



Appeal Decision

Site visit made on 9 April 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2024

Appeal Ref: APP/Y3940/W/23/3329918

The Mount, School Hill, Brinkworth, Wiltshire SN15 5AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jon Clancy against the decision of Wiltshire Council.
 - The application Ref is PL/2023/00382.
 - The development proposed is the sub-division of a residential plot and the construction of a self-build dwelling with associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline, with all matters except access reserved for future consideration and I have dealt with the appeal on this basis. Plans showing possible options for the footprint and position of the dwelling have been provided, which I have treated as being illustrative.
3. A Unilateral Undertaking dated 18 September 2023, pursuant to S106 of the Town and Country Planning Act 1990, has been submitted during the appeal. This makes provision for the proposal to be constructed as a self-build or custom-build dwelling. As the agreement has been executed, I have taken it into account in reaching my decision.

Main Issues

4. The main issues are:
 - whether the proposal would accord with the spatial strategy of the Development Plan for housing, having regard to access to services and facilities, and the character and appearance of the area, and
 - the effect of the proposal on highway safety.

Reasons

Spatial Strategy

5. Core Policies 1, 2 and 13 of the Wiltshire Core Strategy (WCS), adopted January 2015, set out the spatial strategy for new development in the area. Brinkworth has some facilities such as a school, church, bus service and public house, which also serve other outlying hamlets. As identified by the National Planning Policy Framework (the Framework), opportunities to maximise sustainable transport solutions vary between urban and rural areas.

6. Nevertheless, Brinkworth is categorised in the WCS as a Small Village because of its restricted level of services and facilities and limited employment opportunities. Consequently, the village has no defined settlement boundary. Instead, to ensure a level of growth appropriate to its size, WCS Core Policy 2 generally restricts new development to infill within the existing built-up area, and where its other criteria are met. 'Infill' is defined at WCS paragraph 4.29 as the filling of a small gap within the village.
7. Two possible positions for a dwelling are indicated, both fairly close to The Mount. As such, the proposal would not be particularly isolated, and so Framework Paragraph 84 does not apply. However, the garden is lengthy, sizable and unbuilt-up, and gives way to fields. The adjacent school playing field to the north has seating, goal posts and similar paraphernalia but consists mainly of open green space and vegetation. As a result, the site is not physically enclosed by substantive built development on at least two sides. Therefore, in my view, it does not form a small gap, and so the proposal does not constitute infill.
8. Furthermore, Core Policy 2 also requires that proposals respect the character and form of the settlement, and do not elongate the village or consolidate loose knit development. The buildings locally are not particularly sporadic. However, the erection of a dwelling on the site would inevitably result in additional built form, including for example from the separate parking area. As such, although not prominent in public views, the proposal would extend the current pattern of development away from its current focus on School Hill and other roads. Instead, it would create a ribbon of buildings along the line of the railway. By failing to respect the character and form of the settlement, and elongating the village, the proposal would further conflict with WCS Core Policy 2.
9. Saved Policy H4 of the North Wiltshire Local Plan (NWLP), adopted June 2006, permits housing outside of identified boundaries only in very limited circumstances that do not apply here. Therefore, the proposal would conflict with this Policy. However, the Framework is less restrictive, and Policy H4 is not entirely consistent with it. Accordingly, having regard to Framework Paragraph 225, I give this conflict only limited weight.
10. Nevertheless, for the above reasons, I conclude that the proposal would not accord with the spatial strategy of the Development Plan for housing, having regard to access to services and facilities, and the character and appearance of the area. It would therefore conflict with WCS Core Policies 1, 2 and 13. It would similarly conflict with WCS Policy 57, which requires new development to positively relate to the existing pattern of development and the built context.
11. For the same reasons, the proposal would conflict with the aims of the Framework to promote sustainable travel modes that limit future car use, and to maintain the prevailing character of the area. Therefore, I give this conflict significant negative weight in the planning balance.
12. The Decision Notice refers to WCS Core Policies 34, 37, 39, 40, 44, 46, 47 and 48. These relate to employment, military, tourism, affordable housing, specialist accommodation, agricultural and rural uses. The proposal is not for these types of development, and so I find no conflict with them. Reference to Core Policy 49 was acknowledged as erroneous, and I have not considered this

policy further. No conflict with WCS Core Policy 51 is alleged, and so the appeal¹ referred to by the appellant does not affect my conclusions.

Highway Safety

13. The proposal would be accessed off School Hill using a driveway which already serves The Mount and another dwelling, Fiddlers Green. Government advice in Manual for Streets (MfS) is that driver speeds tend to increase with greater forward visibility. Nevertheless, adequate visibility at junctions is also necessary to ensure highway safety. Although not intended to be rigidly applied, MfS provides the relevant standards.
14. At the junction with School Hill, visibility for vehicle drivers leaving the site is restricted to the north by a grass bank and parking area. To the south, the removal of a previous hedgerow at Fiddlers Green has improved visibility. However, both these areas are outside of the control of the appellant or the Highway Authority. As a result, there would be little to prevent these areas providing greater obstructions to visibility in the future, for example by becoming overgrown.
15. It is common ground that the proposal would not meet the visibility requirements of MfS. No evidence of accidents or collisions close to the site is before me. Even so, the recorded 85th percentile vehicle speeds are higher than the 30mph speed limit, despite the installation of a Speed Indication Device nearby. I am mindful too of the close proximity of the school, and the absence of a pedestrian footway on the side of the carriageway of the school and the proposal.
16. Passing places are proposed along the driveway which would improve on its current narrow width, reducing the need for vehicles to wait on the highway for others to leave the site. A mirror could be installed opposite the entrance to aid visibility, but I have few details of its effects or how its installation, retention and maintenance would be secured. However, even with the mitigation measures proposed, the proposal would generate additional traffic using the sub-standard junction. As a result of the limited visibility, vehicles exiting the driveway would have to protrude into the carriageway to obtain sight of on-coming traffic. Road users including pedestrians may not see such a vehicle with sufficient time or distance to safely react to it.
17. Consequently, the proposal would give rise to a very real potential for inconvenience to, and conflict with, other road users on School Hill. As such, I conclude that the proposal would risk highway safety. Accordingly, it would conflict with WCS policies 61 and 62 which require safe access to the highway network and appropriate mitigation measures. It would similarly conflict with the Framework requirement for safe and suitable access for all users. I therefore give this significant negative weight in the planning balance.

Other Considerations

18. It may well be possible for a large-scale outbuilding to be erected on the site under 'permitted development' rights. Prior Approval² has also been granted to construct an additional storey to The Mount as an alternative to the proposal. However, I have little evidence to suggest that these fallback developments

¹ LPA reference APP/Y3940/W/22/3312268

² LPA reference PL/2023/04053

would generate similar traffic movements to the proposal. Furthermore, any incidental outbuilding erected is unlikely to have the same appearance or impact on its surroundings as a separate dwelling, for instance from its own car parking area. I do not therefore consider that these fallbacks justify the harm that I have identified.

19. The parties dispute whether the Council can currently demonstrate an adequate supply of housing land. On this basis, I have considered whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing any undersupply, as set out in Paragraph 11 of the Framework.
20. I have found conflict with WCS policies 1, 2, 13, 57, 61 and 62 which are consistent with the Framework, and with NWLP Policy H4. Consequently, I find that the proposal would conflict with the Development Plan as a whole. Against that, it would make a positive contribution to the supply of housing. It would also provide an additional self-build unit, and the parties disagree about whether there is a shortfall of such units in Wiltshire. However, the proposal is for only a single dwelling. As such, its benefits to housing supply, including the provision of self-build accommodation, would be small. I therefore give these benefits limited positive weight.
21. Construction of the proposal would make a positive economic contribution locally, for instance to the building industry. Its future occupiers would also make social and economic contributions. The proposal would be built to high environmental standards, quickly and includes ecological enhancements such as bird, bat and hedgehog boxes. However, as a single dwelling, these benefits would be modest and so I give them limited positive weight.

Planning Balance and Conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For the reasons given, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
23. I have found conflict with the Development Plan for the reasons set out above. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR