



Appeal Decision

Hearing held on 17 December 2014

Site visit made on 18 December 2014.

by Stephen Brown MA(Cantab) DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 April 2015

Appeal Ref: APP/Y3940/A/14/2223354

Land to the south of The Forty, Cricklade.

- 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 Beechcroft Land Ltd against the decision of Wiltshire Council.
 - The application ref.13/07132/OUT, dated 23 December 2013, was refused by notice dated 7 May 2014.
 - The proposal is an outline application for development of up to 70 dwellings, including vehicular access off the B4553.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for a partial award of costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary matters

3. The application was in outline with all matters reserved for future determination apart from access.
4. The Wiltshire Core Strategy (CS) was submitted for examination in July 2012, and examination hearings had taken place in May and July 2013 and September 2014. The Core Strategy Inspector's report was published on 1 December 2014. The Council had incorporated the Inspector's proposed modifications, and at the Hearing it was reported that the Council had determined to adopt the CS as modified. Following the Hearing the Council confirmed that the Core Strategy was adopted on 20 January 2015. I have determined this case in the light of the recently adopted Core Strategy.
5. In their original hearing statement, and indeed in the Statement of Common Ground, the Council had accepted that they could not demonstrate a 5-year housing supply for the North and West Wiltshire Housing Market Area – in which Cricklade is situated. Following on from this, they also accepted that where there is not a 5-year housing supply, Policies H2 and H4 of the North Wiltshire Local Plan of 2011 would be out-of-date insofar as they were relevant to housing proposals. However, following the publication of the CS Inspector's report the Council considered a 5-year housing supply could now be demonstrated. At the Hearing the Council confirmed that their case was now

argued on this basis, and that paragraph 7.2 of the Statement of Common Ground was no longer part of the agreed matters. A revised statement on this basis had been submitted to the Inspectorate prior to the Hearing.

6. The reasons for refusal include objections to the scheme on grounds of lack of information concerning various protected species, and concerning the potential archaeological interest of the appeal site. Following discussions it had been agreed that the Council would not pursue their objections relating to protected species subject to imposition of suitable conditions should the appeal be allowed. Furthermore, a scheme of archaeological investigation has been agreed, to be undertaken shortly. As a result neither of these reasons for refusal were pursued at appeal, and I have not considered them further.
7. A further reason for refusal relates to there being no provisions for securing affordable housing, or financial contributions to various public facilities. The appellants have now agreed to provide a Section 106 Undertaking to make such provisions. Again, this reason for refusal was not pursued at appeal, and I have not considered it further.

Background matters

8. The appeal site comprises two agricultural fields - some 2.97 hectares in total - adjacent to the southern side of the built-up area of Cricklade. It is accessed from the western side of the B4553 Purton Road towards Swindon, some 15 kilometres away. Along the boundaries are hedgerows, vegetation and established trees. The northern site boundary abuts the back gardens of dwellings on Giles Avenue and The Forty.
9. An illustrative drawing submitted with the application shows 70 dwellings on the site, mainly detached or in short terraces, with separate garage blocks. The illustrative scheme also shows surface water attenuation ponds, and a 'drainage corridor' along part of the northern site boundary adjacent to properties on Giles Avenue. As regards the new access, a new roundabout is proposed on Purton Road. Construction of the roundabout would entail removal of one of the two existing traffic calming islands.

The main issues

10. From my inspection of the appeal site and its surroundings, and from all that I have heard and read I consider the main issues in this case to be:
 - Whether the proposals would be justified in the light of the Wiltshire Core Strategy, and Council's position on their 5-year housing supply.
 - Whether the proposals should be considered as a sustainable form of development given their location in relation to Cricklade and other settlements.

Reasons

11. Core Strategy policy of particular relevance to this appeal is as follows. Core Policy 1 - the Settlement Strategy - identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. It identifies a four tier hierarchy of settlements, of which the third - Local Service Centres - includes the settlement of Cricklade. Local service centres are defined as the smaller towns and larger villages which

serve the rural hinterland and possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside Market Towns (the second tier) for greater self-containment. Furthermore, these centres should provide for modest levels of development in order to safeguard their rôle and deliver affordable housing.

12. Core Policy 2, sets out the Delivery Strategy. This seeks to provide new employment land and at least 42,000 new dwellings, distributed among three Housing Market Area (HMAs), and including an allowance for two committed sites for 900 homes in the area to the west of Swindon. The requirement for the North and West Wiltshire HMA is for 24,740 homes. This HMA includes the Community Area of Royal Wootton Bassett and Cricklade.
13. Core Policy 19 sets out the spatial strategy for the Royal Wootton Bassett and Cricklade Community Area, including employment areas and the requirements for housing. The total requirement is for 1,455 homes. Of these, 1,070 are to be in Wootton Bassett itself, and 385 in the remainder of the Community Area. Of these, there had been 248 completions between 2006 and 2014, and 24 dwellings granted planning permission on specific sites. This leaves a remainder to be identified of 113 homes.
14. The Core Strategy continues to save Policy H4 of the North Wiltshire Local Plan of 2006. Policy H4 aims to restrict development of new dwellings in the countryside unless they are in connection with the essential needs of agriculture, forestry or other rural enterprise, or the replacement of existing dwellings. I note also that explanatory text to Core Policy 19 states that the open countryside should be maintained to protect the character and identity of the area.

Core strategy and the 5-year housing supply

15. In his procedural letter of 2 December 2013, the Core Strategy Inspector put his view that the evidence submitted did not support an Objectively Assessed Need (OAN) for 37,000 homes over the plan period 2006-2026 and that there was a significantly greater housing need. He suggested that the OAN across the three HMAs should be in the region of 44,000 homes over the plan period. However, in the light of Council's Strategic Assessment he considered that the CS housing requirement should be expressed as a minimum figure towards the upper end of the preferred range of between 35,800 and 42,100 new homes. In the event Core Policy 2 now states a minimum requirement for 42,000 homes over the plan period.
16. The appellants argue that the Council have failed to demonstrate unequivocally that there is a five-year supply of deliverable housing sites, or that they accurately reflect a consistent undersupply of housing over the years 2009 to 2014. However, the Council say the position on housing land supply has changed significantly since an appeal earlier in 2014 relating to land off Park Road, Malmesbury¹, where the Inspector had found that a 5-year housing supply could not be demonstrated. This is on the basis of the latest available evidence of delivery of specific sites; new sites gaining permission or having a resolution to permit; the publication of the 2012 Strategic Housing Land Availability Assessment; the progress of Neighbourhood Plans, and the latest Housing Land Supply Statement (HLSS) of July 2014. This latter document

¹ Secretary of State Appeal decision ref. APP/Y3940/A/13/2200503, dated 8 September 2014.

- includes a full survey of all housing completions for 2013/14, showing that the previous HLSS of February 2014 had greatly underestimated completions for the period. This evidence had been considered by the CS Inspector at the September hearing, and in his report accepted that the Council had adequately demonstrated a five year supply of deliverable sites in accordance with the objectives of national policy, and that a 5% buffer was acceptable.
17. Of the total 42,000 housing requirement, the requirement for the North and West Wiltshire HMA is 24,740 homes, of which there had been 9,955 completions between 2006 and 2014. The requirement for the period from 2014 to 2019 is 6,160. The Council are now in the position that they have deliverable sites for the 2014 to 2019 period for 6,687 homes, which equates to 5.43 years' supply.
 18. The CS Inspector further considered that the overall housing requirement over the plan period would, following the proposed modifications, be disaggregated across the three HMAs and delivered through a combination of CS policy and DPD/Neighbourhood Plan production wherein public consultation will be required, and that given the geographic scale of Wiltshire and the volume of housing proposed, such an approach was robust and satisfactory.
 19. The appellants argued forcefully that there was no choice but to consider the Council's policy in the light of the original OAN figure of 44,000 dwellings, and that some 14 allocated sites should either be excluded from the assessment of housing supply, or that they are unlikely to deliver the number of dwellings forecast.
 20. The appellants also argued that settlement boundaries could not be regarded as up-to-date. In this regard, explanatory text to Core Policy 1 states that existing boundaries of Local Service Centres - as defined in former Local Plans - will be carried forward into the Core Strategy and retained. Furthermore they will be reviewed as part of a forthcoming Site Allocations DPD, complemented by community led planning - the approach endorsed by the CS Inspector. The Council have undertaken an informal consultation with Parish and Town Councils on draft proposals for revised settlement boundaries, and the proposed boundary for Cricklade is largely the same as defined in the North Wiltshire Local Plan.
 21. There is also a Neighbourhood Plan in preparation for Cricklade, covering provision of new housing, its location, style and type. There was a first round of consultation on the Plan in 2013, a second round is in progress, and an external consultant has been appointed to assist the Neighbourhood Plan Working Party. Various sites have been put forward, including brownfield sites within the existing settlement boundary. With the adoption of the Core Strategy it appears to me that there is now a mechanism firmly in place for boundary review and establishment of new boundaries where necessary.
 22. In the *Park Road* appeal decision the Secretary of State accorded significant weight to the opportunity the neighbourhood plan process gives to local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs. He also acknowledged that the Council accepted the need to do further work on identifying more housing land across their area, including through a review of settlement boundaries in the Wiltshire Core Strategy, and that time was needed to go through the proper consultative and statutory processes. The

view was taken that the release of that site for (77) dwellings could result in a significant and adverse impact on the outcomes of both the Core Strategy and the neighbourhood plan.

23. The housing requirement for the Royal Wootton Bassett and Cricklade Community Area is set out in Core Policy 19. The total requirement for the 2006-2026 period is 1,455 dwellings, of which 1,070 are to be in Royal Wootton Bassett and 385 in the remainder of the area. Within this remaining area there had been 248 dwellings completed between 2006 and 2014, and 24 dwellings approved on specific sites. This leaves 113 dwellings to be provided between 2015 and 2026 on sites yet to be identified in the nine named settlements in the Community Area other than Royal Wootton Bassett. These comprise Cricklade, two large villages, and six small villages. The CS states that a limited level of development will be supported in the villages, and anticipates that in large villages housing development will take the form of small sites of less than 10 dwellings within the settlement limits, while some very modest development may take place in small villages. In this context, the appeal proposal for up to 70 dwellings would constitute about 62% of the housing provision for the remainder of the Community Area until 2026.
24. I understand there are opportunities in Cricklade for housing on previously developed land – identified both in the Council's Strategic Housing Land Availability Assessment, and in the emerging Neighbourhood Plan. A core planning principle expressed in the eighth bullet point of NPPF paragraph 17 is to encourage the effective use of land by re-using land that has been previously developed (brownfield) land. In the light of this it appears to me that to provide such a high proportion of the housing requirement on greenfield land would significantly prejudice the process of establishing a new settlement boundary for Cricklade - should that be necessary - and particularly the opportunity for the community to review that boundary by means of the Neighbourhood Plan.
25. Furthermore, the provision of such a high proportion of new dwellings on a single site in Cricklade – which cannot realistically be seen as a modest level of development - would tend to skew provision away from other settlements in the Community Area. One of the aims of Core Policy 1 is to reduce out-commuting, and the proximity of Cricklade to the urban area of Swindon makes this a matter of particular concern. The appeal proposal would probably result in an increase in out-commuting, and cannot be seen as a development that would promote the aims for containment of settlements expressed in Core Policy 2, nor would it be desirable in terms of sustainability.
26. In this case the Neighbourhood Plan may not be so well advanced as in *Park Road*, but the Core Strategy has now been adopted. I consider that time should be allowed for the newly adopted strategies to take effect, and for the mechanism for boundary review to be properly implemented. In this regard I understand that an informal consultation exercise is now in progress considering the methodology to be adopted in preparing the Sites Allocation Development Plan Document. This consultation includes the results of the Council's own site assessments and the 'sieving' of site options. It is apparent from this that the appeal site has been identified as a potential housing site for Cricklade – in the 'Refined Option 2' category.

27. The basis for this identification has not been put before me, and I am not able to judge to what extent this site should be preferred over others. However, this is a consultation at a very early stage. I consider little weight should be accorded to it, and this information does little to demonstrate the sustainability of the appeal site in the wider context of the relationship of Cricklade to large towns nearby.
28. Overall it appears to me that there is now up-to-date Core Strategy policy that sets out the total housing requirement for Wiltshire of 42,000 homes, and disaggregates it according to the three HMAs. I can see no good reason to consider some other figure for housing need at this stage. In my view, the Council have demonstrated a five-year housing supply for the North and West HMA. While settlement boundaries may be under review, this is in the context of a well defined and robust mechanism. In my opinion granting planning permission for the appeal scheme would be to pre-empt decisions more properly made through the emerging DPD and community led plans. I do not consider paragraph 14 of the NPPF -insofar as it relates to out-of-date development plan policy - or paragraph 49 of the NPPF, are engaged.
29. The section of the government's Planning Practice Guidance 'Housing and Economic Land Availability Assessment' advises at paragraph 033 that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Furthermore, up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals.
30. In this case the Core Strategy has recently been through the examination process, and is now adopted. In the light of PPG advice I do not consider that a Section 78 appeal is the forum in which to challenge the Council's housing supply provisions.
31. It is possible there will be legal challenges to Core Strategy following adoption. However, no specific instances were identified, and I have determined this case on its merits in the light of prevailing development plan policy and the material considerations put forward.
32. I conclude on the first main issue that the proposals would not be justified in the light of the Wiltshire Core Strategy, and the Council's position on their 5-year housing supply. The proposals would not accord with the aims of Core Strategy Core Policies 1 and 2.

Sustainability

33. In terms of such matters as accessibility, proximity to schools, provision of cultural and sporting activities, local services and shops, the appeal site should be seen as a sustainable location. Indeed, the Core Strategy designation of Cricklade as a Local Service Centre endorses the fact that it possesses an appropriate level of facilities and services to serve the rural hinterland. Core Policy 1 also identifies Local Service Centres as settlements that provide the best opportunities outside Market Towns for greater self-containment, suitable for modest levels of development in order to safeguard their role and to deliver affordable housing.

34. However, the presumption in favour of sustainable development expressed in NPPF paragraph 14 does not promote, or endorse the release of greenfield sites that might be considered sustainable in narrow terms such as accessibility. Sustainability must be considered against the advice of the Framework as a whole.
35. In the above discussion of settlement boundaries I have noted that the appeal proposals would fail to promote containment of this Local Service Centre, and it appears to me could well result in out-commuting to major centres of employment – and particularly to Swindon. Furthermore, given that anticipated housing development in Cricklade is planned to be relatively modest, development of the appeal site would be likely to prejudice opportunities for development of brownfield land in the town.
36. In terms of the impact of the proposals, the fields which constitute the appeal site may not be of special landscape value, but are nevertheless an intrinsic and attractive part of the rural surroundings of Cricklade. The development would encroach upon these surroundings, and an area of open countryside would be permanently lost. Furthermore, I do not consider the new roundabout would provide a 'gateway feature' of any value to the town, or that such a feature would be necessary. Rather, it would emphasise the urban/suburban nature of the development, and further harm the rural character of the surroundings. The appeal proposals would fail to promote the core planning principles set out in the fifth and seventh bullet point of NPPF paragraph 17 – that is, recognising the intrinsic character and beauty of the countryside, and contributing to the conservation and enhancement of the natural environment. These aims are reflected by what are seen as the key outcomes of CS Strategic Objective 5 – the protection and enhancement of the landscape character of Wiltshire.
37. Access to and from the site would be along the Purton Road, which I saw was relatively heavily used, carrying a significant number of goods vehicles. The distance to the main facilities of the town from the farthest point of the appeal site would be about 800 metres – regarded as a maximum acceptable walking distance to town centres². Although the appellants would undertake to extend and improve the footway, as the only route to the town facilities this would be a poor environment for pedestrians over such a considerable distance. I very much concur with the view put forward at the Hearing that the development would not be well integrated with the town as a whole, and would essentially constitute a 'dormitory' enclave.
38. Overall, I consider the proposals would fail to protect the countryside around Cricklade, and would not promote clear development plan objectives to promote self-containment of Local Service Centres and reduce out-commuting to other towns.
39. I acknowledge that the development would boost the supply of housing, including affordable housing, and may bring economic benefits to the town, both through construction expenditure, and expenditure by future residents. However, I do not consider this would justify pre-empting community plans for development, which may well bring similar benefits, nor would it justify the harm to countryside interests.

² The Chartered Institute of Highways and Transportation document: 'Guidelines for Providing for Journeys on Foot' of 2000.

40. I conclude on the second main issue that the proposals would not be a sustainable form of development given the location in relation to Cricklade and other settlements. The development would not accord with the aims of Core Strategy Policies 1, 2 and 19, nor with those of saved Local Plan Policy H4.

Other matters

41. At present there are traffic calming measures on the section of Purton Road where the new roundabout would be, constricting the flow of traffic to one direction only at any time. Introduction of the roundabout would entail removal of one of the two traffic control islands. The Highway Authority considers both should be removed if the roundabout were constructed, and there was much concern that the effectiveness of the existing measures would be reduced as a result. However, it appears to me that the roundabout itself would result in a significant reduction in vehicle speed, but if considered necessary it would probably be possible for the control island to remain.
42. There was much discussion about potential flooding of the appeal site, and the likely effect of the development on the surface water drainage systems protecting the adjacent residential area – ditches, culverts and the like. The site lies within Flood Zone 1 – the lowest risk zone. The proposals would incorporate a 3 metre wide drainage 'corridor' along the northern site boundary, adjacent to the backs of sites on Giles Avenue and The Forty, and there would be surface water attenuation ponds within the site. The appellants would agree to arrangements to ensure future management of these elements. Furthermore, the drainage provisions have been designed to take account of the proportion of impermeable area created by the development.
43. Overall, it appears to me the likely effects on drainage of the appeal site and surrounding area have been properly considered, and exacerbation of problems on nearby sites would be unlikely. Notwithstanding that the proposed traffic and drainage arrangements would be satisfactory, this does little to balance the harm caused in terms of loss of countryside.

Conclusions

44. For the reasons given above and having regard to all other matters raised, I consider the appeal should not succeed.

Stephen Brown

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Simkins	Director, RPS Planning & Development Ltd.
Guy Bailey	Director, RPS Planning & Development Ltd.
Andrew Kenyon	Director, the Peter Evans Partnership.
Elizabeth White	Ecologist.
Ian Thomas	Beechcroft Land Ltd.
Clive Onions	Consulting Civil Engineer

FOR THE LOCAL PLANNING AUTHORITY:

Mark Henderson	Interim Manager – Monitoring and Evidence (Housing Land Supply) Wiltshire Council.
Alex Smith	Senior Planning Officer, Wiltshire Council.
Carolyn Gibson	Team Leader – Spatial Planning Service Wiltshire Council.

INTERESTED PERSONS:

Mark Clarke	Chair, Cricklade Town Council, and Cricklade Neighbourhood Plan Working Party.
John Coole	Chair, Cricklade Town council Planning Committee.
Tim Russell	Local resident.
Beryl McDonald	Local resident, part owner of the appeal site.
Neil Dixon	Local resident.
Keith Williams	Local resident.
Pauline Claxton	Local resident.
Deborah Martin	Local resident.
Geoffrey Harmer	Local resident.
Emrys Williams	Local resident.
Elizabeth Kidman	Local resident.
Wendy Marshall	Local resident.

DOCUMENTS

- 1 Attendance list.
- 2 The Council's letters of notification of the appeal, with the circulation list.
- 3 Written representations.
- 4 Draft Council resolution on adoption of the new Core Strategy.
- 5 Proposed planning conditions.
- 6 Completed S106 Agreement and Statement of Compliance (2 copies)