

Appeal Decision

Site visit made on 21 May 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/Y3940/W/23/3325054

Land at Whistley Road, Potterne, Wiltshire SN10 5QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Satchell against the decision of Wiltshire Council.
 - The application Ref is PL/2022/08215.
 - The development proposed is a single dwellinghouse and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have taken the revised Framework into account as part of the determination of this appeal.
3. The Council has referred me to an error made within the Decision Notice, within the first reason for refusal. Core Policy 14 of the Wiltshire Core Strategy (Core Strategy) (2015) has been cited. However, this is incorrect, and Core Policy 12 should have been referenced, which relates to the Devizes Community Area, which Potterne is part of. The Council has confirmed that this does not change the overall assessment of the proposal.

Main Issues

4. There are 2 main issues. These are:
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and the accessibility of services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable Location

5. The Limits of Development (LOD) for Potterne, as defined within the Core Strategy, runs along part of the south-eastern boundary of the appeal site, along the shared boundary with the neighbouring residential property known as Cooksey. The appeal site itself lies outside of the LOD for the village.
6. Potterne has been identified as a 'Large Village' under Core Policy 12. Core Policy 2 sets out the delivery strategy for Wiltshire, stating that whilst there is a presumption in favour of sustainable development at large villages within the

- LOD, outside of the defined LOD, other than in the exceptions set out by other policies within the plan, development will not be permitted.
7. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. As such, whilst the position of the LOD adjacent is acknowledged, it would be contrary to the development strategy for the area.
 8. Furthermore, the appeal site is within an area with very limited services. I note the provision of the village hall, the social club and the church, acknowledging that 'all of these are under the 800m/10 minute walking distance figure cited in Manual for Streets (MfS) as a comfortable distance to walk on foot'. However, given the limited services and facilities available, combined with the narrow width of Whistley Road, the lack of street lighting and the lack of a footpath for the majority of the route, future occupants of the proposal would be largely reliant on the private vehicle to access day-to-day services and facilities, such as access to work, education, health and retail facilities.
 9. Irrespective of the lack of accident records, the low traffic numbers and the slow traffic speeds, after walking the pedestrian route at my site visit, I am not convinced that the highway verge or the residential accesses along Whistley Road would represent a safe environment for pedestrians. This is especially as the highway verge is non-existent at times, with a high hedge immediately adjacent to the highway. The 'good levels of natural surveillance' provided by the dwellings along Whistley Road would also not convince me otherwise.
 10. I also note the proximity of the closest bus stops which the appellant states are approximately 650m away, serving 5 bus routes between Salisbury, Devizes and Trowbridge. However, I have not been provided with any bus timetables. Therefore, based on the limited evidence before me, I cannot be convinced that the bus service would represent a convenient alternative to the car. The lack of street lighting and a pavement to reach the bus stops would also make the use of bus services less attractive to future occupants. This is especially so for the less physically capable, disabled residents and people with children.
 11. The appellant submits that the proposal would be 'no less practical to walk/cycle from the site to the services/facilities available in Potterne than the other residential properties close by' and that it would be 'as close to the services and facilities of Potterne as its neighbours'. However, unlike the adjacent residential properties, which are within the LOD, the appeal site itself is classed as open countryside and in conflict with the adopted development strategy. Furthermore, the appeal site is not simply positioned the 'wrong side' of the LOD. As set out in the supporting text to Core Policy 2, the LOD's have been drawn up in order to ensure an appropriate distribution of housing across Wiltshire that supports the most sustainable pattern of growth, limiting the need for development on Greenfield sites.
 12. Core Policy 2 also sets out that the LOD may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans. I note that whilst the Potterne Neighbourhood Plan (NP) (January 2017) made 3 small changes to the LOD, no changes were made to the LOD to include the appeal site.

13. In conclusion, the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area and to the accessibility of services and facilities. It would conflict with Core Policies 1, 2, 12, 60 and 61 of the Core Strategy and Policy PNP1 of the Potterne NP. Amongst other things, these policies, in combination, direct growth and new housing to the most suitable and sustainable locations, supporting residential development within the settlement boundary of the village, and resisting new homes in the countryside except in certain circumstances. They also encourage planning developments in accessible locations and promote sustainable transport alternatives to the use of the private car.

Character and appearance

14. The appeal site relates to a parcel of land on the northwestern edge of the village. It is currently served by 2 field gates. The character of this part of Whistley Road comes from its rural nature, due to its narrow width, gently winding form, grass verges and hedge-lined nature. Whilst a number of residential properties are accessed from it, rather than appearing as a 'residential lane', the road, at times, is enclosed with dense and tall vegetation, which adds to its rural character. The grass verge and hedgerow which enclose part of the appeal site is reflective of the high hedges which enclose Whistley Road as you travel northwest out of the village, connecting the village into its rural surrounds. This contrasts with the more maintained and domesticated boundary treatments enclosing the residential properties within the LOD.
15. Therefore, despite the appeal site being within the 30mph limit for the village, the appeal site is a notable change in character from Cooksey to the southeast, which has a much more domestic frontage, with a low stone wall and low level planting. The character also changes from the more built up form of buildings in Potterne to the south to more irregular properties, in larger plots as you travel northwest out of the village, towards the appeal site. This is particularly so on the eastern side of Whistley Road in the immediate context of the appeal site, where the dwellings are more dispersed and consist of detached bungalows and detached 2 storey dwellings. It is clear from the change in character that you have approached the edge of the village.
16. The site is also part of a larger field, which in its current undeveloped form and its relationship with the surrounding open fields, contributes positively towards the established character and landscape setting of Potterne. Therefore, in my mind, the appeal site currently has a greater affinity with the surrounding countryside than the built up form of the village. Its position adjacent to the highway on the edge of the village makes it particularly sensitive to change.
17. The proposal, by virtue of the introduction of built form, would appear incongruous to the rural landscape setting of the village. Whilst it would only be an incremental change, it would be harmful to the established character and appearance of the area. Rather than appearing as a natural addition to Whistley Road, the proposal would in fact involve the sub-division of an open agricultural field to create the new dwelling, which would fail to protect the landscape character and the landscape setting of the village. The realignment of the boundary hedge to the front in order to achieve the required visibility splays would also undoubtedly result in the domestication of the site frontage. This would exacerbate the harm to the landscape setting of the village.

18. There would be domestic curtilages to the east in the form of Cooksey and Willowmead to the south, albeit this is on the other side of Whistley Road, and the proposal would not extend beyond the vehicular entrance to Willowmead. However, by virtue of the appeal site having a greater similarity with the open countryside beyond, it is not considered that this context would automatically mean that the appeal site is read as 'falling within the established residential area of Potterne'.
19. The appeal site falls within the Vale of Pewsey Landscape Character Area in the Kennet Landscape Character Assessment. One of the development sensitivities set out in the character assessment states that 'strong landscape 'edges' and structure need to be maintained or established around the fringes of the main settlements to enhance their settings, to minimise impacts on surrounding countryside and to prevent the coalescence of linear settlements, e.g., at the far western end of the Vale'. There is not a particularly strong landscaped edge along the shared boundary with Cooksey, and the gable end of Cooksey and its associated boundary fence could be considered to represent an 'abrupt edge to the built form'. The appellant alleges that the proposal would introduce a 'landscaped buffer' which would result in a 'significantly improved landscaped edge to the village'.
20. However, the introduction of a 'landscaped buffer', which would sub-divide a field, would fail to relate positively to the landscape setting. The introduction of landscaping, including the wildflower area to the rear, would not be sufficient to outweigh the permanent erosion of the character at the settlement fringe of the village. The visibility of the other built form along Whistley Road as you approach the village from the north, as well as the properties of Brownleaze on the higher land to the east of the site, are noted. However, whilst the proposal would not be an isolated dwelling nor would it appear 'separate or disjointed from the closest residential properties', it would still appear at odds with the rural landscape setting of the village.
21. There is a very short section of white picket fence adjacent to the speed limit signage and also the hardsurfaced, domestic entrance to Willowmead on the south-western side of Whistley Road. I also note the lack of any ecological or landscape designations on the appeal site. However, none of these matters convince me otherwise.
22. Therefore, for the reasons set out above, I conclude that the proposal would harm the character and appearance of the area. The proposal would be contrary to Core Policies 51 and 57 of the Core Strategy which, in combination, amongst other criteria, requires development to protect, conserve and enhance landscape character and the landscape setting of settlements, and to enhance local distinctiveness by responding to the value of the natural environment, relating positively to its landscape setting.

Other Matters

23. The appeal site lies within the 6.4km buffer zone of the Salisbury Plain Special Protection Area (SPA). Given my conclusions on the main issues, I do not need to carry out an appropriate assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and do not need to consider the matter any further.

24. The appellant has drawn my attention to other appeal decisions and approved applications in support of their case. However, whilst I have been provided with the relevant plans and appeal decisions/planning officer's report, I do not have the full details before me so I cannot be certain that the circumstances are directly comparable to the appeal scheme before me now. Nevertheless, I note that a number of these involved a 'planning balance' judgement which involved weighing up the lack of a housing land supply, their position in relation to existing built form and the LOD, and the inability for future occupants to walk to services and facilities.
25. However, the circumstances of each proposal are likely to be different. Most notably, in the case of the approved application at Purton¹, a key difference is that the dwelling approved was located on the site of an existing detached workshop. I also note that in the appeal decision at Rosehill Close², the small number of facilities in the village 'could be accessed easily by foot, for most of the way, along a pavement leading into the village', which again is a notable difference to the appeal site where for most of the way, there is not a pavement. Furthermore, the development at Dunkirk Hill³ was close to the settlement boundary of Devizes so that any 'car journeys would be short' and that its existing use as a tourist accommodation would also be 'heavily reliant on travel by car'. To my mind, these small but notable differences only emphasise the need for the decision maker to exercise their individual planning judgement, based on the specific circumstances of the scheme before them. I have considered the proposal on its own merits, and I have found the development before me now to be unacceptable for the reasons set out above.
26. I note that the proposal was submitted following an initial pre-application enquiry. However, the advice from the Council was that they did not encourage an application to be submitted.

Planning Balance and Conclusion

27. At the time the decision was made, the main parties agreed that the Council was unable to demonstrate a five-year supply of deliverable housing sites. It is noted that the 'Housing Land Supply Update' published in May 2023 by Wiltshire Council confirms that the Council can only demonstrate 4.6 years of housing supply, which is a 'slip' in the supply when compared to the April 2022 statement (4.72 years).
28. However, following the publication of the revised Framework, the Council consider that they meet the requirements of paragraph 226 of the Framework, and only need to demonstrate a 4-year supply of housing. Given the latest 'Housing Land Supply Update', the Council would be able to achieve this.
29. I have found that the proposal would not provide a suitable location for housing, having regard to the development strategy for the area and to the accessibility of services and facilities. As such it would be contrary to the aims of the Framework in regard to achieving sustainable development, in particular ensuring homes have accessible services and in regard to promoting sustainable transport solutions. The proposed development would also give rise to harm to the character and appearance of the area, which would lead to

¹ Application Reference PL/2021/06368

² Appeal Reference APP/Y3940/W/22/3299162

³ Appeal Reference APP/Y3940/C/20/3261363

- conflict with elements of the Framework, specifically where it recognises that planning decisions should ensure that developments are sympathetic to local character, including the surrounding landscape setting. The harms would be significant and long lasting. They would accordingly attract substantial weight.
30. The proposal would make a small contribution towards the provision of housing, in particular in supporting the Government's objective to significantly boost the supply of homes. The proposal would also go towards addressing what the appellant has described as the 'persistent under delivery of housing' in Wiltshire, as well as meeting the housing needs of Potterne. This is particularly as the Pre-Submission Draft 2020-2038 of the Wiltshire Local Plan (September 2023) set out that there was a residual need for 54 homes to be constructed within Potterne, and that only one of the five allocated sites within the NP, which was made 7 years ago, has planning permission.
31. It would provide some social benefits, including supporting strong, vibrant and healthy communities, as well as the proximity of the site to public rights of way. There would also be economic benefits contributing to building a stronger, responsive, and competitive economy, supporting growth with construction and post-construction benefits, and additional Council Tax Payments. The proposal would encourage development and associated economic growth, with future occupants contributing to the local economy and continued viability of services in the local area. I also acknowledge the ecological benefits associated with the planting of the wildflower meadow and associated landscaping scheme. Together these benefits carry moderate weight in favour of the development.
32. Therefore, in these circumstances, even if the 'tilted balance' at paragraph 11d of the Framework were engaged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the development should be determined other than in accordance with the development plan.
33. Furthermore, the appellant submits that the level of conflict with Core Policy 1 and Core Policy 2 is very limited and, therefore the 'level of harm is very modest'. However, I have found clear harm to the character and appearance of the area and the spatial strategy and therefore conflict with the development plan as a whole.
34. In conclusion, there are no material considerations, including the approach of the Framework, worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR