I find these contributions accord with Regulation 122 in the *Community Infrastructure Levy Regulations 2010* (the Regulations). Such measures can only increase the attractiveness of public transport to occupiers of the new scheme and the village's existing residents alike. The agreement also proposes contributions towards a travel plan, that again comply with the Regulations, and would be of some assistance in promoting the bus service amongst other things. However, these improvements and measures are unlikely to have a great effect on how useful public transport is to access entertainment, health facilities, education, shops and employment in the nearby towns. Inevitably there would therefore be a reliance on private motorised vehicles to some degree for these purposes.
26. Although delivery services could be used, there is no certainty that would occur or that any delivery trip would in fact go to multiple houses in the village. It would also not prevent the need for trips by the residents to surrounding towns for other purposes too, such as for employment, medical appointments, education and the like, when they could have visited shops as well had the delivery service not been used. As such, the weight afforded to home deliveries in relation to sustainability is limited.
27. Cycling to neighbouring towns may be practical for some, and indeed on my visit I cycled from Melksham to Holt and back. However, the nature of the roads means it may not appeal to all cyclists, and it may not be attractive when it is dark, or when the weather is inclement. In the agreement there is a contribution towards a cycleway between Melksham and Bradford on Avon. I accept that such a cycleway could be of some use to residents to get to, say, employment or education in those larger towns. However, I understand that no route has been identified and no scheme is available. There is also no timescale for its delivery. Whilst projects such as this require seed-funding to get them started, I am not in a position where I can give any appreciable weight to the use of these moneys for this purpose in connection with this scheme. I am also not satisfied that such a cycle link is necessary to make the development acceptable in planning terms.
28. The supporting text to Core Policy 1 in the Core Strategy, whilst advocating only a limited level of development in any Large Village, nonetheless recognises this would help to retain their vitality. I acknowledge that this scheme is outside the settlement boundary and is for a larger development. However, I consider it can only serve to ensure whatever facilities Holt offers are more secure and better used.
29. Overall, I acknowledge the limitations of the services available in Holt, which of course are also experienced by the existing households. I recognise though

that many settlements are in a similar position, and it does not necessarily mean they should be deemed to be locations that were unsustainable and so inappropriate for further housing. I therefore consider the limitations in service provision here are not so great as to render Holt unsustainable for a scheme of this size, even when taken with the village's recently built developments.

30. A second concern was that the location of facilities Holt offers are very much skewed to its western end, away from this proposal. When measured from the middle of the site I was told that only the Primary School was within a kilometre, while the shop, Village Hall, United Reformed Church and industrial estate were just over 1km away, and it was about 1.6km to the public houses and St Katherine's Church. As a result, it was contended that the future residents of the scheme would not walk to them but drive.
31. Taking into account the footpath improvements proposed through the Great Parks and Little Parks estate, the school is not an unreasonable distance away. If, despite these improvements, carers and children choose to cut through Crandon Lea, that is a matter for those who control those private rights. However, the works would provide an alternative, if ever that route was no longer permitted. Despite those improvements carers may still drive there to drop off children as they then travel on to work elsewhere, but that is something they could do irrespective of how far they lived from the school.
32. Similarly, if going to the industrial area for a day's work, or when going to the churches on a weekly or twice-weekly basis, the distances involved are not unduly far to walk. I recognise though that whilst some may walk to the shop for one or 2 items, or to the public houses, others may find them too distant and opt to drive.
33. The Framework says that proposals should identify and pursue opportunities to promote walking, cycling and public transport. It adds development should be focussed on locations that are, or could be made, sustainable by limiting the need to travel and offering a choice of transport modes. Such an approach underlies the spatial strategy found in the development plan. Overall, when interpreting this Government guidance, I consider it does not mean new houses should be limited to places where all the needs of its residents could be met by a choice of transport modes other than by private motorised vehicles, as there would be few if any undeveloped sites with such a level of accessibility in the County. Rather, there is an acceptance of certain sites being developed even though future occupiers would be reliant, to some extent, on the private car. This is acknowledged to some degree by the Framework recognising that opportunities to maximise sustainable transport solutions will vary between rural and urban areas.
34. Accordingly, I accept that the access to services and the alternative transport modes available are restricted to some degree. However, mindful that the developer has pursued opportunities to promote walking and bus usage, I conclude that neither the limited facilities in Holt nor the distance to them from the site render this location sufficiently unsustainable to conflict with Core Policies 60 and 61 in the Core Strategy.

Other matters

Highway safety

35. It was contended that the traffic on the B3107 through the village was heavy. While I understand this was partly due to the introduction of the Bath Clean Air Zone, I have no specific detail about how traffic flows along this road have changed over time. Furthermore, on sections of the road the lack of off-street parking at some of the existing properties meant their residents had to park at the kerbside, thereby reducing the carriageway width and so leading to congestion that, I was told, sometimes resulted in damage to cars.
36. Based on the appellant's figures, the scheme would increase traffic flow in the village by some 5% (assuming a 50:50 split of the development's traffic at the junction of Great Parks with the B3107). Mindful it is a 'B' classified road I consider this is not so great as to mean the cumulative effects on highway safety are severe. Indeed, if the traffic flows recorded by the appellant had been suppressed by the pandemic and in fact they rise to higher levels in the near future, the movements connected with the development would be proportionately less, and so I still consider there is no basis to find that the capacity of the road cannot take this additional activity.
37. In coming to this view, I recognise the actual flows from the development will never be truly known until the scheme is built and occupied. However, I had no reason to question the anticipated estimations, as they were derived from a recognised industry standard.
38. I have no basis to find that Great Parks could not cope with the additional movements, or to assume drivers would necessarily access the B3107 through Little Parks. Taking account of the character of traffic at that point, sight splays at the junction of Great Parks with the B3107 would be adequate, and, if the ghost lane is re-marked, the bus stop would not compromise the free flow of traffic or create an undue hazard.
39. Although this scheme could increase people walking into the village while at the same time causing greater car movements, I have no grounds to find it would result in a danger for pedestrians, even accepting the need to cross the road and the pavement being narrowed in places by parked cars.
40. There was concern about structural damage to houses along the B3107 caused by passing traffic. However, I had no firm evidence to support this, and am aware that if there are inadequacies in the road surface causing such impacts, it is for the local highways authority to address. I therefore do not find this scheme would exacerbate any such impacts that may exist.
41. Accordingly, I have no reason to find the development would compromise highway safety, or mean the cumulative impact on the highway network would be severe.

Living conditions

42. The views enjoyed from housing that overlooks the site would be changed but that, of itself, is not a basis to resist the proposal. The new scheme would be immediately behind the dwellings that back onto the south-west corner of the site. Under Reserved Matters though, suitable interfaces could be established.

43. The access would be opposite houses on Great Parks and there would be an increase in traffic between that access and the B3107. Whilst undoubtedly different to the current situation, I consider this does not mean unreasonable harm would be caused to living conditions. I have no basis to find that the effect of the noise and disturbance of additional traffic on the rest of Great Parks or on Little Parks would cause material harm to living conditions. Similarly, there are no firm grounds to consider any pollution caused by the traffic would be unacceptable.
44. The construction phase could take a while, but the noise and disturbance caused could be controlled to some extent by condition.
45. Accordingly, I have no reason to consider the scheme would cause material harm to the living conditions of residents.

Ecology

46. As the site is on the edge of the countryside, it is to be expected that wildlife might use it for foraging or even as habitat. However, noting the submitted surveys, mindful that much of the boundary hedging is to be retained and taking into account the potential for landscaping works, I have nothing to show that the scheme would cause unacceptable ecological harm in these regards.
47. I have noted the proposal's relationship to the Box Mine Site of Special Scientific Interest, which is part of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). Although the character and nature of some Special Areas of Conservation mean a development this close to them could give rise to an adverse effect, the particular characteristics of this SAC mean I find this development would not have such an impact on it, either alone or in combination with other plans and projects.

Infrastructure

48. The agreement makes the policy-compliant contributions to open space, sport, refuse and education. I have no reason to consider these do not accord with the requirements of the Regulations. I accept too that the improvements to the public right of way fall under these Regulations, as they would encourage the use of the footpath that crosses the corner of the site by addressing, to some degree, its current overgrown state near to Bradley Lane.
49. Reference was made to impacts on sewage and broadband, and these matters can be addressed by condition. I am aware of no basis to require contributions to medical facilities.

Other Considerations

50. I have therefore found development plan conflict in relation to the spatial strategy and also the character and appearance of the area. However, section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan '*unless material considerations indicate otherwise*', and this is reaffirmed in the Framework. Therefore, whilst the development plan has primacy in decision-making, there are situations where material considerations could indicate a decision that was otherwise than in accordance with the plan. In this regard a number of such considerations have been offered by the appellant.

Housing land supply

51. The Framework says

local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against the housing requirement set out in adopted strategic policies.

52. The Council accepts it cannot fulfil that obligation, but rather can show only 4.59 years' supply (or a shortfall of 881 houses). The appellant considers the annual supply the Council can demonstrate is lower at 4.21 years (or 1695 houses), but the parties both agree that a 5 years' worth of supply cannot be delivered, and that the discrepancy in their respective positions does not have a material effect on the balancing exercise before me.
53. Furthermore, the shortfall in supply is not evenly spread across the County's 3 Housing Market Areas, but rather is much more pronounced in the one where Holt is located.
54. When considering other appeals across Wiltshire, I am aware that Inspectors have given varying weight to shortfalls of this scale. In my view, even the Council's position of 4.59 years cannot be termed a moderate shortfall. Rather, I see it as being significant, as it constitutes an appreciable deficiency when compared to what the supply should be. Furthermore, it would appear the earliest this could be resolved through the adoption of a revised Local Plan is the end of next year, though I fully accept such timetables have a habit of slipping and the adoption date could be further into the future.
55. The presence of a shortfall in housing land supply though was challenged by a local resident, who contended that sufficient allowance was not being made by the Council in its projections to account for large windfall greenfield sites that were likely to come forward. The Council confirmed that it did factor in a windfall allowance, based on the number of houses it had accepted on windfall sites in the past. Moreover, it also included in its housing supply figures large windfall greenfield sites where it had refused planning permission but the development had been allowed on appeal subsequently. In these respects its approach seems to have moved on from the approach discussed in the appeal decision concerning Drynham Lane.
56. From what I could understand, the local resident's contention was that the Council should also include in its housing land supply a figure based on an annualised number of houses allowed on appeal on greenfield sites in the past, and if this was done it would mean more than 5 years of supply would be apparent. However, I was told that most of these greenfield appeals were allowed because, although harm was identified, the Council could not show a 5-year housing land supply (the effect of which I will discuss further below). As a result, if it was accepted that an annualised quantity from this source could be included in the housing land supply to secure 5 years' worth of deliverable sites, that would mean the Council could be compelled to grant the housing on sites of that nature in spite of any harm it may consider exists, as it had a reliance upon them to achieve its housing land supply target. Alternatively, having demonstrated a 5-year supply, the Council would then dismiss the very applications it relied upon to achieve that target, so meaning its 5-year supply was not realised. For these reasons, and despite the views of the local

resident, I consider the housing land supply figures should not include such an allowance. Instead, I favour the position put to me by the Council and the appellant and consider the Council can only demonstrate a housing land supply in the region of 4.21 to 4.59 years.

57. In acknowledgement of this situation the Council has published the *5 Year Housing Land Supply and Housing Delivery Test Briefing Note No 22-09* (the Briefing Note), which seeks to outline how the Council can restore its 5-year Housing Land Supply in the face of an acknowledged shortfall (albeit a smaller shortfall than it now accepts). In this regard, a 3-pronged strategy is outlined in paragraph 6.1. The third of these says the Council will

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.

58. I afford significant weight to this Briefing Note, as it is a realistic attempt to address the shortfall and, as such, I also attach significant weight to this stated intention in paragraph 6.1. To my mind, this case falls under this intention, for although I found harm to the character and appearance of the area, that harm was primarily due to the effects of placing a housing estate on a field and so commonly arises when the site is outside a settlement. As such, while that is a policy objection I do not consider it to be a major one.

59. This scheme would not count immediately towards the 5-year supply. However, it is nonetheless bringing housing closer as it is a planning permission for such development and the appellant has accepted shortened periods for the submission of Reserved Matters and (if approved) the implementation of the scheme. I recognise too that the application is for 'up to' 90 dwellings. The Reserved Matters could therefore be for a lower number, though even if approval was sought for all 90, it would always be open to the developer to implement only part of the permission.

60. Overall, I attach significant weight to the content of the Framework in relation to the need for a 5-year supply and the consequences that flow from failing to identify that quantity of housing land. I also attach significant weight to the delivery of 90 dwellings, as it would make an appreciable contribution to addressing a shortfall of this size.

Affordable housing

61. The affordable housing to be delivered through the agreement would be in line with definitions given in national guidance. As the Council's identified affordable housing land supply is linked to its wider figure of housing land supply, it is also experiencing a shortfall in that area as well. Therefore, although I accept that the percentage of the scheme that would be affordable is only what is required by policy and not more, I nonetheless afford it significant weight and consider its inclusion in the agreement is in accordance with the Regulations.

Economic benefits

62. There would be economic benefits both during construction and after. Mindful though that these would arise in association with any housing development, no matter where it was located, I afford them limited weight.

Accessibility & Open Space improvements, biodiversity improvements and Contributions under the agreement

63. While the biodiversity improvements, the open space provision and the use of moneys secured under the agreement could undoubtedly be appreciated and enjoyed by the existing residents in Holt, they have arisen primarily because of the needs of the new development and do not address any current deficiency. Therefore, although a benefit, the weight they are afforded is not great. I accept though that the footpath from Bradley Lane is in need of improvement and so I afford that benefit slight weight.

Overall balance

64. Drawing these factors together, the housing land supply shortfall means paragraph 11(d) in the Framework is applicable. This says the development plan policies that are most important in determining the application are deemed to be out-of-date, and this reduces the weight I afford to any conflict with those. Moreover, Framework paragraph 11(d) adds that in such a situation planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (the so called 'tilted balance').
65. If housing land supply cannot be achieved within the defined settlement boundaries then, as the Briefing Note implies, housing may need to be accepted, contrary to the development plan, on sites outside of those boundaries where there are no other major policy obstacles to the decision. Such instances may well mean the development occurs on a field with a consequent effect on the landscape. It is also fair to assume there is an acceptance that, in such a situation, the new housing would often be more distant from the services than the housing within the settlement. I recognise too that there are limited opportunities for the delivery of housing within the Bradford on Avon Community Area, given the restrictions of the Green Belt and the relatively few settlements identified as a Large Village or above in the spatial hierarchy.
66. It was said that Holt was not the right place for housing, and the village had delivered its share through pro-active planning in the context of the Neighbourhood Plan. I certainly accept Holt has done well in this regard with various new housing schemes over recent years, such as at The Tannery or on Station Road. The specific needs of the settlement have no doubt been addressed in the policies, allocations, and defined boundaries in the development plan that direct where new housing can go. However, as stated, housing policies are now deemed out-of-date, so the housing delivered as a consequence through the application of the Briefing Note could well be above and beyond that need, especially as the shortfall being addressed is County-wide.
67. In these circumstances, I have noted the conflict with the spatial strategy, the delivery of housing that is possibly beyond the need of the village, the development not being a 'small housing site' and the effect on the character and appearance of the countryside. Moreover, although not found to be a development plan conflict, I have also been mindful of the limited access to services. However, I consider any harms these may cause do not significantly and demonstrably outweigh the benefits of delivering up to 90 dwellings, of which 40% would be affordable.

68. In reaching this view I have studied the numerous appeal decisions put before me. I realise though that each case is determined on its own merits, balancing whatever harms there might be in that instance against the benefits offered. As such, they do not bind me in my decision-making one way or the other.
69. I have also paid great attention to the comments raised by the many local residents in writing and at the event, and have treated them as a material consideration. The number of objections in itself though cannot be a determining factor when considering a proposal. Rather, those comments have to be weighed in the balance with all other relevant planning considerations. While the housing shortfall in the County is not the direct result of the actions of Holt's residents, that is not a matter to which significant weight can be attached.
70. The Framework maintains the clear and bold emphasis on the primacy of the development plan and the opportunities communities have to shape the scale, location and timing of development. There is a responsibility though for the development plan as a whole to meet the needs for development and growth, and to deal quickly and effectively with proposals that will deliver homes, jobs, and facilities. The approach given in paragraph 11(d) of the Framework therefore does not undermine the development plan process. Rather, it only becomes applicable when that process has not achieved one of its fundamental tasks, namely the provision of an adequate supply of housing land.
71. As the village is starting to progress a revised Neighbourhood Plan, that process should not be impeded by my findings, as it would no doubt be an opportunity to influence development in the village in the years ahead.

Conditions

72. With regard to the suggested conditions, the standard ones concerning the commencement of the development and the submission of reserved matters should be imposed. Given the benefit offered by the appellant about the site being deliverable now, it is justified to require the submission of reserved matters and the subsequent commencement of works to be shorter than normal. The plans showing the approved details should also be confirmed for the avoidance of doubt. However, requiring the development to be in broad accordance with the illustrative details is not only unenforceable but also unnecessary. In that they go beyond access, those are reserved matters that will be considered at a subsequent stage.
73. To ensure the site is adequately drained, drainage details should be provided and to protect residents from road noise an acoustic report should be approved and its findings implemented. As these should be fully integrated into the reserved matters scheme they should be submitted with or before those details.
74. Having regard to highway safety, there should be approval and delivery of the widening of the footways, the formation of a bus stop, the replenishing of the ghost island, the formation of kerbing and associated works on the northern side of the carriageway, the 'Keep Clear' markings, and the formation of dropped crossings across Great Parks and across the B3107. The details of the proposed pedestrian routes through the Great Parks/Little Parks estate should also be approved while those works and the new access to the site should be provided prior to first occupation. Under planning legislation I see no need

though to approve '*full technical details*' and as the works are within the highway I see no basis to add the clause that they be thereafter retained.

75. In the interests of sustainability a Travel Plan should be provided and each home should have superfast broadband. To safeguard the living conditions of adjacent residents as well as the existing ecological features, a Construction Management Plan and a Construction Environmental Management Plan should be approved and followed, while a concern about bats means external lighting should be approved before being installed. The internal access arrangements should be laid out prior to occupation.
76. I have no basis though to consider that unknown contamination will be apparent, and if it is it will be subject to other legislation. Details of landscaping and the site layout are matters to be considered at the reserved matters stage. As the sight splays at the site entrance and at the Great Parks/B3107 junction are shown to be entirely within the highway I see no need for them to be safeguarded by condition.

Conclusion

77. Accordingly, I conclude the appeal should be allowed.

JP Sargent

INSPECTOR

CONDITIONS SCHEDULE

- 1) Details of the appearance, landscaping, layout, and scale, (the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 4) Unless otherwise modified under the conditions below, the development shall be undertaken in accordance with the drawing entitled 'Proposed Access Strategy' (Drawing No P21085-001D), insofar as it relates to the matter of access only.
- 5) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.
- 6) An Acoustic Report addressing potential noise for future residents, together with a scheme for protecting the future residents from any invasive noise shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until that report and scheme have been approved in writing by the local planning authority, and prior to the first occupation of any dwelling, all works that form part of the scheme for protecting future residents from any invasive noise shall be completed and thereafter retained.
- 7) Details of the improvements and alterations to Great Parks and the B3107 referenced in each of the 7 annotated boxes on the drawing entitled 'Proposed Access Strategy' (Drawing No P21085-001D) and supplemented by the drawing entitled 'Proposed Bus Stop' (Drawing No P21085-003B), along with the new crossing over the B3107 to the west of the bus stop, shall be submitted to the local planning authority with or before the submission of reserved matters. No development shall commence until those improvements and alterations, including the details of the bus stop, have been approved in writing by the local planning authority, and the improvements and alterations, including the bus stop, shall be provided in accordance with the approved details prior to first occupation of any dwelling.
- 8) Details of the footway improvements on Great Parks, Little Parks and Bradley Lane as shown on the drawings entitled 'Proposed Footpath

Layout' and 'Proposed Pedestrian Improvements' (Sheet Number 32818-SUT-ZZ-XX-DR-C-6150 Rev P02 and Drawing No P21085-002C) shall be submitted to the local planning authority with or before the submission of reserved matters. No development shall commence until those improvements have been approved in writing by the local planning authority, and the improvements shall be provided in accordance with the approved details prior to first occupation of any dwelling.

- 9) No development shall commence until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority. No dwelling hereby permitted shall be occupied prior to the implementation of the approved Residential Travel Plan.
- 10) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved Construction Management Plan.
- 11) No development shall commence until a Construction Environmental Management Plan, that is in accordance with the Ecological Impact Assessment, has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved Construction Environmental Management Plan.
- 12) No dwelling hereby permitted shall be occupied until the site junction with Great Parks and the junction's associated footway have been completed in accordance with the details shown on the drawing entitled 'Proposed Access Strategy' (Drawing No P21085-001D).
- 13) No dwelling hereby permitted shall be occupied until the roads within the site (including footpaths and turning spaces) between the dwelling and the public highway and intended to serve that dwelling have been provided with a consolidated and surfaced carriageway and (where applicable) footway to at least base course level.
- 14) No dwelling hereby permitted shall be occupied until it has superfast broadband or equivalent.
- 15) No external lighting shall be installed at the site unless first agreed in writing by the local planning authority.

APPEARANCES

FOR THE APPELLANT:

A Aldridge	Appellant
C Hawley	Counsel instructed by the appellant
C Lee	Appellant
Dr S Mansfield	Ecology consultant
C Self	Landscape consultant
D Stoddart	Highways consultant
N Tiley	Housing consultant

FOR THE LOCAL PLANNING AUTHORITY:

CLlr T Carbin	County Councillor for Holt Ward
D Cox	Senior Planning Officer, Wiltshire County Council
M Russell	Senior Landscape Officer, Wiltshire County Council
C Roe	Spatial Planning Manager (Monitoring & Evidence), Wiltshire County Council

INTERESTED PARTIES:

S Berezina	Planning consultant representing Holt Parish Council
B Bolton	Local resident
J Booth	Local resident
F Drysdale	Local resident
J Hawkins	Local resident
D Hogg	Local resident
C Horrocks	Local resident
F Inman	Local resident
S Jannetta	Local resident
P Latimer	Local resident
K Learoyd	Local resident
Ms MacKensie	Local resident
F Morland	Local resident
H Morris	Local resident
B Offiler	Local resident
R Offiler	Local resident
S Siddall	Chair of Parish Council
M Slade	Local resident
K Sofield	Local resident
A Sommerfield	Local resident
L Wickes	Local resident
P Wickes	Local resident

DOCUMENTS SUBMITTED AT OR AFTER HEARING

FROM THE APPELLANT:

APP1: Scott Schedule

APP2: Drawing No P21085-001D entitled 'Proposed Access Strategy'

APP3: Drawing No P21085-002C entitled 'Proposed Pedestrian Improvements'

APP4: Drawing No P21085-003B entitled 'Proposed Bus Stop'

APP5: Sheet Number 32818-SUT-ZZ-XX-DR-C-6150 P02 entitled 'Proposed Footpath Layout'

APP6: Suggested conditions

APP7: Signed and dated legal agreement

FROM THE COUNCIL:

LPA1: Drawing No CSA/4363/102J entitled 'Development Framework Plan'

LPA2: Drawing No 10545-E-01 entitled 'Ecological Parameters Plan'

LPA3: Drawing No P21085-001C entitled 'Proposed Access Strategy'

LPA4: Drawing No P21085-002C entitled 'Proposed Pedestrian Improvements'

LPA5: Core Policies 1, 3, 60, 61 & 62 from the *Wiltshire Core Strategy*

FROM LOCAL RESIDENTS:

RES1: Plan of potential traffic in Great Parks/Little Parks submitted by B Bolton