



Appeal Decision

Hearing held on 11 February 2025

Site visit made on 11 February 2025

by **S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/Y3940/W/24/3349801

Land at South Pavenhill Farm, Pavenhill, Purton, Wiltshire, SN5 4DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Neil Cowley (Castlewood Properties Ventures) against the decision of Wiltshire Council.
 - The application Ref is PL/2022/00395.
 - The development proposed is the erection of up to 60 dwellings (including affordable homes), point of connection of access road from Pavenhill and shared footpath/cycleway and emergency access from Ringsbury Close, open space, sustainable drainage system and associated landscaping and infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 60 dwellings (including affordable homes), point of connection of access road from Pavenhill and shared footpath/cycleway and emergency access from Ringsbury Close, open space, sustainable drainage system and associated landscaping and infrastructure at land at South Pavenhill Farm, Pavenhill, Purton, Wiltshire SN5 4DQ in accordance with the terms of the application, Ref PL/2022/00395, subject to the conditions listed at the end of this Decision.

Preliminary Matters

2. The proposal is for outline planning permission with all detailed matters except for access reserved for future approval. I have dealt with the appeal accordingly and I have considered any details submitted with the appeal application in respect of matters of appearance, landscaping, layout and scale as a guide as to how the site could be developed.
3. Following the refusal of the planning application and the submission of the appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 12 December 2024. I have sought the views of the main parties on this matter, and I have taken the revised Framework into account where relevant to my decision.
4. A signed and executed legal agreement pursuant to S106 of the Town and Country Planning Act 1990 dated 7 February 2025 (the legal agreement) was submitted prior to the Hearing. This contains obligations in respect of affordable housing, education, on and off-site public open space and play provision, off-site sports facilities, public art, public rights of way, waste infrastructure and recreation mitigation measures for the North Meadow and Clattinger Farm Special Area of

Conservation (SAC). I deal with the matter of the legal agreement later in my decision.

5. A review of the Council's Local Plan is underway. It has yet to be submitted for examination and therefore is at such an early stage of production that the emerging policies currently attract very limited weight. I have dealt with the appeal accordingly.
6. A new Neighbourhood Plan for Purton is also emerging. At the time of the Hearing, this had yet to be submitted to Wiltshire Council. Since it has not yet reached Regulation 16 stage, its emerging policies, which I have been informed, include a proposal for a large housing-led development elsewhere in Purton, also currently attract very limited weight. I have dealt with the appeal on this basis.
7. The Council, in advance of the Hearing, confirmed that it would not be defending its single reason for refusing planning permission. This is due to a change in circumstances in respect of the Council's housing land supply position, which at the time of the determination of the planning application, stood at 4.6 years in respect of the required 4-year housing land supply. Following the December 2024 update to the Framework, the Council's housing land supply figure is now 2.03 years assessed against the required 5-year housing land supply.
8. Notwithstanding this, I have set out what I consider to be the main issue for this appeal based on the original reason for refusal on the Council's decision notice. This is in the interests of fairness since interested parties have raised objections in respect of this matter.
9. The appeal site lies within the Zone of Influence of the North Meadow and Clattinger Farm SAC. Whilst not a matter in dispute, within the context of this appeal, the responsibility for assessing the effects of the proposal on the European site (EPS) falls to me as the competent authority. For this reason and having regard to my conclusion in respect of the merits of the appeal scheme, this matter warrants consideration as a main issue.

Main Issues

10. The main issues are:

- Whether the appeal site represents an appropriate location for the proposed housing, having regard to the relevant provisions of the development plan and the Framework; and
- The effect of the proposal on the integrity of the EPS.

Reasons

Whether or not an appropriate location for the housing development

11. Core Policies 1 and 2 of the *Wiltshire Core Strategy* (January 2015) (WCS) respectively set out a Settlement Strategy and a Delivery Strategy for the sustainable delivery of new development, including residential, within the County. Together, they aim to direct new residential development to settlements at a scale commensurate with their position in the hierarchy described within the WCS.
12. Within the WCS hierarchy, Purton is defined as a Large Village, which according to Core Policy 1, is a settlement with a limited range of employment, services and

facilities, and where development will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

13. Moreover, the County is split up into Community Areas in the WCS, with each having its own spatial strategy policy. The appeal site lies within the Royal Wootton Bassett and Cricklade Community Area. WCS Core Policy 19 reinforces that development in this area should accord with WCS Core Policy 1 and that approximately 385 homes shall be provided outside the town of Royal Wootton Bassett over the plan period. The Council has confirmed that this figure has already been met and exceeded.
14. The appeal site comprises agricultural land which lies on the southwestern edge of the village, abutting, but outside of, the defined settlement boundary. As such, it lies within open countryside for the purposes of the Council's settlement strategy. The site is not allocated for residential development through either the WCS or the Purton Neighbourhood Plan (made November 2018) (the PNP). Moreover, Core Policy 2 confirms that development is not supported in this location, unless it falls within any of the 'exception policies' listed in Paragraph 4.25 of the WCS. In the case of residential development these include rural exception sites (Core Policy 44), specialist accommodation provision (Core Policies 46 and 47) and supporting rural life (Core Policy 48).
15. The appeal scheme comprises up to 60 new build dwellings. As such, the appellant has not sought to justify the proposal based on any of the above exceptions or on it requiring a rural location.
16. Having regard to the above, the appeal scheme would be clearly in conflict with the Council's spatial strategy for development due to the site location beyond Purton's defined limits and the absence of any relevant and applicable residential 'exception' policy. The proposal would therefore be contrary to the aforesaid objectives of WCS Core Policies 1, 2 and 19. It would also conflict with the strategy represented by the PNP, as the site is not allocated for development therein.
17. For similar reasons, there would be conflict with the Framework, with whose sustainable development objectives the aforesaid WCS policies accord.
18. The Council's reason for refusal also refers to Saved Policy CF3 of the *North Wiltshire Local Plan 2011* (June 2006) (Saved Policies June 2009) (the NWLP). This relates to the provision of open space and both main parties have confirmed that there is no conflict with this policy as the proposed amount of open space would exceed that required by this policy. As such, saved Policy CF3 is not directly relevant to this first main issue.
19. Accordingly, having regard to the relevant provisions of the development plan and the Framework, the site does not represent an appropriate location for the proposed housing.
20. Notwithstanding the above, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Therefore, within the context of the presumption in favour of sustainable development, as set out in Paragraph 11 of the Framework, the most important policies for determining this appeal are deemed to be out-of-date.

21. I will consider the full implications of this housing land supply shortfall and the apportionments of weight to identified policy conflicts later in the Planning Balance section of my Decision.

EPS

22. The site lies within an 8 km zone of influence of the North Meadow and Clattinger Farm EPS. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations) require that where a project is likely to result in a significant effect on an EPS (either alone or in combination with other plans or projects), the competent authority is required to carry out an Appropriate Assessment of the project's implications in view of the relevant site's conservation objectives. For the purposes of this appeal, I am the competent authority.
23. The main qualifying features of the SAC derive from the survival of lowland hay meadows and associated rare plant species. A threat to integrity is public access and recreational activities upon the North Meadow part of the SAC associated with additional development. The proposed dwellings support an increase in population likely to utilise the SAC for recreational purposes with the potential for degradation and disturbance during occupation. Potentially significant in-combination effects on the integrity of the EPS cannot therefore be excluded.
24. The Council's strategy for mitigation of recreational disturbance is set out within the *North Meadow and Clattinger Farm Special Area of Conservation Interim Recreation Mitigation Strategy 2023-2028* (May 2023) (the IRMS), which was produced by several local Councils in cooperation with Natural England, the relevant statutory nature conservation body. This represents a costed strategic approach to mitigating recreational impacts, with the stated mitigation measures including on-site wardens, educational initiatives and monitoring activities. A per new residential unit tariff is operational and has been updated to reflect costs from 1 October 2024.
25. The required Recreational Impacts Mitigation Contribution £19,896.60 as detailed within the IRMS would be secured from the proposed development through the completed legal agreement. No objections have been raised by NE on this basis. I am satisfied that this represents proportionate mitigation that would be delivered in an expedient manner in the event planning permission be granted. I am therefore satisfied that this passes the Regulation 122 tests. This enables me to conclude that the development would not have an adverse effect on the integrity of the EPS because of recreational impacts.
26. The appeal scheme would therefore accord with WCS Core Policy 50, in so much as this policy seeks to ensure that unavoidable negative impacts on biodiversity are appropriately mitigated, and Paragraph 193 of the Framework.

Other Matters

Heritage

27. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation areas) Act 1990 requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

28. There are 3 Grade II listed buildings to the north of Pavenhill which lie within the vicinity of the appeal site, comprising South Pavenhill Farmhouse, the Granary at South Pavenhill Farm and the Stables at South Pavenhill Farm.
29. Given the proximity of these buildings to the appeal site, whilst the Council has raised no concern in respect of impacts upon heritage assets, I have a statutory duty to consider the effect of the proposal on the setting of these designated heritage assets.
30. The buildings are sited to the northwest of the appeal site, on the opposite side of Pavenhill, and comprise part of a wider group of historic and modern buildings associated with South Pavenhill Farm which occupy a corner position on the junction of Pavenhill and North Pavenhill. The main house of the Farmhouse is 2-storey in height with Limestone rubble walls under slate pitched roofs. It directly fronts onto Pavenhill and towards the agricultural land to the south, which includes the appeal site. The L-shaped structure includes a brick rear wing which extends northwards fronting Upper Pavenhill. According to the statutory list description, it dates to the 17th and 18th century, with a front brick porch having been added in the 19th Century.
31. To the rear of the farmhouse and accessed via North Pavenhill are a group of buildings arranged around a courtyard. These include the Granary, which dates back to 1765 and lies immediately behind the Farmhouse, comprising a 2-storey brick structure with stone slate pitched roof. The farm buildings also include the Stables building, which dates back to 1777 and lies to the north of the Farmhouse, comprising a 2-storey pitched roof brick and stone structure sited directly alongside Upper Pavenhill.
32. The significance and special interest of the Farmhouse, Granary and Stables as designated heritage assets derive, in part, from their age, architectural form, historic fabric, and relevance to the historic evolution and rural history of the local area. The Farmhouse building has retained a continued legibility as the principal structure of the farmstead complex. Additions to the original building contribute to the character of the building and the evolution of its development. There is also a high degree of visual, architectural and historic coherence between the Farmhouse and the Granary and Stables buildings, with each building making a positive contribution to the setting of the others.
33. In addition to the farmyard behind the Farmhouse, the wider setting of the listed buildings includes nearby lanes and routes which date back to the around the mid-19th Century, and agricultural land to the west, northwest and south of the farmstead. The evidence before me is that the existing agricultural land comprising the appeal site has formed part of the agricultural holding of South Pavenhill Farm since at least the mid-19th century. It therefore has a direct functional relationship to the listed farm buildings.
34. As such, the appeal site comprises a significant part of the setting of the Farmhouse and nearby closely associated listed buildings. Whilst only being visible in glimpsed views from the Farmhouse, the appeal site, due to its current use and proximity to the farmyard and remaining agricultural land within the holding, makes

a meaningful contribution to an understanding and appreciation of the listed buildings and their significance as part of an historic agricultural holding.

35. The Farmhouse and, to a lesser extent, the group of farm buildings behind it are visually prominent features within the townscape due to their proximity to the Pavenhill and Upper Pavenhill road frontages. The Farmhouse comprises a prominent historic feature located on one of the main roads used for entering and exiting the village.
36. The conspicuousness of the group of heritage assets would not be diminished by the appeal scheme, which would be perceived as a westward expansion of the existing residential area adjacent to the appeal site, with similar domestic scale buildings and a layout that would align with the current southern extent of built development east of the site.
37. Moreover, whilst part of the existing frontage hedge would be removed to provide a new vehicular access, thereby increasing existing glimpsed views from the farmhouse into the appeal site, proposed additional soft landscaping would screen much of the new built development.
38. Also, the juxtaposition of the appeal scheme in relation to the listed buildings, in conjunction with the proposed amount of new and retained soft landscaping on and around the appeal site, would be such that the new dwellings would not be simultaneously seen together with the listed buildings to the extent that they would visually compete with them, or detract from key views of them. These views include from the adjacent roads and from the agricultural land to the south.
39. Notwithstanding the above, the proposed built residential development in the northern part of the appeal site, including dwellings and associated roads and hardstanding areas, would result in the loss of undeveloped grassed land directly to the south of the heritage assets. This would erode the openness and rural character of part of the setting of the listed buildings.
40. Moreover, the loss of the existing agricultural use of the whole of the appeal site, which has historically been connected to the farm, would amount to a reduction in the historical significance of the setting of the listed buildings.
41. As such, whilst a substantial amount of agricultural land would remain in connection with the farm, there would be some limited harm to the heritage significance of the heritage assets at South Pavenhill Farm associated with the resulting visual and land use changes to part of the agricultural land within their setting and the likely changes within glimpsed views from the Farmhouse into the appeal site.
42. For the above reasons, the appeal scheme would result in a low level of harm being caused to the heritage significance of South Pavenhill Farmhouse, the Granary at South Pavenhill Farm and the Stables at South Pavenhill Farm, by virtue of a large amount of new built development being brought forward within the setting of this group of heritage assets.
43. This would amount to an identifiable conflict with WCS Core Policy 58 in so far as this policy requires the conservation of designated heritage assets and their settings. Having regard to the Framework, I consider the harm to the significance

