



Appeal Decision

Site visit made on 2 May 2025

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2025

Appeal Ref: APP/Y3940/W/25/3360394

Land at The Haven, Webbs Hill, Minety, Wiltshire SN16 9QG

- 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 C Room of CJ Room Developments Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2024/10921.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council are working towards the adoption of an emerging Wiltshire Local Plan which has been submitted for examination. The Council consider that at this stage its policies have only limited weight given the examination is at an early stage. Neither have any emerging policies been relied upon in this appeal.
3. Permission in principle is part of a 2-stage planning consent process which provides an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for proposed development on a site from the technical detail of that development. The permission in principle consent route has 2 stages: the first stage, or permission in principle stage (PiP), establishes whether a site is suitable in principle, and the second, technical details consent (TDC) stage is when the detailed development proposals are assessed. A full planning permission is only secured when both stages have been passed.
4. The appeal relates to the refusal of permission in principle, and Planning Practice Guidance (PPG) describes that matters within its scope are limited to location, land use and amount of development.

Main Issues

5. The main issues are: whether the site is suitably located for new housing, having regard to the development plan and accessibility to services and facilities, and; the effects of the proposal on designated habitats sites.

Reasons

Location for Housing

6. Policies 1 and 2 of the Wiltshire Core Strategy 2015 (the CS) seek to direct new residential development to the existing urban areas and defined settlements, according to a settlement hierarchy, to meet the general aims of promoting sustainable development and protecting the countryside. Minety is defined as a 'small village' which Core Policy 1 describes as having a low level of services and facilities, and few employment opportunities. Core Policy 2 sets out that development will be limited to infill within the existing built area, and that proposals for development at small villages will be supported where they seek to meet housing needs of settlements, among other things.
7. The site lies at the eastern extremity of Webbs Hill when viewed from the road, and, given its heavily verdant character and only low level dilapidated built forms, it has a character akin to the surrounding countryside. I observed one substantial new home further east along Webbs Hill, which appears visually distinct from the settlement. I have had regard to the findings of the earlier Inspector¹, who found the proposal would not constitute infill, and the site was not within the built up area of Minety. Based on the information before me and the findings of my site visit, there would appear to be no substantial change in circumstances which would lead me to reach a different view. Saved Policy H4 of the North Wiltshire Local Plan (the LP) gives criteria for residential development in the countryside, which would not be met here.
8. While the Council raise no objection to the proposal in visual terms, this would not alter the relationship of the proposed dwelling with the settlement pattern as set out. Nearby development referred to in the appellant's Planning Statement was similarly considered in the recent appeal decision, and is not directly comparable.
9. The site is not therefore one suitable for new housing, having regard to the spatial strategy set out in the development plan. It would conflict with Core Policies 1 and 2 set out above, as well as Core Policy 13 which reiterates the need to comply with the Settlement Strategy, and Saved Policy H4 of the LP which relates to residential development in the countryside.

Accessibility

10. I observed Minety to include some services and facilities, particularly including a pre-school and primary school, village shop and sports club, as well as evidence of a bus service providing links to Cirencester. I note the conclusions of the earlier Inspector that, given the nature of facilities available within Minety, the future occupants of the new dwelling would not necessarily have a high reliance on a private motor car to access day to day services. Consequently, conflict with Core Policies 60 and 61 of the CS was not found.
11. Again, based on the information before me and the findings of my visit to the area, I have no strong reason to reach a different view. The proposal would comply with

¹ Appeal decision APP/Y3940/W/24/3340530

Core Policies 60 and 61, and would not conflict with the sustainable travel goals set out within the Framework.

Habitats Sites

12. The appeal site is within the defined outer zone of influence of the North Meadow and Clattinger Farm Special Areas of Conservation (SAC). This is a designated European site, protected by the Habitats Regulations². These two areas represent exceptional surviving examples of the traditional pattern of management of lowland hay meadows, which are the qualifying feature for which the site has been designated. It contains a very high proportion of the surviving UK population of Snake's Head Fritillaria Meleagris, which is a plant characteristic of damp lowland meadows in Europe and now rare throughout its range. The European Site Conservation Objectives for the SAC seek to ensure the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring, the extent and distribution of qualifying natural habitats, their structure and function, and the supporting processes on which the qualifying natural habitats rely.
13. Natural England advise that visitor pressure is starting to impact the meadow and it is likely that additional residential dwellings will lead to the site losing its special interest. As such there is a pathway for the proposed development to affect the SAC. A likely significant effect on the qualifying features of the SAC, that would undermine its conservation objectives, either alone or in combination with other plans or projects, cannot be ruled out. An Appropriate Assessment is therefore required.
14. Although its size is not yet established, the proposal would introduce new residents to the area, who would be likely to use the meadow for recreational purposes. Visitor surveys have found that residents who live up to 9.4km of the SAC would be likely to come specifically to see the fritillaries during their flowering period. Adopting a precautionary approach, this would be the case for future occupiers of the development and therefore the proposal could compromise the conservation objectives and specific qualifying features, and lead to an adverse effect on the integrity of the site.
15. The Council, with others, has an Interim Recreation Mitigation Strategy (the RMS). This adopts a precautionary approach to mitigation given the uncertainty of the level and type of recreational impacts on the SAC. It sets out a tariff approach for new development, which would fund a suite of on-site mitigation measures including increased wardening, monitoring and signage. The RMS was developed in partnership with Natural England and I have no reason to doubt that the measures it contains would be successful in mitigating for the effects of the proposal.
16. Both main parties agree that mitigation for the effects of the proposal would be necessary. However, based on the information before me, no mitigation would be secured if the appeal were allowed. The appellant considers this could be secured through the imposition of a Grampian condition or with a legal agreement at the

² Conservation of Habitats and Species Regulations 2017 as amended

TDC stage. While I am mindful of the advice of the PPG in respect of planning obligations at this PiP stage, this does not provide the necessary certainty that an adverse effect on the SAC's integrity would be avoided, as I cannot be certain that this would occur. Adopting the necessary precautionary principle, delaying the agreement of the mitigation for a later stage by condition gives less certainty and no details of any such condition have been provided. Neither have exceptional circumstances for this approach, as set out in the PPG³, been demonstrated.

17. Accordingly, and in the absence of a mechanism to secure the required mitigation, I cannot be satisfied beyond all reasonable scientific doubt that an adverse effect on the integrity of the SAC would not occur. Imperative reasons of overriding public interest of a social or economic nature have not been put forward that would be sufficient to override the harm to the site.
18. In conclusion on this main issue, for the reasons given the proposal would be unacceptable in terms of its effects on the designated habitats site. It would be contrary to Core Policy 50 of the CS which requires development to avoid disturbance of sensitive wildlife and habitats, and the development would not comply with Article 5B(1) of the PiP Regulations⁴.

Planning Balance

19. At the time of the earlier appeal, paragraph 11d) of the Framework was not engaged. The Council accept that it is currently unable to demonstrate a five year housing land supply, and quote that it has only a 2.03 year supply. Accordingly, the provisions of paragraph 11d) apply to this appeal. The application of policies in the Framework that protect areas or assets of particular importance, insofar as they relate to habitat sites, provide a strong reason for refusing the development proposed, and the proposal would not therefore benefit from the presumption in favour of sustainable development. This is confirmed by paragraph 195 of the Framework.
20. Nonetheless, subject to approval of subsequent TDC, the proposal would deliver a new home, which would contribute to the national objective to boost the supply of homes, and would make a positive contribution towards the significant shortage identified within the Council's administrative area. The Framework acknowledges the role of small sites in meeting housing requirements, and they can often be built out fairly quickly. The proposal could also deliver other benefits, including biodiversity net gain and economic benefits arising from the construction process, ongoing expenditure into the local economy and support to this established rural community.
21. The appellant has drawn my attention to other appeal decisions where the Inspectors have given reduced weight to the conflict with the Council's development strategy, in light of the identified housing shortfall⁵. Given the similarity in circumstances surrounding the housing land supply I have no reason to reach a different view. Nonetheless the appeal before me differs from those others as additional harm is identified here, relating to effects on the SAC, which

³ Paragraph: 010 Reference ID: 21a-010-20190723

⁴ Article 5B(1) and (2) of the Town and Country Planning (Permission in Principle) Order 2017 as amended by Article 4 of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017

⁵ Appeal decisions APP/Y3940/W/24/3351265 and APP/Y3940/W/24/3345598

could be significant and long lasting. The benefits of the proposal would not amount to considerations of sufficient weight to outweigh this harm or to indicate that a decision should be made other than in accordance with the development plan.

Conclusion

22. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR