



Appeal Decision

Site visit made on 3 October 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/Y3940/W/22/3312717

Land at St Osmund's Close, Salisbury SP1 3RB

- 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 & Mrs Newman against the decision of Wiltshire Council.
 - The application Ref PL/2022/03671, dated 11 May 2022, was refused by notice dated 13 September 2022.
 - The development proposed is construction of a house with associated parking, access and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, including its effect on trees, and the effect of the proposed development on biodiversity.

Reasons

Character and appearance

3. The appeal site comprises an area of green space located near the junction between St Osmund's Close and Juniper Drive, in a predominantly residential area. The Council have stated that the site was previously an area of public open space before it was sold to a private buyer in 1985. The site contains a number of trees protected by a Tree Preservation Order¹.
4. As an informal and undeveloped green space with numerous mature trees, the site provides value in serving to break up the mass of built form in the vicinity and acting as a tranquil space in this residential area. The site spans much of the west side of St Osmund's Close and acts an attractive verdant focal point in views towards St Osmund's Close from Juniper Drive.
5. The proposed new dwelling would be located centrally within the site. Two trees to the rear of the proposed new dwelling would be removed.
6. These 2 trees are both around 10 metres high and have dense canopies spanning some 3 metres in diameter and are located near the centre and front of the plot. Hence, they occupy a prominent position in nearby views. As such, due to their siting and overall stature together they make an important contribution to the visual attractiveness of the site, and in turn, its contribution to the character and appearance of the area. The submitted Tree Survey and

¹ TPO 69

Arboricultural Impact Assessment² report describes the trees as being unremarkable trees of limited merit, although there is no evidence before me to suggest that the trees are diseased or decaying. Accordingly, I am unconvinced that the trees would not continue to contribute positively to the character and appearance of the area for some time to come.

7. For these reasons their loss would conflict with Objective 3 of Creating Places: A guide to achieving high quality design in new development (adopted 2006), which seeks to retain mature trees of landscape significance. The harm caused to the landscape setting of St Osmund's Close and Juniper Drive would be mainly perceived within localised views, but this does not alter the fact that the proposal would serve to reduce the overall quality of the local area.
8. Several new trees are proposed to be planted on site. However, these trees would likely take several years to establish and mature to the point at which effective mitigation for the lost trees would be secured. In the meantime, whilst the design of the proposed new dwelling would be appropriate in its context and the majority of the site as a whole would remain free from built form, the presence of the proposed new dwelling situated near the front and centre of the plot would noticeably urbanise the site, and the proposed new accessway and parking area adjacent to the dwelling would exacerbate this effect.
9. The introduction of a building on an undeveloped site, and the comings and goings to the site from the future occupiers of the proposed new dwelling would undermine the informal character of the green space as a whole. Consequently, the site's value as an informal green space would be considerably eroded by the proposal. Harm to the character and appearance of the area would thereby result.
10. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area, including its effect on trees. It would conflict with part ii. of Core Policy 51 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy) which provides that, amongst other things, the locally distinctive character of settlements and their landscape settings should be conserved. It would conflict with Core Policy 52 of the Core Strategy which provides that, amongst other things, development should not adversely affect the integrity and value of the green infrastructure network.
11. The proposal would conflict with part i. of Core Policy 57 of the Core Strategy which provides that, amongst other things, new development must demonstrate how the proposal will make a positive contribution to the character of Wiltshire through enhancing local distinctiveness by responding to the value of the natural environment.
12. The proposal would also conflict with paragraph 130 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting.

Biodiversity

13. Core Policy 50 of the Core Strategy requires development to demonstrate no net loss of biodiversity and additionally provides that, amongst other things, all development should seek opportunities to enhance biodiversity.

² HELLIS Solutions Ltd (May 2022)

14. In this regard, the Council's Ecology Team have noted that the site comprises poor semi-improved grassland, scattered trees (including several mature trees), and that new habitats are starting to establish on recently cleared land, and a low population of slow worms has been recorded. It is evident, therefore, that the site has some biodiversity value.
15. The submitted Preliminary Ecological Appraisal³ and Reptile Mitigation Strategy⁴ together detail a number of measures including, amongst others, hedgehog gaps in new fences, 2 swift boxes, 2 bat bricks, new landscape planting to include a 70:30 ratio in favour of native species, and the relocation of slow worms to areas of the site to be retained, enhanced and managed to provide suitable reptile habitat. The proposal also incorporates a green roof for the garage, and the planting of several trees across the site. Planning conditions have been put forward to secure the details of new trees, hedge and plant species, and for landscaping and habitat creation details (such as climbers on walls, ponds, log piles, stone piles, and rockeries, for example).
16. However, no specific calculations (such as those contained within a Biodiversity Metric spreadsheet, for example) have been provided to accurately quantify the potential impact of the proposal in terms of its effect on biodiversity, including the extent to which the proposal meets the aims of the Council's A Green & Blue Infrastructure Strategy for Wiltshire 2022-2030 document.
17. Hence, currently it is unclear if the proposed measures (including those proposed to be secured by condition) would be effective in halting a likely loss of biodiversity resulting from the felling of 2 mature trees and the erection of one new dwelling with associated parking and access on site, and thereby ensuring no net loss of the local biodiversity resource as required by Core Policy 50.
18. At this stage the evidence does not demonstrate that no net loss of the local biodiversity resource could be achieved on site via the proposal, as required by Core Policy 50, meaning that it would not be reasonable to impose a planning condition requiring further details to be submitted to the Council. No mechanism is before me which might secure the payment of a financial contribution for securing biodiversity enhancements off-site. As such, none of these matters change my findings on this main issue.
19. I therefore find that it has not been demonstrated that the proposed development would result in no net loss of the local biodiversity resource. The proposal would conflict with Core Policy 50 of the Core Strategy, the relevant requirements for which have been set out above. The proposal would also conflict with paragraph 174 d) of the Framework, which provides that, amongst other things, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Other Considerations and Planning Balance

20. The proposal would support the Government's objective of significantly boosting the supply of homes, which given the Council's housing land supply deficit, is an important factor in favour of the proposal. As a 3-bedroom

³ Ecosupport Ltd (May 2021 (amended May 2022))

⁴ Ecosupport Ltd (October 2021 (amended May 2022))

dwelling, it would assist in meeting local need in terms of housing mix. In this regard, paragraph 69 of the Framework is of relevance, which provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

21. The intention of the proposal to make an efficient use of land is recognised, but the benefits in this regard are limited considering my findings on the first main issue above in the context of paragraph 124 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed and attractive places.
22. The proposal would provide a family-sized, energy-efficient dwelling, situated in an accessible location, within an established settlement boundary. With secure cycle storage available to be accommodated on site, the proposal would promote sustainable transport.
23. The proposal would create employment opportunities for construction professionals, and the future occupiers of the proposed new dwelling would likely contribute to the economic and community life of the area.
24. The above-mentioned considerations would be in compliance with a number of the Council's development plan policies, and relevant paragraphs of the Framework. The positive impacts of the proposal in economic, social, and environmental terms as summarised above would however be limited by the quantum of development proposed, of one dwelling only. Thus, all these benefits provide modest support for the proposal. Moderate weight has therefore been given to the collective benefits of the proposal.
25. I have found on the first main issue above that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area, including its effect on trees. Considering that the Framework provides at paragraph 126 that, amongst other things, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, I ascribe substantial weight to this harm. Moreover, it has not been demonstrated that the proposed development would result in no net loss of the local biodiversity resource, and as the improvement of biodiversity forms part of the environmental objective of the planning system detailed at paragraph 8 c) of the Framework, I also ascribe substantial weight to this harm.
26. Taking all of the above into account, as a matter of planning judgement I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the adverse impacts identified, nor the conflict with the development plan identified. The proposal would conflict with the development plan when considered as a whole.
27. As the Council is unable to demonstrate a 5-year supply of deliverable housing sites, the policies which are most important for determining this appeal are deemed to be out-of-date in accordance with paragraph 11 d) of the Framework. As explained above, the combined adverse impacts of the proposal merit very substantial weight against it. The adverse impacts of granting planning permission would therefore significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a

whole. Hence, the proposal would not benefit from the presumption in favour of sustainable development, detailed at paragraph 11 of the Framework.

28. I therefore find that none of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR