



Appeal Decision

Site visit made on 10 July 2024

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/Y3940/W/24/3342139

Land adjacent to A350, West Ashton Rd, Yarnbrook, Trowbridge, BA14 6AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Homes Nuvo Limited against the decision of Wiltshire Council.
 - The application Reference is PL/2023/10654.
 - The development proposed is outline consent for 4No. dwellings with all matters reserved apart from access.
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Decision

1. The appeal is dismissed.

Costs

2. Applications for costs has been made by the Appellant against the Council and vice versa. These applications are the subject of separate decisions.

Procedural Matter

3. The appeal relates to an outline application. All matters other than access are reserved. I shall consider the submitted plans accordingly.

Main Issues

4. The main issues are a) whether the proposal would be acceptable in principle in this location and b) the effect of the scheme on highway safety and convenience.

Reasons

Principle of location

5. The appeal site comprises a well-defined field of former agricultural land extending to around 0.18 hectares. It fronts the north west side of the A350 and has a scatter of dwellings within proximity. I note that the address of the site is Yarnbrook, the closest village centre, albeit this area of land and the nearby homes lie within West Ashton Parish. The proposal is as described above.
 6. The Wiltshire Core Strategy (CS) includes Core Policy CP2 – The Delivery Strategy - which is pertinent to this appeal scheme and seeks to provide for the most sustainable pattern of development within Wiltshire. An extract from the policy states:
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At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

i) Respects the existing character and form of the settlement

ii) Does not elongate the village or impose development in sensitive landscape areas

iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

7. Text at CS paragraph 4.34 explains:

For the purposes of Core Policy 2, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs

8. For my part I would not class the site as being within the built-up area of Yarnbrook (or West Ashton village). I appreciate that the Council has concluded that the homes close-by to the site would be classed as within Yarnbrook (particularly when dealing with application reference 19/03240/OUT) but I see no reason why it would necessarily follow that this field would also be classed as within a built-up entity. It would seem to me that the built-up form would logically be defined as 'skewing' away from the A350 at this locality; in other words, Yarnbrook heads off northwards 'behind' the appeal site. On this basis the site would not class as even being suitably tested for infill status.
9. One can debate a suitable size for infill and I do note cases put forward by the Appellant. However, and contrary to the above paragraph, even if one deemed the site as being *within* Yarnbrook rather than a detached field alongside the A350 to my mind the former agricultural land would not represent a *small gap* within the village. It is simply neither small nor a gap.
10. Lastly, even if one did define it as infill, I would assess that it failed CS CP2 criteria i) and iii) because it would by reason of character and form not respect the generally linear village and would be appreciable consolidation at the loose-knit end of the settlement.
11. Given the above I must conclude that the appeal proposal would conflict with CS Policy CP2.
12. Furthermore, this rural development proposal, without any over-riding justification or merit, would also run contrary to CS Policies CP57, 60 and 61 which taken together, and amongst other matters, in their own way seek to secure sustainable development.
13. Finally, on the question of principle, one would consider CS CP62. This underlines that new development should not be accessed directly from the National Primary Route Network (NPRN) outside built-up areas, unless an over-riding need can be demonstrated. I note the Appellant's argument that an old (now overgrown) field entrance exists but this would be very different from a

significant access to 4 new dwellings being created at a point further along the frontage. I conclude that the scheme would fail to accord with CS CP62.

Highway safety and convenience

14. I touch on CS CP62 above. The reasoning for the strict control over new development to the NPRN is to assist with traffic flow and reduce risk. Having observed the vehicular flows, speeds and make-up on this section of the A350, along with its alignment, lack of adequate footways, lighting or crossings, and having also personally gained access to the road from three existing nearby points, I would deem that new development served as planned would undoubtedly hinder traffic flow and significantly increase risk. Whatever the details of the entrance design, I would say that this is not a suitable location for new housing to emerge onto the NPRN. The scheme would also fail to suitably provide for any meaningful pedestrian or cycle arrangements.
15. In all the circumstances I conclude that the proposal would thus conflict with CS CP62 and those policies which I cite in paragraph 12 above.

Other matters

16. I recognise that the scheme would assist the supply of housing land. However, the contribution from the proposal would be modest and I am of the view that this appeal scheme by reason of its location and nature would not reasonably be termed sustainable development.
17. The Council and third parties raised concerns over the service of 'notice' for land not under the Appellant's control. The Council also raised issues over habitat protection, possible archaeological harm, and immediate and wider flood risk. However, given my findings on the two main issues including principle I need not explore these matters further; outcomes in any direction would not be sufficient to give rise to a change in my position that this scheme should not be allowed to progress.
18. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
19. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

20. For the reasons given above I conclude that the proposed development would not be acceptable in principle in this location and that the scheme would have unacceptable effects on highway safety and convenience. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR