



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: 25 October 2023

Appeal Ref: APP/Y3940/W/22/3308435

Land adj Footes House, Homington Road, Coombe Bissett, Wiltshire SP5 4LY

- 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 Archer against the decision of Wiltshire Council.
- The application Ref 21/01329/FUL, dated 3 February 2021, was refused by notice dated 9 June 2022.
- The development proposed is described on the application form as, "Sever plot; erect 1no. dwelling; form new access from Shutts Lane and associated development".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Landscape Strategy¹, Landscape plan², Views plan³, and associated visual impressions were submitted at the appeal stage. These documents do not substantially alter the nature of the proposal, and I am satisfied that the parties' interests, including those of interested parties, would not be prejudiced by these documents being considered in this appeal. Therefore, I have considered these documents as part of this appeal.
3. Although representations have been submitted concerning the potential for a new access to be formed on Homington Road, no such scheme is before me. Accordingly, this appeal decision has been determined solely on the basis of what has been applied for, which includes the formation of a new access from Shutts Lane.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to the appeal site's location within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site comprises a parcel of land situated to the side and rear of the dwelling known as Footes House on Homington Road, located near the southern edge of the village of Coombe Bissett in Wiltshire.

¹ The Landscape Service (document No. 309 – 3) (August 2022)

² Drawing No. 309 - 1

³ Drawing No. 309 - 2

6. The proposed new access point on Shutts Lane, intended to serve the proposed new dwelling, would be situated outside the settlement boundary. For the purposes of planning policy, it would be located within the open countryside.
7. Shutts Lane leads seamlessly into a public bridleway and for much of its length shares several visual and experiential characteristics with that bridleway. These characteristics include it being mostly fairly narrow, its steep banks, its long stretches of commonly unkempt hedgerow, its numerous trees, and the feeling of enclosure generated by the presence of tall hedgerow along significant portions of the lane. Some of the hedgerow is of poor quality in places, but these areas are mostly limited in length.
8. In these respects, the experience of walking Shutts Lane towards the bridleway is one of leaving the denser area found beyond Homington Road and moving closer towards the countryside proper. As such, Shutts Lane shares a strong visual and experiential connection with the natural beauty of the wider AONB of which it forms a part, and in particular the AONB's qualities of rural tranquillity and verdant landscapes.
9. The full extent of the proposed new access is shown on the Sightlines & Access For Outline Planning⁴ drawing. A vehicular access would be created, of sufficient width to allow at least one contemporary-sized vehicle to enter and exit. In addition, to allow for the necessary visibility splay, the plan shows the requirement for a wide area of vegetation to be cleared. To achieve the necessary visibility from the access point, this vegetation would need to be cut-down in height by a considerable extent.
10. All-in-all, a significant amount of hedgerow, and saplings / young self-set trees (as described in the letter of 11 October 2021 from KJF Consultancy Ltd), would be either wholly or partially removed along this steep embankment as a result of the proposed development. Aside from the trees described as Category U trees in that letter, the Category C trees, despite being technically of low quality in arboricultural terms, form an important part of the informal and unkempt nature of this part of Shutts Lane, referred to above.
11. As such, whilst I have taken account of paragraph 44 of the National Design Guide, which provides that, amongst other things, it is appropriate to introduce elements that reflect how we live today, to include innovation or change, in this case the attractive informal unkempt appearance and pleasant rural character of Shutts Lane would be considerably diminished. For these reasons the proposed development would not result in well-designed places as advocated by the National Design Guide but rather harm to the character and appearance of the area would result.
12. The native hedgerow proposed as part of the Landscape Strategy would take time to grow and mature. Similarly, the proposed trees would in all likelihood take many years to establish and grow in stature, even if initially sourced from nursery stock. In the meantime, the adverse effects of the proposed development, identified above, would persist. Moreover, once established, the 2 areas of hedgerow proposed for either side of the site entrance would likely appear as formally-managed areas of soft landscaping (as shown on the submitted visuals) rather than the commonly unmanaged and unkempt hedgerow which presently characterises much of Shutts Lane.

⁴ Drawing No. LGPS/BA/FHCB/SU/PP/01/01

13. The Council's Landscape Officer has asserted that the proposed hoggin surface material tends to migrate downhill on steep slopes and ruts significantly in wet conditions, meaning that a significant amount of hoggin could wash down Shutts Lane. These assertions have not been disputed by the appellants. I have no substantive evidence to consider that these concerns with respect to the proposed use of hoggin are unfounded.
14. For these reasons it has not been demonstrated that the proposed Landscape Strategy would adequately mitigate the adverse impacts arising from the proposed development, identified above. It would not be appropriate for a planning condition to be imposed requiring compliance with the proposed Landscape Strategy (including the Landscape Management Plan found within it) and /or the landscape plan in these circumstances.
15. Paragraph 176 of the Framework does not state that limited harm to AONBs is acceptable, but rather that the scale and extent of development within AONBs should be limited.
16. In this regard, whilst the scale and extent of the proposed development could not sensibly be described as being significant, the removal of hedgerow and trees to the extent described above would serve to noticeably undermine the valuable contribution which Shutts Lane makes to the verdant nature of the landscape within the wider AONB. Furthermore, the introduction of a domestic access point on this countryside lane and the comings and goings from vehicles along it so close to the bridleway would serve to diminish the rural tranquillity of this part of the AONB, referred to above.
17. It is clear from the above that, in the terms of the statutory purpose of the AONB⁵, the proposed development would result in a level of harm to the relevant qualities of the AONB such that the natural beauty of the AONB would not be conserved.
18. I observed all of the examples of access drives within Coombe Bissett referred to by the appellants. Apart from the access relating to the village hall, these accesses are present in more extensively built-up areas of Coombe Bissett when compared with the proposed access. The access relating to the village hall represents a break in the thick area of hedgerow on that side of Shutts Lane and accordingly in my view does little to enhance the predominant rustic character and appearance of Shutts Lane as a whole. As such, whilst it forms part of the local context, it does not offer a desirable precedent to follow. Accordingly, the examples of access drives cited do not change my findings.
19. I have had regard to the 2003 appeal decisions referred to⁶. I note the Inspector's comment about the 'common sense' solution mentioned at paragraph 58 of that decision letter, but equally the Inspector stressed that such a scheme was not before them. The Inspector's brief comments in this regard, which related to a matter which was not determinative in their decision-making, do not amount to a comprehensive assessment of the proposal now before me. Hence, the 2003 appeal decisions do not lend support for the appeal proposal to the extent that would cause me to alter my findings given above.

⁵ As set out in s85 of the Countryside and Rights of Way Act 2000 (as amended)

⁶ APP/T3915/A/02/1106130, APP/T3915/A/02/1106133, APP/T3915/C/02/1105127

20. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area, and that it would not conserve the natural beauty of the AONB.
21. The proposal would conflict with part ix. of Core Policy 51 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy) which provides that, amongst other things, proposals will need to demonstrate that the special qualities of AONBs have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures, and with part i. of Core Policy 57 of the Core Strategy which provides that, amongst other things, applications for new development must be accompanied by appropriate information to 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.
22. The proposed development would also conflict with paragraph 176 of the Framework which provides that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
23. Although the Council made reference to Core Policy 58 of the Core Strategy, as this policy relates to ensuring the conservation of the historic environment, this policy is not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Other Matters and Planning Balance

24. The appellants have attempted to engage in constructive dialogue with the Council, including by way of pre-application consultations. However, in terms of the planning merits of this appeal, this is a neutral matter, which does not weigh in favour of it.
25. I have had regard to the planning permission granted in 2007 for an agricultural access⁷. I have no reason to believe that this access would not be regularly used in the event that this appeal is dismissed. Nevertheless, the location for that access is situated somewhat to the south of the access now proposed in this appeal, being beyond the turning for the village hall. Additionally, the plans do not indicate that vegetation is required to be removed as part of a visibility splay for it to be fully implemented. Given these differences, the 2007 permission is not directly comparable with the appeal proposal. It has been given limited weight in favour of the appeal proposal as a potential fall-back position.
26. The proposed new dwelling would be sited within the settlement boundary of Coombe Bissett (which has shifted to the south since the 2003 appeal decisions referred to above) and would contribute towards the Government's objective of significantly boosting the supply of homes in the context of the Council's lack of a 5-year supply of deliverable housing sites. The proposed development would provide work for construction professionals during the construction phase. The future occupiers of the proposed new dwelling would likely contribute to the local economy and the community over the long-term.

⁷ S/2007/1919

27. Reference has been made to the potential for the proposed development to contribute towards efficient traffic flow and highway safety in the vicinity of the nearby school on Shutts Lane. Through the provision of one additional passing place where other passing places already exist on Shutts Lane, and in the absence of substantive evidence to indicate otherwise, I consider that the proposal's benefit in this regard would likely be tangible, but not significant.
28. Reference has been made to the benefits of the proposal in terms of ecology and biodiversity, including (amongst others) the provision of a new woodland wildflower mix and 4 trees proposed to be planted on site near to Homington Road, and potentially a planning condition could be imposed requiring the relevant measures to be implemented. However, taking account of the submitted Preliminary Ecological Appraisal Report⁸ and the letter of 11 October 2021 from KJF Consultancy Ltd, as few details have been provided to accurately quantify the scale of any gains arising in these respects against baseline levels, limited weight has been given to the combined effect of these matters in support of the proposed development.
29. The above-mentioned considerations would be in compliance with a number of the Council's development plan policies, and relevant paragraphs of the Framework. However, none of the above-mentioned benefits provide significant support for the proposal. In these circumstances, moderate weight has been given to the collective benefits of the proposed development.
30. I have found on the main issue above that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area, and that it would not conserve the natural beauty of the AONB. The Framework provides at paragraph 176 that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
31. Balancing the great weight afforded to the adverse impacts identified against the moderate weight given to the collective benefits of the proposal, as a matter of planning judgement, and taking account of the representations from local residents made in support of the proposed development, I find that the matters advanced in support of the proposed development, do not, either individually or collectively, outweigh the adverse impacts identified, nor the conflict with the development plan identified. The proposed development would conflict with the development plan when considered as a whole.
32. As the Council presently lacks 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. However, as explained above, the benefits of the proposal are not sufficient to outweigh the adverse impacts identified to the AONB. Taking account of paragraph 11 d) i. of the Framework (including footnote 7 of the Framework), the application of policies in the Framework that concern AONBs provides a clear reason for refusing the proposed development. The proposal would not benefit from the presumption in favour of sustainable development.
33. Appeal decision Ref APP/Y3940/W/20/3254729, relating to a proposal for one new dwelling situated outside the settlement boundary, was allowed following the application of the so-called 'tilted balance' found at paragraph 11 d) ii. of

⁸ KJF Consultancy Ltd (July 2021)

the Framework. As, following my findings above, paragraph 11 d) i. of the Framework applies, paragraph 11 d) ii. is not engaged. That appeal decision is therefore not directly comparable with the proposal before me, and it does not change my findings as a result.

34. Overall, therefore, I 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

35. 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