



Appeal Decision

Site visit made on 7 May 2019

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2019

Appeal Ref: APP/Y3940/W/19/3220214

Land at Ridgeway Farm (to the rear of Athelstan Park)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Edenstone Homes against the decision of Wiltshire Council.
 - The application Ref 18/05429/FUL, dated 6 June 2018, was refused by notice dated 7 December 2018.
 - The development proposed is erection of 36 residential dwellings and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018, replacing the version published in March 2012. The Government has subsequently published its Housing Delivery Test results, alongside the publication of an updated NPPF in February 2019. I have given the main parties the opportunity to comment on these documents. References to the NPPF in this Decision consequently reflect the 2019 NPPF.
3. Both parties have made reference to the land allocation and policies contained in the Wiltshire Housing Sites Allocations Plan (WHSAP) and Crudwell Neighbourhood Plan. Whilst the WHSAP has been examined, there are outstanding objections on the document and it has not yet been adopted. Similarly, whilst the Crudwell Neighbourhood Plan has been the subject of consultation, it does not yet form part of the development plan for the area. Given the current status of both documents I attach limited weight to their content in my consideration of the scheme.
4. A Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act (1990) (as amended) has been submitted with the appeal. The UU has been endorsed by the Council. I shall return to this matter below.

Main Issue

5. The main issue is whether the appeal site represents an appropriate location for housing having regard to national and local policies which seek to protect the character and appearance of the countryside and whether any adverse impacts would significantly outweigh the benefits of the proposal.

Reasons

6. The appeal site is a predominantly rectangular shaped piece of agricultural land accessed through a recently constructed development of 10 dwellings (Athelstan Park), to the north of Tetbury Lane. Whilst there is housing development to the east of the site, much of the surrounding land is agricultural fields creating an open and rural character. The site may not be subject to any protective landscape designations but it nonetheless makes a positive contribution to the character and appearance of the area.
7. Crudwell is designated a large village in Core Policy 13 of the Wiltshire Core Strategy (Core Strategy) and whilst anticipated to take some housing growth to meet housing need and improve employment opportunities, services and facilities, development is expected to predominantly take the form of small housing sites involving less than 10 dwellings. Such development is to be located within the limits of development. The site is located outside the limits of development of Crudwell and therefore located in the countryside. Core Policy 3 of the Core Strategy identifies that other than in circumstances permitted by other policies in the Core Strategy, development is not permitted outside the limits of development. Core Policy 48 of the Core Strategy restricts new housing in the countryside to specific uses. The proposal does not fall within the criteria listed.
8. The appellant says the limits of development established by Policy H4 of the North Wiltshire Local Plan are considered out of date and as such paragraph 11(d) of the NPPF is engaged. Paragraph 11 of the NPPF sets out that where the relevant policies in the development plan are out of date the presumption in favour of sustainable development means for decision taking planning permission should be granted. This is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole or specific policies in the NPPF indicate that development should be restricted.
9. The development would generate economic benefits during construction and occupation of the dwellings thereafter. It would also provide some support in sustaining local services and facilities in the area. There is some dispute between the parties regarding the extent to which the settlement is an appropriate location for the scale of development proposed. The site is located on the edge of what is identified by the Council as a settlement capable of accommodating some limited growth and as such I give this moderate weight. However, whilst the appellant identifies a number of facilities within walking/ cycling distance, I do not consider these facilities to meet day to day needs which would consequently necessitate travel to other settlements further away. This is irrespective of the new footpath to the village proposed by the scheme.
10. The appellant says the settlement is well served by existing bus services with services running around every 2 hours. This does little to counter the Council's assertion that services are infrequent. Trips are therefore likely to be by private car. Whilst the appellant proposes electric car charging points within the development, to be secured through a Planning Condition, the occupants of the dwellings would not be compelled to use them and it would not impact on the nature of vehicles visiting the site. The extent to which such provision would mitigate the harm caused would consequently be limited. I note the appellant's points of the Affordable Rural Housing Commission regarding reverse

- commuting with families moving to urban areas and commuting back to their jobs. However, there is little to demonstrate that this is applicable to Crudwell.
11. The appellant has identified social benefits from the development in terms of the provision of market and affordable dwellings. The scheme would deliver both market and affordable dwellings which would make a positive contribution to meeting housing need. This weighs positively in favour of the development. It is tempered though by the Council's position that the housing requirements of the area have been met. I note the appellant's point regarding the housing needs of the wider area and that Core Policy 2 of the Core Strategy identifies indicative figures to enable a flexible approach to respond to opportunities which would enable the delivery of affordable housing through larger scale development. However, I also note that such opportunities are expected to be taken forward through the WHSAP and Neighbourhood Plans.
 12. In considering the environmental implications of the scheme, and in particular the effect on the character and appearance of the area, the development may take a cul de sac layout, design, use of materials and density akin to neighbouring development generating an element of integration with the settlement. However, the scheme would be significantly larger in size creating a notable massing and built form that would be distinctly urbanising in character. This would be clearly visible from public footpaths and viewpoints along Tetbury Lane. In the context of its location, I disagree with the appellant that an increase of some 8% in the total number of dwellings in the settlement is insignificant. Similarly, I do not agree with the findings of the Landscape and Visual Appraisal that the scheme represents a small scale extension to the settlement.
 13. The proposed narrow landscape buffer to the north of the proposal would have a minimal mitigating effect, particularly given the use of block paving and parking provision which along with other residential paraphernalia would do little to soften the new built up edge of the settlement. The distinctly urban appearance of the scheme would contrast markedly with the edge of the countryside setting. The site is currently free from permanent development and performs a transitional role between the existing built development and the countryside beyond. The development would be an intrusion into the countryside, to the detriment of the rural landscape. It would not therefore represent a logical development that would easily assimilate into the landscape, as proffered by the appellant.
 14. There would be gaps between the detached properties in the northern part of the scheme but they would be filled with garages which would retain an element of built form, albeit lower in height. The reduction in the number of dwellings proposed from 39 to 36 may have had some positive impact but I do not consider the minimal reduction sufficient to make an appreciable difference in overcoming the harm I have identified. Similarly, whilst I accept that the site is located outside the Cotswolds Area of Outstanding Natural Beauty, this does not make the development acceptable.
 15. The appellant has referenced biodiversity gains through the proposed tree management, landscaping and introduction of bat boxes. However, such gains could be achieved irrespective of the proposal and as such I give this limited weight.

16. The appellant has also identified no impact on the historic environment, referencing the absence of objection from the Council's Conservation Officer. The lack of objection from other statutory providers such as drainage has also been highlighted. However, this indicates an absence of harm rather than a benefit and as such I give this neutral weight. Whilst the scheme would utilise sustainable drainage techniques, this is common practice and as such I give this consideration limited weight.
17. The proposal would harm the character and appearance of the area which would generate conflict with Core Policy 51 of the Core Strategy. The relevant parts of the policy require new development to protect, conserve and where possible enhance landscape character and not have a harmful impact on landscape character. It would also conflict with the part of Core Policy 51 of the Core Strategy which requires a high standard of design in all new developments, creating a sense of place that is complementary to the locality and enhances local distinctiveness and positively relates to its landscape and townscape setting.

Other Matters

18. The Council has produced a schedule identifying the financial contributions that would be sought from the development. This includes affordable housing provision, primary and secondary school provision and waste facilities. The appellant has prepared a UU. However, giving that I am dismissing the appeal it is not necessary for me to consider the proposed contributions further.
19. My attention has been drawn to the planning permission granted on adjoining land in support of the proposal¹. However, I have limited details of the permission in which to draw detailed comparisons with the case before me. I note though that the approved scheme was much smaller in size and was approved within a different set of circumstances which makes it materially different to the case before me. Just because one scheme is approved on the edge of a settlement it does not automatically follow that another scheme would also be granted planning permission.
20. Reference has also been made to another appeal where it was deemed that housing need outweighed the environmental harm of the scheme. I have limited details of the scheme but note that it was in a different district and location where the circumstances are likely to be different. In any event, each case is determined on its own merits and my assessment is based on the information before me. This point similarly applies to other schemes referenced in support of the proposal.
21. The appellant has highlighted the Council's findings on the suitability of the site for development in background work on the WHSAP. Be that as it may, it does not mean that planning permission would necessarily be granted as it is dependent on the specifics of the scheme contained within a planning application.

Planning Balance and Conclusion

22. The Council say it is able to demonstrate a 5 year housing land supply and whilst this is contested by the appellant, there is little substantive evidence before me with regards an alternative figure that would lead me to take a

¹ Council reference 15/03136/OUT

different view on the Council's position. Furthermore, the results of the Housing Delivery Test do not indicate that housing delivery has been substantially below the housing requirement of the area for the past 3 years.

23. I have found that the development would harm the character and appearance of the area. This carries significant weight in my decision. Whilst the development would deliver additional housing, including affordable housing, the Council is currently fulfilling its requirements with regards national policy on housing supply and as such this benefit does not outweigh the harm I have identified.

24. I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR

Richborough Estates