



Appeal Decision

Site visit made on 20 June 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal Ref: APP/Y3940/W/23/3315399

Land to the east of 279 Quemerford, Calne, Wiltshire SN11 8LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Julian Miller of JLS Building & Developments Ltd against the decision of Wiltshire Council.
 - The application Ref PL/2022/05274, dated 7 July 2022, was refused by notice dated 1 December 2022.
 - The development proposed is Outline planning application for the erection of 4 dwellings and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Julian Miller of JLS Building & Developments Ltd against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Outline planning permission is sought but with only access to be considered at this stage. I have taken any indication of any reserved matters shown on the submitted drawings, to be illustrative, apart from details of the access.

Main Issues

4. There are 3 main issues. These are:
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area;
 - whether the proposed development would harm the character and appearance of the area; and
 - whether the proposed development would provide satisfactory living conditions for existing occupants at 273-283 Quemerford, with respect to privacy, outlook, noise and light, and for future occupants, with respect to privacy and outlook.

Reasons

Suitable Location

5. The appeal site is situated in an area known as Quemerford and is adjacent to, but outside of, the settlement boundary of Calne. Calne is defined by the Wiltshire Core Strategy (Core Strategy) (2015) as a Market Town. The settlement boundary of Calne was recently reviewed as part of the Wiltshire Housing Site Allocations Plan (WHSAP) (February 2020) and the appeal site remained outside of the settlement limits for Calne.
6. Therefore, despite the lack of a five-year supply of housing, which will be discussed further in the Overall Balance and Conclusion section below, the proposal would represent a new dwelling in the countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. As such, it would be contrary to the development strategy for the area.
7. Both parties refer me to the relevant planning history in relation to the parcel of land immediately to the west of the appeal site. Outline consent was granted for 9 dwellings¹; however due to land ownership constraints, only 3 of the 9 dwellings approved have been constructed on site², now known as 277, 277a and 279 Quemerford. However, from the evidence before me, the crucial difference between the site to the west and the appeal site itself is that the whole of the site which the outline consent related to was within the settlement boundary of Calne. Therefore, whilst I acknowledge the 'outstanding' 6 dwellings, I can only afford this limited weight in support of the proposal, which would relate to a different site, and would be outside of the settlement limits.
8. I note the services that are available in Quemerford, including a primary school of Holy Trinity, a public house, local shop and post office, play area, church and a number of local businesses and employment opportunities. I also acknowledge the proximity of Calne, and the bus stops situated nearby, which offers services to the surrounding towns. However, despite the sustainability credentials of the site, it remains classed as open countryside and in conflict with the adopted development strategy.
9. Therefore, the proposed development, for the reasons given, would not provide a suitable location for housing, having regard to the development strategy for the area. The proposal would be contrary to Core Policies 1, 2 and 8 of the Core Strategy. Amongst other things, these policies, in combination, direct growth and new housing to defined settlements and resist new homes in the countryside except in certain circumstances.
10. Core Policy 44 is cited in the reason for refusal, which is a 'rural exception sites' policy. However, it is noted that the proposal has not been advanced as a rural exception site. Therefore, any conflict with this policy would not be determinative.

Character and Appearance

11. The appeal site consists of 2 rectangular parcels of land positioned to the rear of the properties along the A4, the main road running through Quemerford. The 2 parcels of land are dissected by an access track, which leads to Quemerford Common Farm, and also provides a Public Right of Way (PROW)³. The access

¹ Application ref 13/04855/OUT

² Application ref 17/03589/FUL

³ PROW CLAN21

track is lined with mature evergreen trees on either side, which forms a clear visual distinction between the 2 parcels. Nos 277, 277a and 279 are situated to the west and 273-283 Quemerford are situated to the south. There is a small stable building situated on the parcel of land to the left hand side of the PROW.

12. It was noted on my site visit that there are some backland developments and cul-de-sacs behind the linear ribbon development along the northern side of the A4, including those of Nos 277, 277a and 279. It is also noted that some of these extend further north into the countryside than the proposal would. Nevertheless, the predominant character of Quemerford is of a linear built form along the A4.
13. The appeal site currently contributes to the rural setting of Quemerford due to its largely undeveloped nature, easing the transition from the built up form of Quemerford into the open countryside beyond. Views towards the open countryside, including the appeal site, are possible from the A4 looking north down the access track. Therefore, whilst there might not be a distinguishable building line to the north nor is there a solid landscaped boundary, the appeal site is a sensitive edge of settlement parcel of land. It positively influences the pastoral setting of Calne.
14. Although matters relating to layout, scale, appearance, and landscaping have yet to be fixed, the proposal would introduce 4 dwellings on to the appeal site. These would appear incongruous within its rural landscape and would contrast with the more established grain and character of the local area. The proposal would cause harm to the character and appearance of the area, permanently eroding the positive contribution the appeal site makes to the pastoral setting. I am not satisfied that an acceptable scheme of 4 dwellings could be accommodated without harming the character and appearance of the area.
15. The appellant argues that the proposal would only be glimpsed from the top of the access road and would be seen in the context of the other dwellings. However, in part due to Nos 281 and 283 being bungalows, this would allow clear views out towards the right hand side of the appeal site where they would appear prominent and incongruous in the rural setting of the Quemerford. Whilst the left hand side would be more hidden by existing vegetation alongside the access track, the lack of visibility from a particular public view does not outweigh the harm I have identified above.
16. Whilst it would be seen in the context of the surrounding built form, especially when viewed from the north, the siting of the proposal would result in additional dwellings situated in a backland position. It would still be read as an intrusion into the open countryside due to the undeveloped nature of the appeal site. The appellant notes that any views would be softened by 'appropriate boundary landscaping and the addition of the wildflower meadow'. However, as landscaping is reserved for later determination, what is before me now is purely illustrative, so I can only afford this limited weight.
17. I note the presence of the extraction and landfill activities may impact the wider landscape setting of Quemerford. However, this doesn't reduce the positive contribution the appeal site makes to the pastoral setting, on the settlement edge of Quemerford. Moreover, the lack of any local or national designations on the site does not alter my findings.

18. Consequently, the proposal would harm the character and appearance of the area. The proposal would conflict with Core Policy 57 of the Core Strategy and Policies BE2 and NE2 of the Calne Community Neighbourhood Plan (NP) (made February 2018) which, in combination, seeks to ensure that development enhances local distinctiveness by responding to the value of the natural environment, relating positively to the landscape setting and the settlement pattern of development. Development should also be respectful of the pastoral setting of Calne, including the sensitive rural edges of Calne where both views in and out and linkages are an integral part of the character of these places.
19. The proposal would also be contrary to the principles within Chapter 12 of the National Planning Policy Framework (the Framework) (2021), most notably paragraph 130 which states that developments should be sympathetic to local character, including the surrounding built environment and landscape setting.

Living Conditions of Existing and Future Occupants

20. As noted above, Nos 273-283 are situated to the south of the appeal site. A 2m fence runs along the rear boundary of Nos 273 and 275, and an established hedgerow runs along the rear boundary of Nos 281 and 283. A mature hedgerow runs along the side boundary of No 275 along the access track leading to the appeal site, whilst there is a 2m fence along the side boundary of No 281 on the other side of the access track. The access track already provides vehicular access to Nos 277, 277a and 279, and to Quemerford Common Farm.
21. The access associated with the proposal would be positioned against the rear boundaries of No 273-283. However, any access and manoeuvring associated with the proposal is unlikely to be significant enough to make the proposal materially harmful to the living conditions currently experienced by Nos 273-283, with respect to outlook, noise and light. Furthermore, the rear gardens associated with Nos 273-283 are relatively large which would help to minimise any harm felt by the existing occupants.
22. Furthermore, the access track is existing. Whilst there would be additional movements down the existing access from the A4, and Nos 275 and 281 sit either side of the access track, it is not considered that the increased number of movements along the access would be materially harmful to the existing living conditions of Nos 275 and 281. In addition, I note it was the intention to use the access track to serve the additional 6 dwellings granted as part of the outline consent to the west⁴. The proposal would not be significantly different or more harmful and would not warrant a refusal on this basis.
23. In terms of any possible impact on privacy, the layout, scale and appearance of the proposal are all reserved matters. It is considered that the proposed dwellings could be set back a sufficient distance from the front boundary to ensure that there was an adequate distance between the rear of Nos 273-283 and the front elevation of the proposal. This would ensure that both the privacy and outlook of the existing occupants of Nos 273-283 would be preserved and that the future occupants of the proposal would also have an acceptable level of privacy and outlook.
24. This leads me to conclude that the proposed development would not harm the living conditions of either the future occupants of the proposal or the living

⁴ Application ref 13/04855/OUT

conditions of the existing occupants at Nos 273-285. It would be in accordance with Policy CP57 of the Core Strategy DPD which requires development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself. It would also be in accordance with paragraph 130 (f) of the Framework which states that development should have a high standard of amenity for existing and future users.

Other Matters

25. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. In its appeal statement, the Council considers that it has 4.72 years' supply, although both parties refer me to appeal decisions where the figure stands between 4.28 and 4.7, and 4.41 years. I return to this matter in my Overall Balance and Conclusion below.
26. The appellant refers to a number of approved planning applications and appeal decisions in Wiltshire and challenges the lack of consistency between these decisions, particularly in regard to the balancing exercise, the weight afforded by development plan policies, and the application of the presumption in favour of sustainable development. However, I have not been provided with full details of these approvals in order to be able to draw a comparison with the scheme before me. Furthermore, the approval of other 'similar' applications outside of the development limits does not automatically mean that the principle of other development in a countryside location would also be judged to be acceptable. I therefore only attach these other applications and appeal decisions limited weight in my decision.

Planning Balance and Conclusion

27. Although parties agree that the Council is unable to demonstrate a five-year supply of deliverable housing sites, there is disagreement regarding the extent of the shortfall. Whichever figure I use, Paragraph 11 of the Framework is engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
28. Subject to the details to be submitted as part of any reserved matters applications, I have found no harm to the living conditions of both existing and future occupants. However, the proposal would not be in a suitable location for housing, having regard to the development strategy of the area and would also result in harm to the character and appearance of the area. Harm to which I ascribe substantial weight since it would be long lasting. As such it would be contrary to the aims of the Framework in regard to achieving sustainable development, most notably to protect and enhance our natural environment, and ensuring development would be sympathetic to local character, including the surrounding built environment and landscape setting.
29. Turning to the benefits, the proposal would provide a limited amount of short-term employment through the construction of the development. There would also be some further modest benefits that would result from the additional support to the vitality of the local community from the future occupiers of the

development. There would be some sustainability credentials associated with the proposal regarding its location, and the proximity to the PROW would offer some accessibility to leisure opportunities for future occupants. The development would also deliver some ecological benefits associated with the indicative landscaping and wildflower meadow. These benefits carry modest weight in favour of the development. The proposal would provide 4 market houses, which would be a significant benefit and would go towards helping address the Council's housing shortfall whether it be 4.28, 4.41 or 4.72 years.

30. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
31. In conclusion, although acceptable in some regards, I have identified that there would be conflict with the development plan as a whole, as the proposal would not provide a suitable location for housing and would be contrary to the relevant policies in relation to the development strategy for the area and the character and appearance of the area. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR