



Appeal Decision

Site visit made on 15 May 2024

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/Y3940/W/23/3325638

Land adjacent to Station Road Bridge, Station Road, Christian Malford, Wiltshire

- 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 & Mrs Gilding/Gilding/Gingel & Coton against the decision of Wiltshire Council.
 - The application Ref is PL/2022/08944.
 - The development proposed is the erection of up to 6 affordable housing units.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by the appellants against Wiltshire Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to an application for outline planning permission. Approval is sought for access at this stage. Drawings have been provided that indicate a possible site layout. Save for the point of access, I have treated this material as illustrative.
4. The description of development included additional information about the application and policy context that are not acts of development. While I have taken account of that information, I have removed it from the description of development shown above.

Main Issues

5. The main issues in this case are:
 - (i) Whether the site is in an appropriate location for the development, with regard to development plan policies;
 - (ii) The effect on the character and appearance of the area;
 - (iii) Whether appropriate living conditions can be provided for future occupants, with particular regard to noise and vibration; and
 - (iv) The effect on highway safety, with particular regard to pedestrian and cycle accessibility.

Reasons

Location

6. Core Policy 1 of the Wiltshire Core Strategy 2015 (CS) identifies a hierarchy of settlements. Within this, CS Core Policy 10 identifies Christian Malford as a large village. CS Core Policy 2 clarifies that within defined limits of such settlements (settlement boundaries), there is a presumption in favour of sustainable development, whereas outside them, development will not be permitted unless it meets a particular exception.
7. The Christian Malford Neighbourhood Development Plan 2018 (NP) recognised a need to extend the defined settlement boundary in order to accommodate some growth. Various sites were considered and allocated in NP Policy HSP1. Others, including the appeal site that had been advanced through the Strategic Housing Land Availability Assessment, were ultimately rejected from inclusion as allocations or within the revised settlement boundary. The site is, therefore, outside the defined settlement boundary. The NP, through NP Policy HP1, supports housing within the settlement boundary, but not beyond it.
8. The proposal is for 6 affordable homes. The CS confirms that one exception to development beyond the defined limits of settlements is rural affordable housing. Proposals are to be judged against a number of criteria in CS Core Policy 44. Of these, the main relevant criteria are (ii) that the housing is being delivered to meet an identified and genuine local need; (iii) that the proposal is within, adjoining or well related to the existing settlement; and (viii) that the affordable housing provided will always be available for defined local needs.
9. A planning obligation deed has been provided that would secure the affordable homes as 'discount market units' (DMUs). Such is a tenure identified within the National Planning Policy Framework (the Framework) as affordable housing and so, there is no reason that such should necessarily be automatically excluded from consideration under Core Policy 44. Nevertheless, the planning obligation includes clauses that allow future sale on the open market if eligible buyers cannot be found for the DMUs. The appellants have indicated that they would be happy for such clauses not to appear, but they are in the deed before me.
10. The NP confirms that there is limited affordable housing within Christian Malford. It is significantly below proportions in many other Wiltshire villages. It does not identify a particular need for more and sets out that the most pressing need is for cheaper, small dwellings for sale. As such, provision of affordable housing as DMUs would seem appropriate to meet the needs of the parish, as set out in the NP. The appellants' suggestion that the Council's most recently stated level of need for the parish may not fully capture all of the need has not been countered or supplemented by other detailed evidence, and the evidence underpinning the NP is now of some age.
11. While there is, undoubtedly, a need within the wider Chippenham community area, there is, therefore, no robust evidence of an identified and genuine local housing need for affordable housing in Christian Malford. While I understand that there may have been people on the waiting list expressing the village as a preference for housing, there is no clear indication of the types of affordable housing that those in need may require. Nor is there any clear indication that any of the numerous people across the wider area who are in housing need

would be able to afford the DMUs that would be on offer, such that their needs would be met by this development.

12. Therefore, while on their face, the DMUs proposed are the type of housing required by the NP, there is no identified genuine local need for them and also a significant risk that they may not be able to be disposed of to eligible people. Given the construction of the planning obligations, they may not always be available for defined local needs. There would, therefore, be conflict with criteria (ii) and (viii) of Core Policy 44.
13. Over the years, Christian Malford has gradually extended towards the railway. The raised embankment, with its overhead powerlines and associated gantries is a significant presence in the landscape and may provide a long-term defensible boundary to the settlement. Distances to the various village facilities and bus connections to larger places elsewhere are not great. Indeed, they are shorter than for many other parts of the village, including those where the settlement boundary was extended by the NP. In terms of distances alone, therefore, there would be no conflict with CS Policies 60 and 61 that seek to ensure that developments are in accessible locations.
14. However, there is intervening land between the settlement boundary and the site and the final houses within the settlement boundary have no access to, and little visual connection with, Station Road. As such, on leaving the village area, Station Road takes on a character more akin to a country lane and there is a distinct feeling of having left the village. Thus, the site is visually disconnected from other built form.
15. Therefore, visually, the site would appear to be an ad-hoc development beyond the existing settlement and it cannot be said to be well-related to it, contrary to Core Policy 44 criterion (iii). I understand that the emerging Wiltshire Local Plan may include policies that facilitate development a short distance from defined settlement boundaries, but as an emerging policy, that does not receive more weight than those of the CS.
16. For the above reasons, I find that the proposal would conflict with CS Core Policies 1, 2 and 44, and NP Policy HP1, and so would not be an appropriate location for the development.

Character and appearance

17. The site is well contained by mature landscaping on all four boundaries, as well as the railway embankment. Notwithstanding the presence of some housing and the railway line, the footpath to the north provides distinctly rural views, and there are currently glimpsed views of the site from here through gaps in the boundary. Nevertheless, it is likely that supplemental planting and low-level strengthening of the boundary could screen the site from these views, especially if single storey dwellings were proposed.
18. A new access would be provided from Station Road and some boundary hedge removal would likely be needed to facilitate the required visibility splays. This boundary contains a number of large trees that contribute positively to the rural character of this part of Station Road.
19. The roadside boundary appears to comprise two broad rows of planting, either side of a ditch/stream. As such, any replacement planting could not be provided close to the highway edge, but would instead have to be provided on

the site side of the stream. Given these site characteristics, I see no reason that the existing planting on the site side of the stream would be affected by the visibility splays, so a significant amount of existing, mature, landscaping would remain. With supplemental planting, the boundary is likely to continue to provide a reasonable short term, and substantial long term, screen to the development in the wider landscape, including in views from the footpath further to the east.

20. However, the new housing would clearly be visible through the new access, Given the single point of access proposed, it would likely be in a formal cul-de-sac layout. While such exists elsewhere within the village, that would be at odds with the rural characteristics of Station Road at this point. Moreover, as noted above, the site is visually separate to the built form of the main part of the village and, as such, would appear as an incongruous, ad hoc, urbanisation of the countryside, failing to respect the character of the settlement and its landscape setting.
21. As such, the development would fail to respect the characteristics of its surroundings and would be detrimental to the character and appearance of the area. This would be contrary to those aims of CS Core Policies 51 and 57, and NP Policy D1 that seek to ensure that development respects local distinctiveness, responds positively to existing townscape and landscape features and the setting of the settlement, and respects the transition between man-made and natural landscapes.

Living conditions

22. The proximity of the road and, especially, the railway has potential for significant noise disturbance to occur to future residents. It is likely that internal noise levels could be controlled through enhancements to the building fabric, including high specification glazing and trickle vents.
23. Achieving appropriate levels, would require windows to be kept shut, but the appellants have suggested that other non-mechanical ventilation systems capable of achieving similar performance to open windows could be installed. While an ability to leave windows open at all hours may be desirable, if there are other, adequate, non-mechanical solutions available to provide ventilation and avoid overheating, there is no obvious reason why this would be required.
24. However, the submitted noise reports also indicate that levels of noise in the garden areas would be above those that would cause moderate annoyance. Guidance indicates that in some noisy environments, higher noise levels can be tolerated by residents as a compromise to ensure that housing can come forward in appropriate locations, such as city centres, urban areas and adjacent to transport networks.
25. It is suggested by the appellants that the appeal site is a noisy environment because of its location close to the railway line and road, but the general surroundings are rural and, other than for peak noise events, relatively quiet. Therefore, this is not a noisy existing environment, so the disturbance would likely cause annoyance to future residents and harmful living conditions. While it is adjacent to the rail network, there are no benefits to be gained from this in any compromise as trains do not stop here.

26. While the layout plans provided are illustrative, there is no indication that an alternative acceptable layout could be devised that might effectively mitigate noise disturbance to future residents. I, therefore, find that the proposal would result in harmful living conditions, contrary to those aims of CS Core Policy CP57 and Policy NE18 of the North Wiltshire Local Plan 2011 that seek to ensure that appropriate levels of amenity are provided within any development and that future residents are not subject to excessive noise.

Highway safety

27. Occupiers of the site would have to walk or cycle along Station Road to access village facilities by non-car means. The road is essentially a rural lane with some bends limiting forward visibility, and subject to the national speed limit. That said, measured speeds in the vicinity of the site are only just over 30 miles per hour and there is adequate width for two vehicles to pass.
28. The road characteristics between the site and the public house are very different to those within the main part of the village. Despite a general lack of footways, that main village area has numerous private accesses, such that drivers would be fully alive to the possibility of pedestrians and cyclists being in the carriageway.
29. Nevertheless, given the road characteristics, traffic flows between there and the site are likely to be low, such that it would be uncommon for a vehicle to need to pass a pedestrian and another vehicle at the same time. If such is necessary, the forward visibility appears to be sufficient for pedestrians to be seen in good time. Users of the nearby public footpath which terminates at Station Road would also need to use this stretch of road for their onward journey and there is no evidence of any historic safety problems with this.
30. Therefore, while not an ideal environment for pedestrians, I find no compelling evidence that the access to the village would be unsafe for pedestrians and cyclists. As such, there would be no conflict with those aims of CS Core Policies 57 and 61 which seek to ensure that places and accesses are safe and accessible, and that the needs of all road users are catered for.

Other Matters

31. The proposal would increase the supply of housing in a tenure that might provide opportunities for some first time buyers or those wishing to downsize. Given the scale, it is likely to be built out quickly by small to medium sized builders. There may be some ecological enhancement from additional landscaping. These are all benefits of the proposal that have some support from the Framework. Nevertheless, the Framework also seeks to ensure adequate living conditions and the protection of local identity. As such, taken as a whole, it does not support this development.
32. The parties agree that the Council needs to demonstrate a 4 year supply of housing land in accordance with Framework paragraph 226 and that the Council's latest figures show that this is achieved. The appellants question the reliability of the evidence behind the Council's position and points to recent appeal decisions that suggest that the supply might be below 4 years. However, the decisions referred to are now a few months old and expressed the likely supply as a range that may have exceeded 4 years. There is no substantive evidence before me that the available supply is below 4 years, so

the balance outlined in Framework paragraph 11 d) does not fall to be considered.

Conclusion

33. While I have found no harm to highway safety, such lack of harm is a neutral matter in the planning balance. Accordingly, the harm that I have found in respect of the other main issues brings the proposal into conflict with the development plan, read as a whole. There are no material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.

34. Therefore, the appeal is dismissed.

M Bale

INSPECTOR