



Appeal Decision

Site visit made on 7 November 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/Y3940/W/23/3321812

Land at Notton, Corsham Rd, Lacock SN15 2NF

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Tom Howard of Livedin against the decision of Wiltshire Council.
 - The application Ref PL/2022/09856, dated 21 December 2022, was refused by notice dated 10 February 2023.
 - The development proposed is the erection of up to 4 no. self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in principle, and the second ('technical details consent' stage) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. As such, I have regarded the submitted plans as indicative only.
4. The appellant has submitted a location plan with the red line area including part of an existing vehicular access and drive. The Council have confirmed that that piece of land was not included within the red line area on the location plan that they determined the application on. This amendment to the red line area is a substantive difference from the proposal considered by the Council. It would also be procedural unfair for me to accept the amended plans as the Council and third parties have not had an opportunity to comment on the change to the red line area. As such, I shall determine the appeal using the location plan that the Council determined the application on.
5. The Council have questioned in their appeal statement whether the appellant is seeking to alter the number of dwellings that are being proposed as part of the appeal. They contend that a scheme for a different number of dwellings has not been formally consulted on and should therefore not be accepted as part of the determination of this appeal. However, the appellant has confirmed that the

proposal remains for up to four dwellings. The Council determined the application on that basis, and I shall determine the appeal likewise.

6. A scheme for eight dwellings on the appeal site was dismissed at appeal on 13 December 2021¹. I shall have regard to that Inspector's decision, insofar as it is relevant to the current appeal before me.
7. I am conscious of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special regard to be paid to the desirability of preserving the setting of listed buildings when considering permission in principle applications.
8. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the further representations made on this.

Main Issue

9. The main issue is whether the site is suitable for residential development, in terms of the location, with particular regard to the development plan and access to local services and facilities.

Reasons

Location (policy context)

10. The appeal site is a field located near to commercial offices and residential properties in the hamlet of Notton. Core Policies 1 and 2 of the Wiltshire Core Strategy Adopted January 2015 (Core Strategy) set out the settlement and delivery strategies for the development plan area. Core Policy 11 of the Core Strategy sets out the spatial strategy for the Corsham Community Area and includes a list of recognised settlements. Notton is not included within the list and is therefore in open countryside for the purposes of the development plan.
11. Paragraph 4.17 of the Core Strategy advises that the settlement strategy allows for carefully managed development outside of settlement boundaries in specific cases set out in Paragraph 4.25 of the Core Strategy. Consideration is steered towards certain exception policies where a proposal constitutes one of the specific cases set out in Paragraph 4.25. The appeal proposal does not relate to one of those specific cases and therefore does not benefit from compliance with one of the exception policies of the Core Strategy.
12. The appeal proposal also does not comply with the specific planning policy for housing development in the open countryside, Policy H4 of the North Wiltshire Local Plan 2011 (Local Plan), as it is not connected to the essential needs of an agricultural, forestry or rural based enterprise, nor does it involve the replacement of an existing dwelling.

Location (accessibility)

13. Although limited, some employment opportunities are available in Notton, including a residential school for 50 students. It is also noted that a garden centre is near to the hamlet. Although the garden centre offers some foodstuff

¹ Appeal reference APP/Y3940/W/21/3274142

in addition to limited employment opportunities and a café, it is unlikely that it would be used by future occupiers of the proposed development as a source for regular food shopping. As such, it would become necessary to travel beyond Notton to access the services and facilities needed for day-to-day living.

14. Lacock is stated in the appellant's statement as being between 1.2km and 1.3km from Notton. It is designated as a "small village" under Policy 11 of the Core Strategy and has services and facilities such as a primary school, a shop & deli selling groceries, a bakery, public houses and a village hall. The appellant has also referred to the nearest supermarket, which is in Chippenham approximately 2.7km from the appeal site.
15. There is a National Cycle Route connecting Notton to Lacock. There is also a pavement leading out of Notton to a crossing on the A350 that is traffic light controlled. Another pavement connects the crossing to Lacock. As such, it is possible to walk or cycle safely from Notton to Lacock. However, the distance that would need to be travelled means that it would not be practical to undertake all day-to-day activities by foot or on a bike, such as a food shopping trip. Additionally, the shop & deli is unlikely to be able to accommodate all the food shopping requirements of a family and therefore it would potentially be necessary to travel to a supermarket anyway. There are also limited employment opportunities in Lacock. The nearest supermarket and wider employment opportunities are understood to be in Chippenham. They would not be easily and safely accessible by foot or on a bike due to a combination of the significant distance and the absence of a well-lit pavement or the need to travel by bike along a busy A-road.
16. The appellant submits that there is a bus service that stops on the Lacock side of the A350 and that it runs half-hourly on weekdays, hourly on Saturdays and there is no service on Sundays. The weekday service could be useful for children going to school or people going to work in Chippenham but there is no street lighting along the route to the bus stop, making it a less attractive option in the winter months. Additionally, the time the service finishes on a weekday, the relative infrequency on Saturdays and the absence of a service on Sundays means it represents a less favourable option to people looking to access services and facilities in Chippenham outside the normal working hours during the week.
17. It is likely that residents would need to travel to a broader range of services and facilities at Chippenham, further away from the site. As such, it is unlikely the location of the proposal would promote the use of sustainable modes of travel as advocated in the Framework. Instead, it is highly probable that occupants and visitors associated with the proposed development would be reliant upon private motorised transport to get to and from the appeal site.
18. My attention has been drawn to a decision the Council made in September 2023 in relation to a proposal for a single self-build dwelling on a site amongst a group of dwellings to the east of Calne². I note from the officer report that the Officer considered that a single dwelling would cause limited harm in terms of a conflict with sustainable development policies, whereas the benefits, including the provision of a self-build dwelling would outweigh that harm. The appeal before me is for a larger quantum of development and further to this, I have been furnished with limited information on the location of that site and its

² Application reference PL/2022/04580

physical connections with settlements. As such, I cannot make a direct comparison between the decision made by the Council in relation to that other scheme and the current appeal. Moreover, I am determining this appeal on its own individual merits based on the evidence before me.

Location (heritage)

19. Notton Cottage is a Grade II listed building on the opposite of the road to the appeal site, and the listing includes the walls around the property. Within the grounds of that property is a stable and coach house that are also Grade II listed. I concur with the previous Inspector's comments on the significance of these heritage assets, which were that the significance of Notton Cottage and the walls derives in part from the distinctive architectural features of Notton Cottage, and that the significance of the stable and coach house derives in part from their aesthetically pleasing stonework and tiled roofs. The appeal site contributes positively towards the settings of these heritage assets through its undeveloped and open green space that allows the architectural features of the heritage assets to be understood and appreciated.
20. The loss of the undeveloped and open green space would cause harm to the significance of the designated heritage assets by way of impact upon setting, and this harm would be less than substantial. However, the quantum of the proposed development is significantly less than the development considered by the previous Inspector. Furthermore, the existing access to the site would be utilised as part of the proposed development, rather than the creation of a new access, which was part of the previously dismissed scheme.
21. The Framework sets out that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, which are set out in detail below. I conclude that, when taken together, the public benefits would outweigh the harm, which has been somewhat reduced by the smaller scale of the proposal and the use of the existing access. However, given that any detailed design would need to be addressed as part of any technical details consent, my finding is not decisive at this first stage of the permission in permission process.

Location (conclusion)

22. For these reasons, I conclude that the appeal site is not a suitable location for residential development when having regard to the development plan and the poor access to local services and facilities. Consequently, the proposal would conflict with Core Policies 1, 2 and 11 of the Core Strategy and Policy H4 of the Local Plan. The proposal would also conflict with Core Policies 60 and 61 of the Core Strategy, which collectively seek, in part, to reduce the need to travel, particularly by private car, and to encourage the use of sustainable transport alternatives. Additionally, the development would conflict with the Framework, which promotes sustainable development in rural areas and seeks opportunities to identify and pursue the promotion of walking, cycling and public transport use.

Planning Balance

23. The Council accepts that it cannot currently demonstrate a five-year housing land supply. However, Paragraph 226 of the revised Framework has resulted in

the Council only needing to demonstrate a four-year supply due to them having an emerging local plan at Regulation 19 stage. The range of supply is understood to be between 4.16 and 4.7. The Housing Delivery Test results for 2022, published by the Government on 19 December 2023, show that the Council has a 2022 housing delivery measurement of 106%. As such, the 20% buffer mentioned in Paragraph 77 of the Framework does not need to be applied to the housing supply figures. Given the Council can demonstrate a four-year housing land supply and have a delivery measurement above 75%, the presumption in favour of sustainable development set out under Paragraph 11 of the Framework no longer applies to this case.

24. Turning to the proposal's benefits, it would make the contribution of four dwellings towards the housing stock in the district. However, given that there is a four-year housing land supply, I give this benefit moderate weight. The dwellings would be self-builds and the provision of such housing would make a contribution towards the Council's unmet need for self-builds. However, even whilst acknowledging the revised Framework's support for boosting the supply of self-build housing, four additional self-build units would not make a noticeable difference to the supply situation and is a benefit that attracts moderate weight as well. There would also be associated social and economic benefits for the hamlet of Notton through providing support to the local economy (including during the construction phase) and local community facilities. However, such contributions would be limited given the small-scale nature of the development under consideration. Consequently, I find that the adverse impacts of the scheme arising from the unsuitable location of the site for residential development would outweigh the scheme's benefits.

Conclusion

25. For the above reasons, the proposal would conflict with the development plan, when taken as a whole. Other considerations, including the provisions of the Framework, do not outweigh this finding. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR