



Appeal Decision

Hearing Held on 1 & 2 February 2022

Site visit made on 16 February 2022

by Frances Mahoney MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/Y3940/W/21/3275053

Land at Purton Road, Swindon

- 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 Beachcroft Land Ltd, Carole Ann Lindsey, John Webb, Sally Ballard against the decision of Wiltshire Council.
 - The application Ref 20/10523/OUT, dated 25 November 2020, was refused by notice dated 9 April 2021.
 - The development proposed is an outline application for a residential development of up to 79 dwellings and associated infrastructure with all matters reserved with the exception of access on land at Purton Road Swindon.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In this outline proposal all matters are reserved for future consideration save that of access. Therefore, other than the site location plan¹ and the access arrangement plan², all other plans are purely for illustrative purposes only, but whilst they may not be determinative, they have informed my reasoning.
3. The reasons for refusal included the Council's objection that the proposal did not make provisions for securing affordable housing on the site, nor financial contributions towards early years education facility provision, public open space and play equipment and the on-going maintenance and waste and recycling facilities³. It is the position of the parties that with the agreement of terms, and the completion of a Section 106⁴ agreement, as a mechanism to secure the above elements, this would address the Council's concerns in this regard. Prior to the commencement of the Hearing the parties came to an agreement on terms and consequently the Council did not defend reason for refusal 3 on the basis that an agreed S106 would be submitted in good time. The executed, sealed and completed Section 106 agreement dated 8 February 2022 was submitted just after the close of the Hearing⁵. I am satisfied that the terms of the Section 106 agreement are necessary in-order to make the development

¹ P18-1721_06-2.

² 2900.07B

³ Reason for refusal 3.

⁴ Deed under Section 106 of the Town and Country Planning Act 1990.

⁵ Hearing Document (HD) 5.

acceptable. Therefore, to consider these matters further is not required and this decision will not examine the agreed provisions beyond this paragraph.

4. The appeal site was the subject of a previous planning appeal which was dismissed on 6 April 2020⁶. This decision is a material consideration in my judging of this proposal, and I shall return to its terms and reasoning where appropriate⁷.

Development Plan

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) places considerable emphasis on sustainable development and highlights the delivery of new housing as a national priority. It is an important material consideration in planning decisions.
6. The Development Plan for the District includes the Wiltshire Core Strategy 2015 (CS), the Wiltshire Housing Site Allocations Plan (WHSAP) adopted in February 2020, the saved policies of the North Wiltshire Local Plan (LP) and the Purton Neighbourhood Plan (2017-2026) (NP) made in November 2018.
7. The Council has been engaged in undertaking a review of the Wiltshire Local Plan (RWLP). This will provide a strategic context for development up to 2036 and determine the level and direction for future growth. As part of the review a range of sites will be allocated to meet the identified need for homes and jobs. Adoption of the emerging plan is not anticipated until mid-2023. Taking into account the early stage of preparation of the Local Plan Review, the potential for the evolution of the emerging strategy, along with the likelihood of some slippage in the timetable for adoption, little weight can be ascribed to this document in my decision-making.
8. The Statement of Common Ground (SofCG) sets out that the appeal site falls outside of any defined limits of development identified within the CS, WHSAP or the NP⁸. Therefore, essentially the appeal site constitutes open countryside in planning policy terms.
9. CS Policy CP1 sets out the settlement strategy for the area, identifying a hierarchy of settlements to which development will be directed with the aim of achieving sustainable development. Purton is identified as a large village where development will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities services and facilities⁹.
10. CS Policy CP2 provides a more detailed delivery strategy for at least 42,000 homes, disaggregated into a minimum housing requirement across four identified Housing Market Areas (HMA). The largest proportion of the development to be delivered over the plan period would be within the North and West Wiltshire HMA.

⁶ APP/Y3940/W/18/3202551 – Boniface appeal decision.

⁷ A number of other decisions were drawn to my attention, but I consider the circumstances of the Boniface appeal to be of most relevance to this proposal.

⁸ SofCG paras 2.3 & 6.3.

⁹ CS Policy CP19.

11. LP saved Policy H4 specifies circumstances in which new dwellings may be built in the countryside¹⁰. None of these are relevant to the appeal proposal¹¹.
12. The NP recognises the need for growth within the NP area in anticipation of an increase in population. It allows for at least 94 additional dwellings to come forward on a number of identified sites, including one outside of the settlement boundary. It is a plan which recognises and responds to the need for necessary and appropriate growth, taking a pragmatic and proactive approach to support a plan-led response to development, where development pressures exist. It does not support development outside of its allocations and should be read as policy which dove-tails into that within the Development Plan as a whole.
13. Following the close of the Hearing the Council published a Housing Land Supply Statement¹²(HLSS) in April 2022¹³. This represents the most recent evidence in this regard and should be considered as part of this decision. The main parties were given the opportunity to comment on the HLSS. The appellant provided a rebuttal based on the Council's promoted position in the said document¹⁴.

Matters for consideration

Highways

14. Just to the east of the appeal site is Elborough Bridge Cottage. Combined with this residential property is a business premises where the occupier runs a Stretch Hummer and Limousine hire company. The main issue for the neighbouring resident is that the proposed design of the appeal site access would be such that it could prove impossible for his vehicles, which have a length more than 10 metres and consequently a significant turning circle, to safely negotiate the newly aligned Old Purton Road from the access point with the drive of his cottage to the junction with Purton Road. He considers that the proposed road gradient and camber along with the junction details would, amongst other things, cause his business vehicles to overrun across the full width of the new access road close to the junction with Purton Road as well as possible grounding issues on Old Purton Road. I agree were this to be the case this would not be in the interest of highway safety both for road users and pedestrians.
15. I have considered the technical evidence submitted in this regard and do have some concerns about the proffered design of the access road and realignment of Old Purton Road to accommodate the unusually large vehicles operating from Elborough Bridge Cottage.
16. The extent of the access arrangements for consideration in this outline proposal, whilst identifying the point of access onto Purton Road and the position of the ingress into the appeal site, does not present the final

¹⁰ This policy originates from a LP of some age which pre-dates the introduction of the Framework. This does affect the weight which can be ascribed to these policy terms, but, overall, it does seek to control new residential development within the countryside and when dove-tailed into its Development Plan context it mirrors the more generalised limitations of CS Policies 19 and 51 which seek to protect the character and identity of the open countryside. This reflects national policy in this regard (Framework para 174).

¹¹ CS para 4.25 also sets out exception policies which could represent additional sources of supply, but these too are not relevant in this case.

¹² Base date April 2021 – HD6.

¹³ HD7

¹⁴ HD8.

engineering design of the access which would be based on further survey work. Proposed site access drawing 2900.07B is a broad indication of the junction and not a final detailed plan of its design, engineering, and construction.

17. The Sustainable Transport Group of Wiltshire Council¹⁵ did not raise any objection to this proposal on the basis that a planning condition could be imposed relating to the submission of details of full technical construction and geo technical details, gradients, levels and alignments and re-enforcement of the embankment. This would result in adjustments, modifications, and additions to the initial design.
18. I heard from the neighbouring business owner that when the estate at Ridgeway Farm was designed in detail, he similarly had concerns about how he would negotiate the junction of Old Purton Road with Cowleaze. In that instance he was able to be involved in the design process which resulted in a satisfactory outcome in respect of the new road design accommodating his vehicles. With the airing of his concerns at the Hearing about possible design issues which may place access limitations on the operation of the business, I have no doubt that these matters could be addressed through the detailed design of the new access¹⁶, a matter which it would be prudent to include the business owner in.
19. I saw at my site visit that the business vehicles are stored on an area of hardstanding to the side of the cottage, large enough to allow for vehicle manoeuvring to facilitate exiting in forward gear. I do appreciate that the business practice is to wash and maintain the vehicles using the area in front of the cottage. In the proposed realignment scenario this would present some difficulty with re-emerging onto Old Purton Road, likely resulting in some overrun onto the verge. However, there is plenty of space on the hardstanding area for such functions to be undertaken and whilst this would be a change in the way the business would undertake routine tasks it would present a not unreasonable adjustment to make.
20. Framework paragraph 111 sets out 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.
21. Concern has been raised by interested parties regarding the impact of the appeal proposal on the wider highway network and, in particular, on the efficient functioning of the B4534 Purton Road through the roundabout junctions with Thamesdown Drive to the north and with Sparcells Drive to the south. From the evidence within the Transport Assessment along with the further clarification in the appellants' response to the Highway Authority comments¹⁷, I am satisfied that the anticipated traffic volumes from the new development would not unacceptably undermine the free flow of traffic along the B4534 or the safe and efficient operation of junctions in the vicinity¹⁸.
22. Therefore, in the case of highway safety, I have found the impact of the proposal to be acceptable and the residual cumulative impacts on the road

¹⁵ The Highway Authority.

¹⁶ Required by planning condition.

¹⁷ Dated February 2021.

¹⁸ Including that at Mustang Way which I observed at my site visit.

network cannot be described as severe. Thereby the terms of paragraph 111 of the Framework would not be compromised.

Character and appearance

23. The appeal site, whilst in a sustainable location¹⁹, is physically and visually separated from the village of Purton and, more particularly, from the relatively new development around Cowleaze and Cob Hill by the mainline railway. This is set up in an elevated position on an embankment presenting a strong boundary to the built-up area. Similarly, the B4534 Purton Road in the vicinity of the appeal site presents a well-defined and distinct boundary to the built-up edge of Swindon.
24. The appeal site and Old Purton Road being set down below the level of the B4534, including mature vegetation on the roadside embankments and boundaries, further accentuates the change in character and appearance from the urban sprawl of Swindon to the open green, pastoral nature of the wider countryside spreading out from the appeal site.
25. The undulating topography of the immediate surrounding locality of the appeal site, along with the mature boundary trees, hedging and scrub creates a strong sense of enclosure. Nonetheless, when viewed from the Railway Bridge along Old Purton Road, the appeal site can be clearly seen in the context of the Mouldon Hill Country Park and wider countryside to the north. Those travelling to-and-fro on the train would also have clear views, however fleeting, across the appeal site to the wider countryside beyond.
26. The railway line and the B4534 tightly contain the built-up area both physically and visually to the extent that the appeal site, in my view, has no affiliation with the built-up character and appearance of the adjacent town and more distant village.
27. Old Purton Road from the Cowleaze end has the character and appearance of a narrow country lane skirting initially the edge of a housing estate and then the open countryside to the north.
28. The awareness of the neighbouring urban context is minimised by the roadside banks of mature trees and hedging²⁰ and the drop down in levels from Purton Road. At my site visit I observed a goodly number of walkers, with or without dogs, cyclists and runners/joggers travelling the lane. Even with the almost constant hum of the traffic on the B4534, the sense of place and rural calm of the lane, firmly based on its verdant character and appearance, along with an awareness of birds singing in the trees and hedgerows and glimpsed views of the open countryside are all dominant elements which go to the value of this green and pleasant throughfare for users. The appeal site contributes to the rural character of the lane by reason of the glimpsed views of open countryside through the trees and hedging as well as from the Railway Bridge²¹.
29. Inspector Boniface identified Old Purton Road as being a short, pleasant route between two distinctly suburban housing estates. In his view it was neither

¹⁹ On the edge of Swindon with good accessibility to services, facilities and employment opportunities – SofCG para 6.17.

²⁰ Predominantly deciduous species.

²¹ I noted the appeal site was still being used for grazing sheep which further confirmed its rural character and appearance.

remote nor tranquil²². I acknowledge his assessment and do not disagree. In my judgement, the appeal site and its relationship with the lane is an important contributing factor to the character and appearance of this accessible rural resource in the context of its urban setting.

30. This proposal is for up to 79 dwellings and associated infrastructure on an ordinary field which is not of particular landscape value in itself²³. However, I have set out above the importance of the appeal site in contributing to the character and appearance of the wider peripheral edge of the countryside against the sprawling urban development of Swindon.
31. Due to the change in levels from the B4534 down to Old Purton Road and the appeal site, the proposed access would be in an elevated position and heavily engineered, resulting in the introduction of an urbanising feature much more akin to the municipal nature of Purton Road and the housing estates beyond than to the established character of Old Purton Road as a country lane.
32. Appropriate landscaping, no doubt, would serve to soften the embankments of the access but the contrived re-alignment of the lane and the scale of the engineered access punching through into the appeal site would serve to undermine the rural character of the immediate countryside edge.
33. Inspector Boniface sets out at paragraph 47 of the decision that the parties agree that the effects of the development would be extremely localised around the new site access, a point with which he essentially concurs. Based on what I saw at my site visit²⁴ and the evidence before me, I would widen the area of impact to include the length of Old Purton Road from and including the Railway Bridge where the appreciation of the wider countryside context is clearly apparent, travelling into glimpsed views of green pasture through the roadside hedging.
34. The appeal site itself as a field does not display any unusual or valuable features over and above those of any other agricultural field. However, there is no doubt that the appeal proposal would result in a change from undeveloped to developed land with resultant harm. The Framework sets out at paragraph 174 b) that planning decisions should recognise the intrinsic character and beauty of the countryside, amongst other matters.
35. The introduction of new housing onto the appeal site, with particular regard to the impact of the new road access, would result in an unacceptable urbanisation of this part of Old Purton Road and the immediate countryside edge. Even given that mitigation may be promoted through landscaping and design, the proposed development would not protect, conserve or enhance the character of the immediate countryside locality, including the rural character of Old Purton Road and would thus conflict with the terms of CS Policy 51. The level of resultant harm to character and appearance, taking into account the conflict with national and local policy, would be considerable²⁵.

²² Para 46.

²³ The appeal site has no statutory or non-statutory landscape protection and is not a 'valued landscape' under the terms of Framework paragraph 174a.

²⁴ Which was undertaken in the winter months.

²⁵ I appreciate this differs from Inspector Boniface's (para 50) assessment that the level of harm was limited. However, I have reached this judgement based on my assessment of the impacts in the context of my site visit and the evidence before me. I have reasoned my assessment within the decision.

Location of Development

36. On visiting the appeal site, it is apparent that in spatial terms the appeal site has a stronger relationship with the neighbouring urban development of Swindon than with existing settlements within Wiltshire Council²⁶. The nearby services and facilities of Swindon along with ready access to transport links, including public transport, are of significant importance when considering the sustainability of the location of the appeal site.
37. It is an agreed point between the parties that the proposed development, if allowed, would go to meet the housing need for Wiltshire and not an adjoining neighbouring authority²⁷. I accept in policy terms this is a fathomable approach. However, in reality were these homes to be built due to their location, it is likely that future residents would gravitate towards the larger, nearby town for their living, employment and transport needs rather than more distant settlements within Wiltshire. This would support the appellants previous position within the Boniface appeal decision.
38. Nonetheless, with some reservations, I have accepted the parties' standpoint in respect of the ring-fenced contribution the proposed development would make to housing need for Wiltshire and apportioned appropriate weight to this factor in the balance of my decision.
39. When measured against the terms of CS Policies CP1, CP2 the proposal is in conflict being outside any of the settlements identified within the CS Settlement Strategy. Further the proposal does not invoke any of the policy exceptions to facilitate housing in the countryside²⁸.
40. The NP conveys no support to the appeal proposal, it being at a distance to the village of Purton and is not one of the identified allocated sites.
41. Consequently, the appeal site lies within open countryside for the purposes of planning policy. As such there would be conflict with CS Policies CP1, CP2, CP19, LP saved Policy H4 and the policies of the NP as a whole.
42. The weight to ascribe to this conflict is a matter I shall now address.
43. In considering five-year housing land supply (5YHLS) at the time of the Hearing the Council promoted a position of being able to demonstrate a supply of 4.41 years²⁹, whilst the appellants put the supply at only 4.13 years³⁰.
44. The submitted HLSS³¹ revised the Council's position to 4.72 years. The Housing Land Supply calculated by HMA³² does show one HMA tipping into a five-year supply in the face of the other two coming in below³³.

²⁶ Which are at some distance.

²⁷ In the Boniface appeal decision, the appellants took a contrary view asserting that the proposed housing would more likely serve Swindon – Para 11.

²⁸ CS Policy CP19 is also offended by reason of its association with CP1.

²⁹ SofCG on Housing Need and Supply dated 13 January 2022 para 3.6 – in accordance with Framework para 74 footnote 39 the Council has sought to identify specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need as their strategic policies are more than five years old and using the standard method of calculation.

³⁰ SofCG on Housing Need and Supply dated 13 January 2022 para 3.5.

³¹ HD7 Table 2a.

³² A calculation relevant to the CS.

³³ East Wiltshire HMA 5.29 years, North and West Wiltshire HMA 4.16 years, South Wiltshire HMA 4.88 years - tables 3a and 3b HD7.

45. The shortfall within the North and West Wiltshire HMA is significant and no doubt is what pulls down the Council's overall supply. Various sites within the Council's trajectory were disputed at the Hearing in terms of their timing and extent of deliverability, but since the publishing of the Council's HLSS their position on the delivery of the new homes on these sites has moved closer to the position of the appellants³⁴.
46. It is recognised that the Council is proactively working to address the timely delivery of allocated sites with a budget for the involvement of consultants and a specialist officer. However, even given the Council's resolve, the shortfall in the North and West Wiltshire HMA³⁵, does present a challenge which undoubtedly the emerging RWLP will seek to address, but this plan will not be effective for some time.
47. The appellants suggest that going forward a shortfall in the 5YHLS would persist. Their analysis of the HLSS would seem to support this view³⁶ and is persuasive. Therefore, based on current evidence, the shortfall in the North and West Wiltshire HMA is likely to be persistent with the knock-on-effect of the Council continuing to be deficient in achieving the minimum 5YHLS³⁷. Consequentially the most important policies for determining this appeal are out-of-date. Further, the application of the most important determinative policies has not resulted in the required 5YHLS³⁸. In these circumstances the tilted balance of Framework paragraph 11d) ii will be engaged within the overall planning balance³⁹.
48. However, those out-of-date policies⁴⁰ are not to be ignored, and the weight to be ascribed to them can still bite against the proposal. Both CS Policies CP1 & 2 are strategic policies at the heart of the CS directing sustainable development across the Council area. In doing so there is a recognition of the importance of the intervening countryside between identified strategically important centres where there is a need to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside⁴¹. This reflects national policy within the Framework⁴².
49. Within the Boniface appeal decision, the NP was 17 months old⁴³. The terms of Framework paragraph 14 therefore applied. This paragraph sets out that a NP is likely to significantly and demonstrably outweigh the benefits provided a number of factors all applied. One of those factors is that the NP became part of the development plan two years or less before the date on which the decision was made. The NP is now over two years old and so the terms of paragraph 14 no longer apply. This does not negate the relevance of the NP in decision-making but is more about the weight to ascribe to it in the balance of the decision. The NP as already indicated is part of the development plan and whilst it does not have specific policies which work against the proposal its overall strategy of concentrating development in or immediately adjacent to

³⁴ HD8 – a rebuttal to the HLSS undisputed by the Council.

³⁵ Even given windfall sites.

³⁶ HD8.

³⁷ Framework para 74.

³⁸ Framework Section 5 Delivering a sufficient supply of homes.

³⁹ The inability of the Council to show a 5YHLS and the consequential application of the tilted balance is an agreed position between the parties – SofCG para 6.7.

⁴⁰ Policies CS CP1, CP2, CP19, LP saved H4 & the NP.

⁴¹ LP Policy H4 whilst being of some age has relevance a point dealt with at footnote 11 above.

⁴² Framework para 174.

⁴³ NP made November 2018 – appeal decision date 6 April 2020.

the village on allocated sites is the overriding limitation on development within the plan area and accords with District wide policy.

50. Taking into account the overarching purpose of development plan policy to direct strategically important development whilst conserving and enhancing the wider countryside in accordance with national policy, I ascribe these policies significant weight in the balance of this decision⁴⁴.

Public benefits - these are not listed in order of importance

Delivery of market and affordable housing

51. The appeal site offers up to 79 dwellings as a future contribution towards the 5YHLS.
52. To be given full weight as a contributor to the Council's shortfall the evidence should show that development is achievable with a realistic prospect that housing will be delivered on the site within five years. It is accepted that the site is available now and sustainably located. Based on the evidence I consider it likely the homes would be delivered within 5 years.⁴⁵
53. The promoted terms of the Section 106 agreement⁴⁶ provides the mechanism to achieve a policy compliant level of affordable homes (AH) (40%). There is a demonstrable need for AH within Wiltshire Council and its delivery is a benefit⁴⁷.
54. Overall, in a situation of some uncertainty for the Council in respect of its emerging LP and long-term future strategy for the District, a shortfall in the 5YHLS and the associated provision of AH to meet the needs of the District, the proposed development would boost the supply of homes⁴⁸, and this would be a benefit and should be given significant weight in the balance of this decision.

Self-build Homes

55. The inclusion of a number of self-build units in the proposed scheme is a benefit which offers the option to construct self-build or custom-built housing. This provision is of moderate weight⁴⁹.

Ecological

56. The appeal site is located within a County Wildlife Site (CWS)⁵⁰. Inspector Boniface considered the Ecological impacts of the appeal proposal and concluded that suitable mitigation and enhancement measures could be put in place⁵¹ to ensure that the quality of what remains of the CWS, once the development were to be carried out, could be improved with the potential to return the land to priority habitat status. The design, ecological enhancement and management measures proposed would secure benefits which would

⁴⁴ Even taking into account the conclusion that they are out-of-date for the purposes of Framework para 11 d) ii.

⁴⁵ The appellant's acceptance of a shortened time period for submission of reserved matters from the standard 3 years to an 18-month period in the relevant planning condition to move the development forward in a tighter time frame has been taken into account.

⁴⁶ HD5.

⁴⁷ SofCG paras 6.11 & 6.12.

⁴⁸ A national objective – Framework para 60.

⁴⁹ Appellants' statement of case 7.36.

⁵⁰ Designated for its species-rich neutral grassland habitat, a lowland meadows priority habitat within the UK Biodiversity Action Plan – Boniface decision para 30.

⁵¹ Via appropriate planning conditions.

outweigh the loss of part of the CWS. This conclusion was not challenged by the parties in respect of the current appeal and from the evidence before me I see no reason to question it further. Therefore, I am satisfied that significant weight can be given to the potential ecological benefits.

Economic benefits

57. The proposal would enhance the economy of the community by the creation of jobs associated with the construction stage and supply chain jobs, and new residents are also likely to support existing local services and businesses. This should weigh in favour of the development, but I ascribe only moderate weight as the construction jobs would be temporary and the other factors would be common to any such development.

Reduction in commuting

58. The appellants and the Council have agreed that the proposed new homes should be considered solely as contributing to the needs of Wiltshire and specifically not to Swindon. The Spatial Vision and Key Objectives of the development plan is for housing to be sustainably located to reduce the need to travel and to provide self-containment for Wiltshire settlements.

59. I have already acknowledged that, notwithstanding the objectives of the development plan, it is likely that the future residents of the homes would turn towards Swindon, particularly for employment opportunities. This would reduce commuting distances for jobs in Swindon but does not respect the promoted policy direction of Wiltshire. Therefore, I give this factor only negligible weight⁵².

Drainage

60. The appeal proposal includes a requirement to submit details of a scheme for the discharge of surface water from the appeal site incorporating sustainable drainage details. This would certainly be of benefit to the residents of the new homes, but the evidence points to this greenfield site having no notable drainage issues. Therefore, this benefit can only be of negligible weight.

Other elements

61. The Section 106 agreement secures mitigating elements of the proposed development⁵³. Other than the provision of public open space, which would be provided as set out in the agreement and would have public access, the other matters are purely mitigating impacts of the development. Therefore, any benefit can only be ascribed negligible weight.

Planning balance and conclusion

62. For the reasons set out above the appeal proposal would not accord with the spatial strategy of the development plan and the Framework when taken as a whole. This identified conflict chimes significantly against the proposal particularly as the identified policies are fundamental to the development plan strategy. I have reduced the weight to be given to this element in the balance

⁵² I have noted the terms of the Ridgeway Farm Decision and the Boniface decision in this regard, but I have considered this benefit on the basis of the evidence I heard and read and concluded accordingly.

⁵³ Financial contributions towards early years education facility provision, public open space and play equipment and waste and recycling facilities.

due to the circumstances of the policies being out-of-date. However, the identified conflict still warrants significant weight as reasoned above.

63. I also found additional harm to the character and appearance of the locality conflicting with both local and national policy. This further weighs considerably against the proposal⁵⁴.
64. There is no doubt that the appeal scheme would offer significant benefits. However, there would also be very significant harm. My judgement is that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against Framework policy as a whole. In the circumstances of this case there are no material considerations to indicate that this decision should be made otherwise than in accordance with the development plan.
65. I have taken account of all other matters that have been raised but have found nothing to alter my conclusion that the appeal should not succeed.

Frances Mahoney

INSPECTOR

⁵⁴ I appreciate I have ascribed greater weight to this element of the balance than did Inspector Boniface and I rely on my reasoning above in this regard.

APPEARANCES

FOR THE COUNCIL:

Martin Carter of Counsel

Alex Smith – Director Simply Planning

Christopher Roe – Spatial Planning Manager

Dorcas Ephraim – Senior Solicitor (Planning)

FOR THE APPELLANT:

Killian Garvey of Counsel

Guy Wakefield – Partner Ridge and Partners LLP

Neil Tiley – Pegasus Group

Andrew Kenyon – Director Peter Evans Partnership Ltd

Andy Cooke

Ian Thomas – Beechcroft Land Ltd

INTERESTED PARTY:

Darren Smith – Local resident

HEARING DOCUMENTS (HD):

HD1 – Rebuttal note of appellants to highways matters raised at the hearing on 1 February 2022

HD2 – Judgement Sedgemoor District Council v Marie Hughes & Ors

HD3 – Comparison of weight attributed to benefits and adverse impacts

HD4 – Distances from Elborough Bridge Cottage to Purton Road and access road kerb lines

HD5 – Original executed, sealed and completed Section 106 agreement dated 8 February 2022

HD6 – Notice from Wiltshire Council of the release of 2021 Housing Land Supply Statement

HD7 – Housing Land Supply Statement Base date: April 2021

HD8 – Response of the appellants to the 2021 Housing Land Supply Statement