



---

## Appeal Decision

Site visit made on 28 September 2023

**by Lewis Condé Msc, Bsc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 December 2023**

---

**Appeal Ref: APP/U3935/W/23/3319394**

**16 Turnpike Road, Blunsdon, Swindon SN26 7EA**

- 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 D Riddle against the decision of Swindon Borough Council.
  - The application Ref S/220799/RACH, dated 11 May 2022, was refused by notice dated 29 September 2022.
  - The development proposed is demolition of existing garage to create 4no. bedroom detached dwelling with proposed dropped kerb and associated works.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage to create 4no. bedroom detached dwelling with proposed dropped kerb and associated works, at land adjacent to 16 Turnpike Road, Blunsdon, Swindon, SN26 7EA in accordance with the terms of the application, Ref S/220799/RACH, dated 11 May 2022, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The description of development in the banner heading above is taken directly from the original planning application form.
3. Similarly, the site address in the banner heading above has also been taken from the original planning application form. However, the appeal site in fact relates to land adjacent to no. 16 Turnpike Road and it is on this basis that the appeal has been determined.
4. At the time of the Council's decision, the Blunsdon East Neighbourhood Plan (the Neighbourhood Plan) had been 'Made' approximately a year prior (June 2021). As such, Paragraph 14 of the National Planning Policy Framework (the Framework) was applicable<sup>1</sup>. I note from the officer's report that this formed a key aspect of the planning balance in determining the original application. However, given that the Neighbourhood Plan became part of the development plan more than two years ago, the provisions of Paragraph 14 of the Framework are no longer applicable in this instance.

### Main Issues

5. The main issues are a) whether the site is an appropriate location for the proposed development having regard to the spatial strategy for the delivery of

---

<sup>1</sup> I.e. where the presumption at paragraph 11 of the Framework is applicable then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

housing; and b) whether or not any conflict with the development plan and harm arising is outweighed by other considerations.

## Reasons

6. The appeal site comprises a parcel of land containing a garage structure and a separate small outbuilding. The appeal site was formerly an area of side garden associated with no. 16 Turnpike Road (no. 16). However, the site has since been segregated off from the adjacent dwelling, whilst I understand that no. 16 has since been sold separately and therefore is no longer in the appellant's ownership<sup>2</sup>.
7. The site is located on Turnpike Road, an unclassified road, that runs parallel to the A419. Turnpike Road contains several dwellings laid out in a linear arrangement to its one side and the proposed dwelling would be situated between existing residential properties.
8. Despite forming an infill site between existing residential development, and the fact that Turnpike Road also includes various commercial uses, the appeal site is located outside any defined settlement boundary. It is therefore deemed to be in open countryside for planning purposes.
9. The development plan for the area is the Swindon Borough Local Plan 2026 (adopted 2015) (the Local Plan) along with the Neighbourhood Plan.
10. Local Plan Policy SD2 sets out the development strategy for the Borough. In general, it establishes a development hierarchy whereby development is to be concentrated in Swindon's urban area, as well as allocated strategic sites. In rural areas, development is primarily focused towards settlements with the most accessible and largest range of facilities, or where it is proportionate to the size and function of a relevant village and within a defined settlement boundary. The policy further sets out a limited set of exceptions whereby development in the countryside, outside of settlement boundaries, would be supported.
11. The purpose of Policy SD2 is seemingly to locate new development in the most sustainable locations (e.g. where access to facilities and services is greatest) and to protect the character of the Borough's rural areas.
12. Meanwhile, the Neighbourhood Plan contains policies setting out the approach to housing delivery in Blunsdon East, which reinforce the spatial strategy established under the Local Plan. Neighbourhood Plan Policy 1 identifies three sites that are allocated for housing in the area, none of which are the appeal site. Meanwhile, Neighbourhood Plan Policy 2 establishes that proposals for minor residential development on non-allocated sites will be supported where it is either within settlement boundaries, or in limited specified circumstances at the edge of settlements.
13. The appeal site lies outside of the settlement boundary for Broad Blunsdon and it does not fulfil any of the exceptions for new development outlined under the Local Plan or Neighbourhood Plan policies. Accordingly, the proposal conflicts with Local Plan Policy SD2 and Policies 1 and 2 of the Neighbourhood Plan.

---

<sup>2</sup> This has not affected the landownership of the appeal site, whilst I am aware that the adjoining landowner(s) has been notified of the appeal.

14. That said, although Broad Blunsdon is a small village, it does accommodate a modest range of services and facilities including a shop, place of worship, village hall, doctor's surgery, public house, hotel, recreation ground, and bus service.
15. The appeal site is physically separated from the main village. However, from my observations there are continuous pavements along Turnpike Road and subsequent streets that extend to the village centre, with street lighting appearing available for much of the route. In certain locations, the pavement is only available on one side of the road, whilst the existing pavement also stops slightly short of the appeal site. Nevertheless, there still appeared to be suitable connections along predominantly straight, flat, terrain, thereby enabling future occupiers to safely walk or cycle to facilities and services in the village.
16. I appreciate the distance that the site is set from the main village may dissuade many potential residents from walking or cycling to access facilities and services available in Broad Blunsdon, but suitable routes would remain available. Additionally, I observed that there are some local facilities within closer walking distance of the site on Turnpike Road, including a local pub and a restaurant associated with an existing hotel.
17. A further range of commercial uses, including a supermarket, are also located on the opposite side of the A419 from the site. However, the highways context and the distances involved would likely act as a deterrent for most people to walk or cycle from the appeal site to access these facilities.
18. In summary, Broad Blunsdon does not have the range of facilities and services that would sustain day to day living. I therefore consider that future residents of the proposal would be reliant on the use of private car given the context of the site. However, the Framework recognises at Paragraph 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and, noting the proximity of some local services I have taken this into account.
19. In addition, given its position amongst existing residential properties and the presence of nearby commercial uses, the site and immediate context does not have a particularly rural character. The Council also acknowledge that the proposed development would not cause harm to the character or appearance of the area, and from my own observations I see no reason to disagree.
20. Therefore, although the proposal would conflict with Local Plan Policy SD2 and Policies 1 and 2 of the Neighbourhood Plan, there are material considerations in terms of the particular characteristics of the site and its situation that weigh somewhat in favour of the proposal.

### **Other Matters**

21. Several concerns have been raised by third parties including Blunsdon Parish Council. Such concerns include that the scheme is of an inappropriate design that will result in overdevelopment of the plot, that the submitted plans are inaccurate, and that the proposal will result in a loss of light and privacy to neighbours. However, from the evidence before me and my own observations I have not found these to constitute grounds to dismiss the appeal. Additionally,

concerns associated with drainage and flood risk can be suitably dealt with via planning conditions, as detailed below.

### **Conditions**

22. The Council has provided draft conditions in the event that the appeal was to be allowed. The appellant has reviewed and confirmed the conditions as acceptable, whilst also suggesting an additional condition in relation to foul sewerage. I have undertaken some minor editing and rationalisation of the proposed conditions in the interests of precision and clarity, as well as to comply with the advice in the Planning Practice Guidance.
23. For certainty, I have imposed a condition specifying the approved drawings and a condition requiring that the materials to be used are as specified in the application.
24. Conditions requiring details of surface water and foul drainage systems are necessary to ensure that suitable drainage is provided, including to prevent an increase in flood risk on or off site.
25. Conditions in relation to the provision of on-site parking spaces and the specific type of garage door to be used are needed to ensure that the development is served by suitable parking arrangements, in the interest of highway safety.
26. I have not found it to be necessary to attach a condition requiring replacement parking be provided at no. 16. As indicated, the site has already been segregated from no. 16, whilst I understand that dwelling to be occupied and in separate ownership. There also appeared to be sufficient parking arrangements already available to no.16.

### **Planning Balance and Conclusion**

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
28. The Council has not disputed that it cannot demonstrate a 5-year supply of deliverable housing sites, while the evidence before me suggest that it has a significant shortfall.
29. Whilst planning permissions for new homes within Blunsdon East may have considerably exceeded the area's identified housing requirement, it remains that the Council cannot demonstrate a five-year housing land supply. As such, Paragraph 11(d)ii of the Framework is engaged. This requires an assessment of the proposal against the policies of the Framework taken as a whole.
30. In the context of the development plan, I have found that the proposal would conflict with Local Plan Policy SD2 and Policies 1 and 2 of the Neighbourhood Plan. However, given the scale of the scheme, the absence of harm to the character and appearance of the countryside and some access to facilities potentially by non-car modes, the level of harm associated with the conflict with these policies would be modest. Accordingly, I attach modest weight to the conflict with the development plan.
31. The proposed development would make a small but positive contribution to housing supply, alongside socio-economic benefits associated with its delivery.

It also draws support from Paragraph 69 of the Framework, which acknowledges the importance of small sites to housing delivery. Given the scale of the proposal each of the benefits would be limited.

32. Cumulatively though, I find that the benefits of the proposal would be modest, as would its adverse effects. With this in mind, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, there are material considerations, specifically those relating to the appeal site's situation and circumstances, and approach of the Framework, which indicate a decision other than in accordance with the development plan.

33. The appeal is therefore allowed.

*Lewis Condé*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (unnumbered); Block Plan (unnumbered); Proposed Floor and Elevation (Drawing No. 22/1753/01) each received by the Local Planning Authority on 25 May 2022.
- 3) The development hereby permitted shall be constructed using external facing materials as outlined on the submitted application form and the approved plans. Such facing materials shall be retained thereafter in their approved form.
- 4) Prior to the commencement of the development hereby permitted, details of the proposed means of sustainable disposal of foul water from the development shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the system for the disposal of foul water has been constructed in accordance with the approved details. The system shall thereafter be maintained in accordance with the approved details.
- 5) Details for the sustainable disposal of surface water from the site, so as to prevent its discharge onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until works have been complete in accordance with the submitted and approved details.
- 6) The development hereby permitted shall not be occupied until the on-site vehicular parking has been provided in accordance with the submitted plans (drawing number 22/1753/01 and the Block Plan), and those facilities shall be maintained available for those purposes thereafter.
- 7) The proposed garage shall be fitted with a vertical opening roller door (as opposed to outward opening doors) and thereafter maintained in this manner.