



Appeal Decision

Site visit made on 09 June 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025.

Appeal Ref: APP/U3935/W/25/3362322

25 Wharf Road, Wroughton, Swindon SN4 9LF

- 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 William Evans against the decision of Swindon Borough Council.
 - The application Ref is S/24/1065/JP.
 - The development proposed is erection of a 3 bedroom dwelling and associated parking provision.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made against Swindon Borough Council by William Evans. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the development provides a policy-compliant net gain in biodiversity.

Reasons

Character and appearance

4. The site encompasses the side garden associated with 25 Wharf Road. Housing in the area predominantly comprises 2-storey semi-detached dwellings which are set back from the road. Dwellings which occupy corner plots have generally retained their generous plot sizes, contributing to a degree of spaciousness within the area. The sense of spaciousness the existing garden affords, together with other front and side gardens in the surrounding area, provide a spacious feel which contributes positively to the character and appearance of the area.
5. The proposal is for the erection of a detached 2-storey dwelling. The height, footprint and proposed palette of materials would be consistent with dwellings in the surrounding area. Nonetheless, the development of the side garden would result in a harmful loss of the sense of spaciousness that the site contributes to the wider area. Furthermore, the dwelling's detached form would be at odds with the semi-detached dwellings which characterise the surrounding area, harming the established character and appearance of the area.

6. My attention has been drawn to a development at 55 Maunsell Way¹. I observed at my site visit that Maunsell Way is characterised by an alternating pattern of semi-detached dwellings and a detached dwelling. The area did not appear to be characterised by large corner plots and thus did not have a comparably spacious feel to Wharf Road. Given this, whilst within the same settlement, given the differences in the character of the 2 areas, the development to which my attention has been drawn does not appear to be directly comparable to the appeal proposal.
7. The effect of the proposal would be to harm the character and appearance of the area. Conflict therefore arises with those aims of policy DE1 of the Swindon Borough Local Plan (2015) (LP) which seek to ensure a high standard of design.

Biodiversity Net Gain (BNG)

8. BNG is required under Schedule 7A of the Town and Country Planning Act 1990 (the Act) which sets out an objective for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. There is no evidence before me in respect of the biodiversity or ecological value of the site.
9. The appellant asserts that the development is exempt from mandatory biodiversity net gain requirements as it would be a self-build development. To qualify for such an exemption, the relevant legislation² requires that the primary purpose of the build must be for personal occupancy and that ownership must initially be retained by the self-builder. So as not to undermine the aims of the legislation, this is a matter that reasonably needs to be controlled. Such matters would normally be contained within a legal agreement to limit ownership/first occupancy or bind the requirement to successors in title should the land/property be sold in the future.
10. It is the appellant's intention to occupy the dwelling, and I have no reason to find that he would not be involved in its build. However, in order to qualify for the BNG exemption, there must be an effective mechanism before me through which the dwelling could be secured as a self-build property. No planning obligation is before me, and I do not consider that the submitted Community Infrastructure Levy form would be an effective means of securing the self-build status. Given this, there is no appropriate mechanism before me to secure the development as a self-build dwelling. Thus, the proposal is required to provide BNG.
11. It therefore follows that, if this appeal were allowed, it would be subject to the statutory pre-commencement BNG condition as set out in the Act that applies to such a grant of planning permission. In this scenario, I am mindful of the guidance contained in the Planning Policy Guidance (PPG) which states that it would generally be inappropriate, for a planning application subject to BNG, to be refused on the grounds that the biodiversity gain objective will not be met.
12. I have not been presented with any compelling reason to conclude that the site does not have the capacity to accommodate the mandatory requirements for BNG. I therefore find that it would not conflict with the requirements of the Act or those aims of LP policy EN4 which seek to protect and enhance biodiversity.

¹ APP/U3935/W/23/3314790

² The Self-Build and Custom Housebuilding Act 2015

Other Matters

13. It is stated that the proposal has been amended to address the reasons for refusal given in an earlier planning application³. Nonetheless, for the reasons set out above, the proposal conflicts with the development plan in relation to the effect of the proposal on the character and appearance of the area.
14. The Council raised no objection in relation to the proposal's effect on the living conditions of the occupiers of neighbouring properties or in relation to highway safety. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case. Given this, this is not a matter which weighs in favour of the proposal.
15. The appellant's comment regarding the lack of objections from the parish council is noted. However, a lack of objection does not equate with a lack of harm.

Planning Balance

16. I am aware that the Council is unable to demonstrate a 5-year housing land supply. Paragraph 11 d) of the National Planning Policy Framework (the Framework) indicates that, in such circumstances, the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts 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.
17. The proposal would provide one dwelling on a small site with good access to services and facilities. However, the benefits of housing delivery, to which I have attached significant weight, are tempered by the fact that the provision of one unit would only make a small difference to housing supply. There would also be some economic benefits during the construction phase as well as any potential Council tax that future occupiers might pay. The proposal would result in potential green infrastructure and biodiversity enhancements.
18. However, I have found harm to the character and appearance of the area, the protection of which is a key aim of the Framework. Therefore, whilst the Framework seeks to significantly boost the supply of housing, the adverse impacts on character and appearance would significantly and demonstrably outweigh the modest benefits of the delivery of one dwelling, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not constitute a sustainable form of development in terms of the Framework and thus does not benefit from the presumption in favour of sustainable development.

Conclusion

19. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Robinson INSPECTOR

³ S/24/0315