



Appeal Decision

Site visit made on 16 July 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2024

Appeal Ref: APP/U3935/W/23/3334120

Brooklyn Lodge, Broad Bush, Blunsdon, Swindon SN26 7DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr N Ball against Swindon Borough Council.
 - The application Ref is S/23/0450.
 - The development proposed is the erection of 1 No new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the planning application form. It differs from the address on the appeal form; however, I am satisfied that it accurately describes the location of the site.

Background and Main Issue

3. The Council failed to determine the application within the prescribed period. However, following the submission of the appeal against non-determination, the Council has submitted a copy of the officer's report to the planning committee which indicates that they would have refused the application for a single reason. I note the earlier resolution of the planning committee that it would have granted planning permission, had it been able to do so. However, the Council's position has subsequently been updated in a further report provided to me with the appeal Questionnaire, having regard to the revised National Planning Policy Framework (the Framework) which was published on 19 December 2023.
4. The main issue is therefore whether the proposed development would be in a suitable location, with regard to the spatial strategy for the delivery of housing.

Reasons

5. The appeal site comprises an area of garden land which lies betwixt Brooklyn Lodge and Brooklyn House. Notwithstanding its position in relation to the neighbouring dwellings, and wider built-up area of Blunsdon, the site is located outside of the settlement boundary for Blunsdon. The appeal proposal would see the construction of a new dwelling on the site, access to which would be via the shared access from the B4019 which serves the existing dwellings.
6. Policy SD2 of the Swindon Borough Local Plan 2026, adopted March 2015 (LP) sets out the Council's sustainable development strategy for the location of new

development in the borough. It permits development outside the rural settlement boundaries where specific criteria are met, none of which apply to the appeal proposal.

7. Policy 1 of the Blunsdon East Neighbourhood Plan, which was made on 22 June 2021 (BENP) identifies sites that are allocated for residential development within the BENP area. Policy 2 of the BENP supports housing development on sites that are not allocated for residential development, where they are within the settlement boundary or comprise 'rural exception sites' providing affordable housing or starter homes, in edge of settlement locations. The site is not an allocated site, nor does it fall within the types of sites listed in Policy 2 of the BENP.
8. The proposal for market housing outside the settlement boundary would be contrary to Policy SD2 of the LP and Policies 1 and 2 of the BENP and would therefore not be in a suitable location having regard to the development strategy.

Other Matters

9. The proposal would offer benefits in terms of housing supply, in a location within a convenient distance of local facilities and services, including bus stops, a church and school, which are accessible by means other than the car. This would reflect the aims of the Framework which seek to boost the supply of homes, acknowledge the important contribution that small sites, which are often built out quickly, can make to meeting the housing requirement of an area and promote the effective use of land, including brownfield sites. Economic benefits would arise during the construction period and future occupiers of the dwelling would support the vitality and viability of local amenities and services in the longer term. Nevertheless, the benefits associated with a single dwelling would be of limited weight.
10. In terms of council tax, given the scale of the development this benefit would be of limited weight. Moreover, the Community Infrastructure Levy to be obtained would help deliver infrastructure needed to support development and, as such, would weigh neutrally rather than positively in the planning balance.
11. The absence of harm in relation to matters including heritage assets, living conditions, highway safety and drainage, is a normal expectation of new development, as is good design, and would not weigh in favour of the proposal.
12. The site is within the zone of influence of the North Meadow and Clattinger Farm Special Area of Conservation (SAC), which is designated for its population of Snake's Head Fritillary. There is potential that recreational pressure arising from the additional residents at the site, in combination with other development, could result in significant effects on the integrity of the SAC.
13. So as to avoid any adverse effects on the SAC, the appellant has provided a planning obligation that would provide a financial contribution towards the Interim North Meadow Mitigation Strategy. If I were minded to allow the appeal, I would need to be satisfied that the proposal would not have a significant effect on the integrity of the SAC, either alone or in combination with other plans or projects, including through the undertaking of an Appropriate Assessment. However, given my decision on the appeal overall,

there would be no pathways to significant adverse effects on the SAC arising from my decision.

14. Several other concerns have been expressed by interested parties, but given my finding on the main issue, my decision would not result in any adverse impacts in those regards.

Planning Balance and Conclusion

15. The Council cannot demonstrate an adequate supply of housing land, as required by the Framework. Accordingly, paragraph 11 of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The Framework makes it clear that in such situations, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the criteria at paragraph 14 apply. In this case the BENP is less than 5 years old and includes policies and allocations to meet the housing requirement of the BENP area, therefore the relevant conditions of paragraph 14 are satisfied.
17. The proposal would conflict with the local development strategy set out in Policy SD2 of the LP. It would also fail to accord with Policies 1 and 2 of the BENP in relation to the location of new development, to which I attribute significant weight. Given paragraph 14 of the Framework I find that the weight to be attributed to the adverse impacts of granting permission contrary to the BENP would significantly and demonstrably outweigh the benefits of the scheme. Therefore, the proposal would conflict with the development plan taken as a whole and material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
18. For the foregoing reasons the appeal is dismissed.

E Worley

INSPECTOR