



Appeal Decision

Site visit made on 7 September 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2021

Appeal Ref: APP/Y3940/W/21/3276094

Land at Sandlease Farm, Worton, Wiltshire SN10 5RZ

- 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 Worton LVA LLP against the decision of Wiltshire Council.
 - The application Ref 20/07932/OUT, dated 11 September 2020, was refused by notice dated 26 January 2021.
 - The development proposed is outline planning application for up to 26 dwellings and associated infrastructure with all matters reserved for future consideration except for access.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 26 dwellings and associated infrastructure with all matters reserved for future consideration except for access at land at Sandlease Farm, Worton, Wiltshire SN10 5RZ in accordance with the terms of the application, Ref 20/07932/OUT, dated 11 September 2020, and the plans submitted with it, subject to the conditions in the conditions annexe and the unilateral undertaking dated 6 September 2021.

Preliminary Matters

2. The above address is taken from the decision notice as it is comprehensive.
3. The application was submitted in outline with layout as a reserved matter. An indicative layout has been submitted which I have considered on that basis only. A parameters plan was also included and as the suggested condition would require development to be in compliance, I have considered it as a broad template potentially for any detailed scheme.
4. A unilateral undertaking has been submitted, committing to provide 8 affordable houses, 255.84sqm of on-site open space, £27,855.36 for upgrading an existing play area, £10,670.40 to Sandlease Playing Field, £91 per residential unit for waste/recycling. This is seeking to address the fourth reason for refusal.
5. A meeting between the Council and the appellants took place on site following the submission of their cases, when it was agreed that the visibility at the proposed access was 47.7m west and 56m east. I have therefore considered the third reason for refusal on this basis.

Main Issues

6. One of the reasons for refusal concerns the Core Strategy's distribution of new housing. Relatedly, the Council acknowledges it is not meeting its 5-year housing land supply requirements and therefore the appropriateness of the strategy in relation to this location warrants particular consideration. The other reasons for refusal refer to highway safety and the impact on the character and appearance of the area.
7. The main issues therefore are:
 - whether the location is acceptable for the proposal of up to 26 dwellings having regard to the relevant Development Plan policies relating to the location of housing development;
 - the effect of the proposal on the character and appearance of the area and;
 - the effect of the proposal on highway safety.

Reasons

The acceptability of the location

8. Worton is a village 8km away from Devizes and the appeal site is on the eastern edge. It is 700m away from a primary school, 900m from a village hall, 800m from a church and 500m to a pub. There is also a car repair garage 400m away. All the above are linked to the appeal site by a roadside pavement, albeit with a need to cross the road. Whilst the Parish Council and other responses question these distances, paragraph 2.6 of the Statement of Common Ground concludes that these facilities are within walking distance.
9. The nearest shop is in the neighbouring village Potterne, 1500m away as amended in the appellant's final comments. This shop has a post office facility, a cashpoint machine and provides basic everyday groceries. More extensive facilities are in Devizes and Trowbridge. The Parish Council response confirms that there are six buses per day to Devizes taking 11-34 minutes, 3 direct to Trowbridge taking 38-52 minutes and 3 direct to Potterne. There are connections to Chippenham, Bath and Salisbury but with fewer services. There are no services on Bank Holidays or Sundays. Whilst these services would not be as convenient as a car, they offer some potential alternative, particularly as the bus shelter/stop is 200m away.
10. The village has some facilities which would be walkable as I did on my site visit. I find that the distance to Potterne village shop is also possible for some although the road is not lit. Additionally, I noted on my visit that the roads would be conducive for cycling.
11. The site is outside a settlement boundary wherein limited development is acceptable in principle. However, the site adjoins the boundary so that the difference in accessibility would be negligible.
12. The village would not provide employment, secondary education or health. I therefore find that the proposal would have some car dependency as the occupants would have to travel to some facilities.
13. Wiltshire Core Strategy Core Policy 1 promotes development in larger settlements. Core Policy 2 has a similar intent by identifying important sites for

development and also promoting previously developed land. Core Policy 12 on the Devizes Community Area places more development emphasis on Devizes whilst recognising Worton as a large village and cross referencing to Core Policy 1. Core Policy 60 promotes development in accessible locations and Core Policy 61 seeks to reduce the need to travel by private car.

14. The above policies contribute to a strategy which favours development towards the largest settlements to reduce the need for private cars: development in an urban area would offer more comprehensive access to facilities and services, and the best public transport.
15. The strategy allows for limited development in a large village to support local services and help vitality. The proposal is for 26 dwellings and I am mindful of the definition of major development in the glossary of the Framework which is 10 dwellings. Furthermore, the lower-case text for Core Policy 1 envisages less than 10 dwellings within settlements. Consequently, I find that this proposal would be more than limited development but not substantially so.
16. The climate change effects of potentially outward traveling from the 26 houses must be balanced against the need to support and retain local services by providing some increase in development. Indeed, the Core Strategy provides some spread of development across the rural areas. The new residents would be well placed to support local services and ensure their continued viability. I noted on my site visit that the village appeared to lack recent development and opportunities would be very limited due to the tight settlement boundary. Indeed, only one dwelling is recorded as a completion/commitment at 2019 in the table 2.4 of the 'Wiltshire Council Local Plan Empowering Rural Communities'.
17. Indeed, the officer's delegated report confirms that in terms of housing delivery 2006-2026, the 'community area' outside of Devizes town (including Worton) has an 82 dwellings shortfall.
18. The document Empowering Rural Communities is recent, from January 2021, and the introduction states its intention is to look at ways to suggest how planning policies and proposals may be changed in the Local Plan review and invites views. It suggests a 40 dwelling indicative housing requirement between 2016-2036 for Worton. Whilst this may only be an initial study it indicates a response to the distribution of housing based on the area's need and the quantum is also specific to each particular village. It also gives a back dated housing requirement to 2016 which indicates the gravity of the shortfall.
19. The proposal includes 8 affordable houses and the UU has a clause which gives the Council control over the allocations policy for the 8 affordable houses, which would allow it to apply a local connection to Worton and/or Potterne.
20. I conclude that the number of houses would lead to some outward travelling as facilities are not comprehensive. I ascribe this as a moderate increase due to the status of the village and its relative accessibility and this needs to be considered with the need to protect rural services and facilities. The proposal is larger than the scale envisaged in Core Policy 1 and is the wrong side of the settlement boundary line, so would conflict with Core Policy 1, Core Policy 2, Core Policy 12, Core Policy 60 and Core Policy 61. I give the weight of these conflicts further consideration in the planning balance.

The effect on character and appearance

21. Worton is not within an Area of Outstanding Natural Beauty or any local designation. Similarly, the Council have not suggested that it is in a valued landscape.
22. The village has a discernible linearity with only limited development in depth. In addition, the buildings are perceptively set below the line of a ridge on its south side. This eastern part of the village is characterised by twentieth century housing.
23. The appeal site consists of rough grass fields, which were being used by horses at the time of my site visit. It is featureless with no trees or hedges except on the boundaries. There are outward views largely to the south from two footpaths across the site. Neither of these footpaths appeared to be well used judging by the lack of wear to the grass surface and one in particular was enveloped by the surrounding vegetation.
24. Whilst the proposal would be an extension of the village, it adjoins the existing built-up extent on two sides. There is also a varied building line, which also would enable the development to dovetail and appear integrated. Furthermore, the submitted wider settlement plan, shows that the appeal site tallies with the village's linear shape.
25. The parameters plan shows that the extent of development would not extend southwards beyond the existing line of houses. This would contain the development near the built-up edge and below the ridge.
26. A LVIA has been submitted, and I saw on my site visit the six viewpoints it highlights.
27. Viewpoint 5 is on a bridleway on the edge of Market Lavington. From this elevated position the view is extensive, but the village and the appeal site are barely discernible being below the ridge. Viewpoint 6 is even more distant, so the site is scarcely discernible. Viewpoint 2 is at a similar height to the appeal site and at 3km away it is a minuscule element of the view. Viewpoint 3 is from the road leading to the village and the surrounding houses are visible and hence the proposed development would also be visible. However, the proposal would be seen against and experienced with the surrounding houses and therefore the extent of intrusion would be limited. Viewpoint 4 is narrow, and the site would not be prominent being largely behind the High Street frontage. Viewpoint 1 is from the footpath within the site, and this would be one of a number of similar views along both footpaths. The development would be readily apparent but would be seen against the existing houses and therefore the harm would be very limited.
28. The site does not feature in outward views from the main street and therefore makes little contribution to the countryside setting from the main public realm. Additionally, the parameters plan confirms that the existing hedge and trees on the eastern boundary of the site would be retained, which would help obscure the development.
29. The Council's delegated officer report describes the village as having 226 houses. Whilst the proposal would be a moderate increase, I noted that the village is perceptively large due to its long length along the High Street and the

proposal would follow its form. Consequently, the proposal would not overwhelm the village.

30. The views of the surrounding residents would be harmed as the green fields would be lost and this is understandably reflected in their comments. However, the planning system places emphasis on impacts from public views.
31. The detailed landscaping of the development would be a reserved matter. However, the parameters plan shows a large open space which would offer the opportunity for significant new tree planting. Whilst the submitted layout is only indicative it does show that the proposed 26 houses would fit comfortably in the development area whilst allowing space for landscaping. Similarly, the detailed design is a reserved matter but as the site is not constrained there would be no reason why the layout, elevations and materials would not be designed sympathetically.
32. I therefore conclude that the proposal would cause some harm, but the impact would be very limited. Core Policy 51 requires development protects, conserves and where possible enhances landscape character. Reference is also made to the separate identity of settlements and the transition between man-made and natural landscapes, light pollution, important views and tranquillity. Core Policy 57 requires enhancing local distinctiveness and response to the landscapes and provision of sufficient information in the application. The harm would not be significant enough to amount to a material conflict.

Highway safety

33. The village has a 30mph speed limit, which is clearly demarcated at the eastern end by speed signs adjacent to the village sign, white timber "village gates" and a sign "Police Notice: Community Speed Watch Area" and a slightly fading brown/red surface with 30mph notation.
34. After this signage is the T junction with Potterne Road, on a bend which then leads to the appeal site and the built-up confines of the village. The village road has a pedestrian pavement, and the carriageway has a 2-vehicle width.
35. The submitted Transport Statement foresees both the a.m. and p.m. peak flows from the proposed 26 houses would be increased by 13. This would not be overly significant as typically 4629 vehicles per week use the village road as shown by a December 2020 speed survey by Tracsis consultants on behalf of the Council.
36. The proposal includes a new access close to an existing one serving Sandlease Court. It is agreed that the splay at 2.4 m from the carriageway would be 56m to the east. This would include part of the bend, but the curve is over a long length and there is a wide and open grass verge for visibility. The visibility splay line would be well within the 30mph limit by which time the slowing oncoming vehicles would have the chance to see emerging vehicles from the appeal site.
37. The Sandlease Farm bungalow is the first building seen on the eastern approach and the access would be between it and another dwelling. The access would therefore be seen within the built-up confines of the village and accordingly traffic emerging from it would be expected by an oncoming driver. Moreover, the Potterne Road T junction is another feature on this approach which would be a further inducement to maintain a low speed.

38. The Manual for Streets recommends that a 30mph speed limit requires 43m in each direction. The appellant's speed survey of September 2016 indicates 85th percentile speeds of 25mph which was taken at the junction with the appeal site, which also indicates a 43m splay. I note that this was undertaken in wet weather and speeds would be expected to be faster in dry conditions. The survey was also only for a short duration.
39. The Council refer to a March/April 2017 survey which showed speeds of average around 32mph and an 85th percentile figure of 37mph. Accordingly they are seeking a 59m visibility splay. However, the survey was not taken at the appeal site but further to the west which may not be wholly representative.
40. In December 2020 a speed survey by Tracsis consultants on behalf of the Council showed an average speed of 30.7mph and the 85th percentile figure at 34.6mph, which would necessitate a splay of 47.3m. I give this survey more weight as it is more recent.
41. The local residents have submitted a 2017 report by the Stillwell Partnership reviewing a Transport Statement for a proposal of 29 dwellings on the appeal site, which is also re-iterated in a submission by ADL consultants for this proposal. They refer to a Parish Council organised survey in January 2015 near the Sandleaze junction which shows an 85th percentile figure at 35.6mph. I have not been provided with comprehensive details of this speed survey but in any event this result is close to the 34.6mph figure from the 2020 Council commissioned survey.
42. The Parish Council and local residents clearly express concern about speeding in the village and as a result further measures are contemplated. The responses point to observed examples of speeding but the Tracsis survey found that only 0.2% of vehicles westbound were 15mph or more above the speed limit.
43. I also note the comments of the Highways Officer following the site visit on the 11 December 2020; however, the speeds were based on observations rather than measured survey.
44. Based on the submitted speed survey evidence, my own observations on the nature of the road, and the position of the access within the village, I find that a 59m splay would not be justified. In any event, the 56m splay proposed would be close to the Council's 59m requirement and far surpasses that determined necessary by the Council's 2020 Tracsis speed survey.
45. The December 2020 survey showed only 1.3mph difference in the speeds west and east bound, as the latter was recorded 33.3mph 85th percentile. The western visibility splay would extend to 47.7m, to which the Council have no objection and I concur.
46. The appellant confirms at paragraph 1.26 of their statement that the visibility splays are in their control and the highway authority. Both parties agreed the extent of the potential splay lines on site, which would have taken account of any topographical influences as suggested in the submission from ADL consultants on behalf of the local residents.
47. The access is not a reserved matter. The submitted plan shows the proposed access would be 5.5m wide which would allow easy and clear entry or exit thereby avoiding vehicles having to wait on the road.

48. The appellants' Transport Statement denotes several personal injury collisions in the village between January 2016 and December 2018 with one incident near the appeal site at the Sandlease/High Street junction. This is disputed by the Parish Council who point to 4 casualties during 2016-2018, however based upon the submitted evidence in the appellant's final comments, these are not by the appeal site. I accept that not all accidents will have been reported but from the evidence before me the accident records do not indicate that the vicinity of the appeal site is unsafe.
49. I also note the concerns from local residents about the proximity of the Sandlease Court access. However, there is a wide grass verge and pedestrian pavement between that and the proposed access, providing good visibility and the car movements would be seen.
50. There are roadside footpaths so pedestrians would be segregated from the road and would be readily seen at the point of the access. Similarly, the visibility and amount of traffic would not impair the safety of cyclists.
51. I note the comments from ADL consultants about the indicative layout. However, such details would be for the reserved matters stage. Similarly, there is mention of some of the detailed aspects of the access which would be matters for the highway adoption process. There is mention of hindrance to the use of the garage of Sandlease Farm, however access to the dwelling and parking would still be possible.
52. I therefore conclude that the proposal would not jeopardise highway safety.
53. Core Policy 60 seeks to maintain and improve the local transport network and support safe and efficient movement of people. Core Policy 61 requires safe access to the highway network. Paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal would not be in conflict with these policies.

Other matters

54. The local residents' concerns include daylighting/shadowing and privacy; however, the site would be sufficiently large to enable new dwellings to be distanced so that living conditions would be respected. Several comments highlight the biodiversity of the area; however, the proposal would be an enhancement bearing in mind the current sparse vegetation on the site. Reference is made to a case in Pewsey for 50 affordable houses whereby harm was found to the landscape, however the particular characteristics of that site and the appeal site are unlikely to be the same. Surface water drainage was also questioned but there is sufficient space to slow run-off and a condition could be imposed.

Planning Balance

55. The Core Strategy allows only limited development in large villages, favouring larger settlements for more development: this aspiration to discourage car use does tally with climate change measures. In this regard the proposal would be contrary to the Development Plan. Additionally, the site would also be on the wrong side of the settlement boundary line and so would also contravene the Development Plan.

56. The Core Policies aim to conserve the landscape, which are supported by the Framework but have to be considered too in respect of housing delivery. The landscape impact would be very limited, being localised and contained. In this regard, the conflict would not be material.
57. I have also found compliance in terms of highway safety and biodiversity. I therefore conclude that overall, there is limited conflict with the Development Plan.
58. The Council is not meeting its 5 year housing land supply requirement and therefore paragraph 11(d) of the Framework is triggered. The housing land supply was 4.45 years supply as at April 2019, amounting to a shortfall of 928 dwellings. I find that this is a significant under supply.
59. Insufficient housing land has been found in large settlements to meet the area's needs, which undermines the development plan housing policies and the appropriateness of overly limiting the size of housing growth on otherwise suitable sites in large villages.
60. The proposed development of up to 26 houses would be an important contribution to housing land supply. Whilst the Core Strategy is currently under review, it will take considerable time to remedy this gap. Moreover, 'Wiltshire Council Local Plan Empowering Rural Communities foresees up to 40 dwellings in Worton between 2016-2036.
61. Indeed, some housing is needed in large villages to support and retain local services and allow vitality. This is highlighted in paragraph 79 of the Framework to promote sustainable development.
62. Market housing is also often needed to support the delivery of affordable housing and the eight affordable houses would be a significant benefit, providing homes to those in substandard living conditions. The appellants quote 4,000 households as being on the housing register. The need is therefore pronounced.
63. Paragraph 8 of the Framework provides the three overarching objectives of the planning system: economic, social and environmental. The proposal would provide up to 26 houses which would have economic benefits from their construction. Additionally, the appellants have expressed a willingness to promote skills training in the construction process which would be a social benefit and help reduce travel. The additional homes would help the vitality of the village and support local services and the affordable housing would provide accommodation to those in need, thereby giving social benefits. The proposed landscaped public open space would offer environmental benefits in terms of landscape enhancement and biodiversity, as well as physical and mental health benefits through recreation, although this would have to be offset against the presence of development and some likely additional outward traffic generation.
64. In the light of the above, I therefore conclude that the adverse impacts of the proposal would not significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conditions and unilateral undertaking

65. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. A list of conditions is in the

appendix to the Statement of Common Ground as agreed by both parties. Conditions on the submitted and approved plans and the requirements for submissions of reserved matters are necessary in the interests of clarity but the wording is simplified and does not require all the submissions at the same time. Conditions on the access and its visibility are necessary in the interests of safety but have been consolidated and specify the agreed splay lines of 47.7m and 56m. The condition on drainage ensures that basic infrastructure is provided. A condition on landscape and ecological management will help the appearance of the development and ecology. The specific provision of bat and bird boxes has been deleted in favour of a more widespread promotion of biodiversity in the management plan. External lighting is a condition in respect of ecology and dark skies. A condition on the training of local people in the construction process is necessary to boost the social benefit of the development and contributes to the merits of the proposal in the planning balance. The requirement for local people to be employed would be impractical to require by condition.

66. Several conditions are pre-commencement but such wording is necessary for their particular purposes.

67. The unilateral undertaking provides for 30% affordable houses which accords with the Core Policy 43. The open space provision as I have found earlier is necessary to mitigate the landscape effect. The play equipment contribution is necessary to provide for the additional needs of the new residents as required by Core Policy HC34. The waste/recycling contribution ensures provision of everyday facilities in accordance with Core Policy 3. Consequently, the undertaking meets the tests in paragraph 57 of the Framework and addresses the fourth reason for refusal.

Conclusion

68. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below and the Unilateral Undertaking dated 6 September 2021.

John Longmuir

INSPECTOR

Conditions annexe

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan 160405 L 01 01 B
- Parameters Plan 160405 P 01 01 A

5) No part of the development shall be first brought into use until the visibility splays shown on the approved plan 4436/001 A to achieve splays measured 2.4m back from the carriageway edge at the centre point of the access of 47.7m westward and 56m eastward have been provided with no obstruction to visibility at and above 600mm above the carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

6) No part of the development hereby permitted shall be first brought into use until the access has been provided measuring 5.5m width with a 2m footway (to meet the current footway) and in accordance with the layout per approved drawing (4436/001 A).

7) No dwelling hereby permitted shall be occupied until surface water drainage works (including surface water from the access and driveways) shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and,
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

8) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be implemented as approved and the works retained as such thereafter. The content of the LEMP shall include, but not necessarily be limited to, the following information, together with a timescale for actions:

- i. Description and evaluation of features to be managed;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Promotion of biodiversity including habitat provision for specific species;
- iv. Appropriate management to achieve the above;
- v. Prescriptions for management actions;

- vi. Preparation of a work schedule including an annual work plan capable of being rolled forward over a five year period;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met.

9) No development shall take place (including any site clearance or ground works) until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the approved Construction Environment Management Plan. The Plan shall provide for the following including timescales:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of any biodiversity protection zones;
- iii. Measures which will be used to avoid or reduce impacts during construction including precautionary method of working for reptiles and amphibians, hedgehogs;
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;
- vi. The Location of "Biodiversity Protection Zones" and protective fences, exclusion barriers and warning signs;
- vii. Responsible persons and lines of communication;
- viii. The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- ix. Ongoing monitoring, including compliance checks by a competent person during construction and immediately post-completion of construction works.

10) No external lighting shall be installed other than in accordance with details submitted to and approved in writing by the Local Planning Authority.

11) Prior to the commencement of development, a written statement for the training of local labour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

END OF CONDITIONS ANNEXE