
Appeal Decision

Site visit made on 5 February 2025

by **R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/Y3940/W/24/3355552

Land at Chittoe Heath, Bromham, Wiltshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs P & S Holliday against the decision of Wiltshire Council.
 - The application Ref is PL/2024/04958.
 - The development proposed is erection of 1 No. self-build dwelling with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the heading above is taken from the appeal form as it provides a more detailed address than the planning application form.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly. Whilst plans of the proposed building have been submitted with the appeal I have therefore treated them as purely indicative.
5. Following the publication of the revised National Planning Policy Framework (the Framework) in December 2024, the Council confirmed that it now has 2.03 years' worth of housing land supply. The Framework was updated again in February 2025 and I have determined the appeal on the basis of that most recent update.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

7. The site is detached from the village of Bromham to the south. Whilst the village has facilities including a primary school, village store and pub, access by public footpath would be lengthy and indirect. The distance to the village, coupled with the rural nature of the paths, which in places involve climbing over stiles, means that there would not be a practical or convenient pedestrian route to the services and facilities in the village for all users. The farm shop and the facilities in Bromham are within cycling and horse riding distance of the site.
8. The nearest bus stops to the site are close to the junction of Chittoe Heath and the A342. Although there is a regular service to the towns of Devizes, Calne and Chippenham and despite there being no known accident record, pedestrian access to the bus stops would not be suitable for all users due to the distance from the site to the bus stops, the absence of a footway and lighting along the road to reach them, and the need to cross the busy A342 to reach the southbound stop.
9. The site is accessed by unlit rural roads without footways. Although there is a farm shop at the junction of the A3102 and A342, this can only be reached by walking along unlit roads without footways. Whilst there are wide verges along parts of both roads, I saw on my site visit that both the A342 and the A3102 were well used by traffic with a steady flow of fast moving traffic in both directions on the A342. As a result, even allowing for a reduction in the speed limit to 50mph on the A342 and flood alleviation works on the A3102, the absence of footways means that the access to the shop via the verges or along the carriageway would not be suitable for all pedestrians, particularly after dark or in inclement weather.
10. The site is outside the defined limits of development and does not fall within any of the specified criteria in Wiltshire Core Strategy 2015 (WCS) Core Policy 2 (Delivery Strategy). It is not disputed that it lies within the countryside where development is strictly controlled.
11. The appeal site is located in Flood Zone 1. A Groundwater Flood Risk Assessment was submitted with the appeal which assesses the potential sources and effects of groundwater flooding. Following the submission of the assessment, the Council no longer sustains the second reason for refusal. The assessment concludes that the site is at low risk of flooding. This is supported by evidence from excavations which suggest that the site is comprised of well drained sandy sub-soil with no groundwater evident at a depth of 0.5m at a time of year when it would be anticipated to be at its highest level. Notwithstanding this, the assessment indicates that as a dwelling would be a more vulnerable use, detailed flood mitigation measures could be designed into the dwelling at the technical details consent stage if the appeal were to be allowed. The Council has accepted that the assessment demonstrates that the risk of flooding is low and I have found no reason to come to a different conclusion.
12. As a result of the lack of services and facilities conveniently accessible from the site, it is likely that future occupants would rely on the private car for access to employment, retail, school and other services. Residential development on the site would therefore cause substantial harm to the settlement strategy in conflict with WCS Core Policies 1 (Settlement Strategy), 2, 12 (Spatial Strategy: Devizes Community Area), 60 (Sustainable Transport) and 61 (Transport and New

Development) which seek to ensure that development takes place in sustainable locations.

Land use and amount of development

13. The appeal site is located on the edge of a small group of buildings. A stable block lies on its northern side with fields used largely for equestrian use to the south and east, some of which also have stables. There is a mix of trees and a mature hedgerow along its western boundary with a woodland to the north. Open countryside lies beyond giving the location an intrinsically rural character.
14. Stables and the related keeping of horses are characteristic of this part of the countryside. Although the site currently has an equestrian use with a surfaced parking and manoeuvring area and is close to a group of existing buildings, including some other residential uses, its development for even a single dwelling would have the effect of extending the pattern of residential development beyond the edge of the existing group of residential buildings into the countryside. Even though the proposed amount of development is limited to a single dwelling, the proposal would nevertheless give the site a much more residential character and appearance. This would erode the rural character of the countryside on the north eastern edge of the hamlet and cause harm to it.
15. Whilst views of the site from the road and from the south west would be limited to some extent due to the existing trees and hedgerows along the boundary of the site, there would be open views of the site from adjoining land to the south east. The hedgerows along the northern and eastern side of the adjacent paddock coupled with the existing stable building would reduce views of the proposed dwelling from those directions but the change in the character of the site would nevertheless be visible through gaps in the hedge.
16. The details of the design, size and position of the dwelling and the landscaping of the site would be matters for the technical details consent stage if the appeal were to be allowed. However, the change in the character of the use of the site from equestrian to residential, with the erection of a dwelling, the associated amenity space and related domestic paraphernalia, would nevertheless cause a moderate level of harm to the rural character and appearance of the countryside.
17. From the evidence before me and from my own observations on site, it is not clear whether the loose granular material used for parking and manoeuvring or the metal cage adjacent to it comprises part of a hardstanding and is fixed infrastructure. The Council also queries whether the entire area has been lawfully developed. Even if the site falls within the definition of previously developed land (PDL) as defined in the Framework, the change in the character of its use from equestrian to residential use through the erection of a dwelling would have a more harmful effect on the character and appearance of the countryside than its current appearance and use. This is because the flat nature of the surfaced area coupled with hedges around the boundary of the paddock and the stable block to the north makes it relatively unassuming in the wider rural context of the site.
18. For the reasons given, the proposed land use and amount of development would harm the character and appearance of the site and its surroundings in conflict with WCS Core Policies 51 (Landscape) and 57 (Ensuring high quality design and place shaping).

Other Matters

19. I am aware of other appeal decisions relating to permissions in principle and to proposals for self-build and custom-house building. I am not aware of the details of those sites, their geographical context or the development policies which applied to all of them. I have considered the appeal proposal on its individual merits.
20. Nevertheless, from the evidence before me the site at Radstock, Somerset¹ was within the curtilage of an existing dwelling alongside the existing built up frontage of Radstock and was well related to the facilities and services in the town centre. The site at Gaydon in Warwickshire² was adjacent to a settlement boundary, served by a footway and provided a natural extension to the village. In a further appeal at Chippenham, Wiltshire³ the site was located a short distance from the centre of the village with services to meet basic day to day needs which could be accessed in part by a formal footpath.
21. I am also aware of a report by the Council regarding the demolition of stables and the construction of a self-build dwelling on land at Chapmanslade⁴. I am not familiar with the site but from the evidence before me, that case differed from the current appeal in that the existing stables on the site were to be demolished and all the proposed operational development would fall within the established settlement boundary of Chapmanslade.
22. There are therefore clear differences between these various schemes and this appeal and I give them limited weight in my decision. Whilst reference is also made to a further Council decision at Seend⁵, I have not seen the details of that scheme or the site and therefore can give it little weight.
23. The appeal site received planning permission in 2023 for the erection of stables, an agricultural storage building, new access and associated hardstanding⁶. The appeal site incorporates the position of the approved stables which the appellants propose to replace with the self-build dwelling whilst retaining the existing stables previously shown to be removed. Stables are part of the rural character of this part of the countryside and the substitution of the approved stable building with a dwelling, for the reasons already given, would be harmful to this character. The fallback position of the previous planning permission therefore carries limited weight in favour of the proposal.

Planning balance

24. For the reasons given, the site's location some distance away from existing services and facilities would cause substantial harm to the strategy in the WCS to direct development to sustainable locations and the policy requirement to reduce the need to travel, particularly by private car. A moderate level of harm would be caused to the rural character and appearance of the site and its surroundings by the erection of a dwelling. The proposal therefore conflicts with Core Policies 1, 2, 12, 60, 61, and 51 and Policy CP57 so far as it relates to landscape and the existing pattern of development.

¹ APP/F0114/W/22/3313796

² APP/J3720/W/23/3336035

³ APP/Y3940/W/24/3345527

⁴ LPA ref PL/2024/04800

⁵ LPA ref PL/2024/03269

⁶ LPA ref PL/2023/04781

25. The Council can only demonstrate 2.03 years supply of deliverable housing sites which is well below the minimum level required. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.
26. Set against the harm I have identified, there would be economic, social and environmental benefits associated with the proposal. It would provide an additional windfall dwelling to assist with meeting local housing needs which, given the Council's housing land supply shortfall, would be a moderate benefit. The Framework highlights that small sites such as this can make an important contribution to meeting the housing requirement in the area and are often able to be built out relatively quickly. Therefore, this benefit carries moderate weight.
27. As well as meeting general housing needs, the proposal would also, in principle, present an opportunity to provide one self-build dwelling. The Framework highlights the importance of a sufficient amount and variety of land coming forward where it is needed and that the needs of groups with specific housing requirements are addressed. Those groups include people wishing to commission or build their own homes.
28. Footnote 28 of the Framework makes clear that under section 1 of the Self Build and Custom Housebuilding Act 2015, the Council is required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom-house building. It is also subject to duties under sections 2 and 2A of that Act to have regard to this and to give enough suitable development permissions to meet the identified demand.
29. The evidence indicates that, whilst unlike the draft local plan review, the WCS is silent on self-build housing, there is a demand for self-build and custom-house building in Wiltshire. Moreover, the actual demand for self-build may not accurately be reflected in the statutory register. The Council has also accepted that demand for self-build plots is advancing at a faster rate than is being met by current supply. Therefore, the provision of an additional self-build unit would be a moderate benefit of the scheme. A legal agreement would be required to secure the dwelling as a self-build dwelling at the technical details consent stage. This benefit therefore carries moderate weight in favour of the proposal at this stage.
30. The development would generate employment during the construction stage and support the local supply chain, including the farm shop. Given the small scale of the development, these benefits however would be modest and attract moderate weight in favour of the proposal.
31. The proposed location would have the benefit of allowing the occupiers to provide security and welfare to the horses kept on the site, and reduce the journeys currently made to and from the site for those purposes. However, the evidence does not demonstrate why those functions could only be provided by someone living on the site or what the ongoing effect on the equestrian use of the site might be if a dwelling was not provided on site. The modest benefit to the keeping of horses which might arise from the proposal therefore attracts limited weight in favour of the proposal.
32. The environmental benefit arising from the suggested reduction in vehicle movements to and from the site would require the occupancy of the dwelling to be restricted to a person working on the site. This would be a matter for the technical

details consent stage if the appeal were allowed. Due to its location, for the reasons given, the proposal would in any event also be likely to generate car journeys to access services and facilities. As a consequence, the modest benefit of reduced vehicle movements from the appellants not needing to drive to the site to provide security and welfare for the horses, attracts limited weight in favour of the proposal.

33. The environmental benefit from ecological enhancement, including planting of native species, and the provision of electric vehicle charging points would be a modest benefit and attracts moderate weight in favour of the proposal. For the reasons given, the use of PDL attracts limited weight.
34. The WCS forms the development plan for the area containing the appeal site. The location of the development in the countryside results in conflict with the policies referred to above. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. Whilst Core Policies 1, 2, 12, 60, 61, 51 and 57 are generally consistent with the Framework, the Council's housing land supply of only 2.03 years means that they are deemed to be out of date for the purposes of the Framework.
35. The Framework recognises the intrinsic beauty and character of the countryside and promotes sustainable transport, including ensuring that safe and suitable access can be achieved for all users. It makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, Core Policies 60, 61, 51 and 57 are consistent with the Framework. The conflict with those policies therefore carries substantial weight in this appeal. The shortfall in the Council's housing land supply however means that the conflict with Core Policies 1, 2 and 12 carries only limited weight in this appeal.
36. Nevertheless, whilst the proposed development would accord with other policies in the Development Plan, I am satisfied that the conflicts with the policies identified above means that there would be conflict with the development plan when taken as a whole.
37. Applying footnote 7 of paragraph 11d) i. of the Framework, there are no policies in the Framework that protect areas or assets of particular importance relevant to this appeal. In these circumstances, paragraph 11 d) ii. of the Framework requires that 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
38. The development would not be in a sustainable location and would cause substantial harm to the settlement strategy and a moderate level of harm to the rural character and appearance of the countryside.
39. Although the benefit of providing an additional self-build dwelling attracts moderate weight and there would be other modest benefits which weigh in favour of the scheme, the harm caused by the conflict with the policies of the Framework to

safeguard the character of the countryside and promote sustainable development in rural areas would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

40. The proposal would not be sustainable development and conflicts with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR