



Appeal Decision

Site visit made on 6 December 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Appeal Ref: APP/Y3940/W/22/3299845

Land at Kington Lane, Stanton St Quintin, Chippenham SN14 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr and Mrs Bailey against Wiltshire Council.
 - The application Ref PL/2022/01195, is dated 11 February 2022.
 - The development proposed is Erection of up to 17 dwellings (including 7 affordable units) and associated infrastructure, including full details of access and public amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought but with access to be considered at this stage. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative, apart from details of the access.
3. Following the submission of the appeal against non-determination, the Council has provided a Statement of Case, which provides clarity in terms of the main reasons why the Council would have refused planning permission had it been able to do so.
4. The Council provides 5 putative reasons for refusal. The fifth reason for refusal relates to the lack of a planning obligation to secure the necessary affordable housing, public open space, contribution towards sports pitches, secondary school provision and waste management services. A signed Section 106 Agreement (S106) has been submitted during the appeal process. The Council has confirmed that the provisions of the S106 would address the fifth refusal reason. I have considered the appeal on this basis.

Main Issues

5. Taking the above matters in to account, there are 3 main issues. These are:
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities;
 - the effect of the proposed development on the character and appearance of the area; and

- the effect of the proposed development on highway safety, with specific regard to access.

Reasons

Suitable Location

6. The appeal site is situated on the edge of Stanton St Quintin, which is defined by the Wiltshire Core Strategy (Core Strategy) (2015) as a small village. Stanton St Quintin itself does not have any settlement limits and does not form part of the 'settlement strategy' or 'delivery strategy' set out in Core Policies 1 and 2 of the Core Strategy, which directs development to the most suitable and sustainable locations. Therefore, the site is classed as open countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside.
7. The village has some day-to-day facilities including a primary school and nursery. There is also a church, parish hall, a periodic library van, hotel, play park and cemetery. On my site visit, I noted the convenience shop and coffee shop that are situated at the petrol station to the north-east of the village, albeit this is accessed via Church Lane which is predominately unlit and without a footway. Nevertheless, future occupants would still need to travel further afield to access day to day services, including secondary schools, shopping and employment opportunities. Therefore, whilst there are some services available via footways that are lit by streetlamps, future occupants of the proposal would remain largely reliant on the private motor car to carry out day-to-day activities.
8. I note the proximity of the bus stops within the village which provide a bus service to the nearby larger settlements of Malmesbury and Chippenham and that they would be accessible using footways. Whilst I have been provided with some information on the timings and frequency of the relevant bus service, based on the information before me, I am not convinced that the bus service would represent a convenient alternative to the car.
9. The appellant argues that Saved Policy H4 of the North Wiltshire Local Plan 2011 (Local Plan) (adopted 2006) is out-of-date given its restrictive approach and its inconsistency with the National Planning Policy Framework (the Framework) (2021). Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore, the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker.
10. Saved Policy H4 takes a slightly more restrictive approach to development in the countryside than the Framework. However, it is broadly consistent with the Framework in terms of recognising the intrinsic character and beauty of the countryside and it remains part of the development plan. I therefore still afford Saved Policy H4 a reasonably significant amount of weight.
11. The proposed development, for the reasons given, would not provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities. The proposal would be contrary to Core Policies 1, 2 and 10 of the Core Strategy, and Saved Policy H4 of the Local

Plan. Amongst other things, these policies, in combination, direct growth and new housing to defined settlements and resist new homes in the countryside except in certain circumstances.

12. The proposal would not meet the objectives of Chapter 8 of the Framework in terms of achieving sustainable development, including ensuring homes have accessible services.

Character and Appearance

13. The appeal site consists of a relatively flat, enclosed paddock, with an established copse of trees to the southern corner, adjacent to Kington Lane. A hedgerow runs along the remainder of the site's frontage with the road. Court Gardens, a residential cul-de-sac consisting of predominately detached bungalows in relatively generous plots, is situated to the north of the site. Open fields lie to the south and on the opposite side of Kington Lane, running down towards the M4 motorway which lies to the south. Despite the audible and visible presence of the M4 motorway, the appeal site reads as a rural paddock on the edge of a rural village. It contributes positively to the rural character of the area and the setting of Stanton St Quintin, easing the transition between the motorway and the village.
14. Although matters relating to scale, layout, appearance, and landscaping have yet to be fixed, the proposal would result in up to 17 dwellings spaced across the appeal site. The introduction of residential development on the appeal site would cause harm to the character and appearance of the area, permanently eroding the positive contribution the existing paddock makes to the surrounding rural character.
15. It is acknowledged that the layout on the drawings is indicative and could change. However, due to the size of the appeal site, the construction of 17 dwellings, along with the open space and play area that would be secured via the S106, would result in a tight knit layout which would be at odds with the prevailing character of the area, most notably with Court Gardens adjacent.
16. Furthermore, whilst there is a degree of intervisibility between the appeal site and Court Gardens, these existing dwellings do not dominate over the existing character of the site. The appeal site reads more as part of the rural area, rather than with the more built-up area of the village. The lack of any local or national designations on the appeal site does not alter my findings above.
17. Consequently, the proposal would harm the character and appearance of the area. The proposal would conflict with Core Policies 51 and 57 of the Core Strategy which, in combination, seeks to ensure that development protects, conserves and where possible enhances landscape character and must not have a harmful impact upon landscape character. Proposals should also conserve the separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe. Development should also relate positively to its landscape setting and the existing pattern of development.
18. It would also be contrary to the principles set out in Chapter 12 of the Framework which states that development should be sympathetic to local character.

Highway Safety

19. The appeal site is located to the west of Kington Lane, which is a classified public highway. The section of highway along the site's frontage is currently subject to a speed limit of 60mph. The speed limit drops to 30mph at the north of the site, as you enter the village. Vehicular access to the site would be provided via a new access to Kington Lane, positioned slightly further north than the existing agricultural access, which would be stopped up.
20. The Transport Appraisal (TA) states that visibility sightlines of at least 2.4m x 60m could be achieved at the proposed site access. However, these sightlines would be below those required for the current speed limit of 60mph, as well as the recorded 85th percentile speeds of 40mph. The lower visibility sightlines would only be acceptable if the 30mph speed limit along Kington Lane was extended across the site's frontage. This would require a Traffic Regulation Order (TRO). It is noted that the relocated 30mph speed limit is identified on the illustrative masterplan.
21. The Council's Highway Engineer has set out that the TRO process is such that the relocation of the speed limit would only be acceptable where it meets certain criteria. This includes having a clear property frontage facing the highway. Whilst the layout submitted is illustrative, the retained established copse of trees to the south of the appeal site would prevent a clear property frontage from being secured. The Highway Engineer has indicated that they would not support the relocation of the speed limit and thus a TRO would be unlikely to be supported. Therefore, in the absence of a favoured TRO, the lower visibility sightlines which can be achieved at the site access would leave the proposed development with substandard visibility sightlines. This would be to the detriment of highway safety.
22. I note the findings of the TA in regard to the low number of collision records in the area and that the road safety record is not of concern in the context of the proposal. However, this would not justify the provision of substandard visibility sightlines, even based on the recorded 85th percentile speeds of 40mph.
23. Therefore, the proposal cannot achieve the required visibility sightlines to ensure safe access for all users to the appeal site. Consequently, the proposal would have an unacceptable impact on highway safety, with specific regard to access. The proposal would be contrary to Policies 60 and 61 of the Core Strategy which, in combination, seek to ensure that development is capable of being served by a safe access to the highway network and to provide for the safe movement of people. Paragraph 111 of the Framework supports the refusal of development where there would be an unacceptable impact on highway safety.

Other Matters

24. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. In its appeal statement, the Council considers that it has 4.72 years' supply, although both parties refer me to appeal decisions where the figure stands between 4.28 and 4.41 years. I have had regard to all of these figures when considering the extent of the shortfall.
25. Turning to the benefits, the proposal would provide a limited amount of short-term employment through the construction of the development. There would

also be some further modest benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development, including the long-term future of the primary school and the provision of open space which would serve the wider community. These benefits carry modest weight in favour of the development. The proposal would provide 7 affordable houses, as well as 10 market houses, which would be a moderate benefit and would go towards helping address the Council's housing shortfall.

26. Concerns have been raised by a third party regarding a right of access into the field to the west of the appeal site. However, I note the illustrative masterplan shows that an agricultural access would be retained to the western boundary. No evidence has been provided to demonstrate that any issues with this right of access could prevent the development from being carried out. Therefore, I can only attach limited weight to this concern.

Planning Balance

27. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the Framework states that where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
28. As confirmed above, the Council cannot currently demonstrate a five-year supply of housing. The proposal would provide a number of benefits set out above to which I have attached weight accordingly.
29. However, the proposal would result in the likelihood of a dependency on the use of the private car for access to services, would result in harm to the rural character and appearance of the area, and would have an unacceptable impact on highway safety, with specific regard to access. As such it would be contrary to the aims of the Framework to ensure homes have accessible services, to ensure development would be sympathetic to local character, and to ensure that a safe and suitable access to the site could be achieved.
30. Overall I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Conclusion

31. I conclude that, having had regard to all other matters raised and for the reasons given above, the appeal should be dismissed.

Laura Cuthbert

INSPECTOR