of these heritage assets to amount to 'less than substantial', which, according to Paragraph 215 should be weighed against the public benefits of the proposal. I return to this later under the Heritage Balance section of my decision.

44. I acknowledge the third-party concerns about the potential impact of the appeal scheme on the Ringsbury Camp Hillfort Scheduled Monument. This heritage asset lies to the southwest of the appeal site and it has a wide setting which makes a positive contribution to its significance.
45. However, I am satisfied on the basis of the evidence before me, which includes the appellant's submitted heritage statement and my site visit, that the significance of this heritage asset, which comprises a visible series of earthworks including banks and ditches and has archaeological, visual and historic interest, would not be adversely affected.
46. Whilst its setting makes a positive contribution to its original intention of comprising a fortified and defensive site, there is no substantive evidence before me that the new built development would be capable of being seen in views from or towards the hillfort or that any of the elements of its setting which contribute to its significance would be affected. This is due to the intervening land topography and soft landscaping between the heritage asset and the appeal site, which restricts intervisibility between the two.
47. Interested parties have also raised concerns about the potential for harm to archaeological interests. I am satisfied based on the information submitted by the appellant, which includes an archaeological desk-based assessment, geophysical survey report and archaeological evaluation report, that the site does not lie within an area of archaeological potential and that this matter does not comprise a constraint to the appeal scheme.

Highway safety and access to facilities and services

48. There is a high level of concern from local residents in respect of the highway safety implications of the proposal. Issues raised include the proposed vehicular access onto Pavenhill having regard to its proximity to a bend in the road and the brow of the hill, the narrowness of the street and pedestrian safety given a lack of public footways along part of the road within the vicinity of the appeal site, the ability of the local road network to safely cope with the additional traffic generated by the development in addition to traffic generated by other recent developments within the area, use of the emergency access from Ringsbury Close by vehicles, the impact of construction traffic and the adequacy of the proposed on-site parking.
49. The appellant has submitted a Transport Statement which confirms that the proposed access junction would satisfy MfS geometric and visibility requirements. These details would be secured by means of a planning condition. A further condition would secure details of the proposed secondary access linking the site to Ringsbury Close to allay concerns that this would regularly be used by vehicular traffic in addition to the proposed use by pedestrians and cyclists only.
50. The Transport Assessment also includes an assessment of trip generation associated with the appeal scheme, using trip rates derived from the TRICS database and assuming that the current use of the site generates zero trips. The methodology was agreed with the Highway Authority and the results indicate that a

low level of vehicular trips is likely to be generated by the proposal. As such, the proposed new access priority T-junction to the north of the site would be capable of operating within capacity and, when the trips are assigned to the local road network, there would be no materially harmful impacts upon the operation of the road network.

51. Mitigation of highway safety impacts associated with construction traffic would be addressed through the requirements of a Construction and Environmental Management Plan, the implementation of which would be ensured by a planning condition.
52. In response to concerns about impacts associated with increased parking on nearby roads, a condition would ensure that the detailed layout of development submitted at reserved matters stage incorporates on-site parking to meet the Council's adopted standards.
53. Having regard to site accessibility, the appellant has undertaken an audit of pedestrian routes from the site to local facilities and services, identifying where improvements are required and can be provided to encourage pedestrians to use safe walking routes from the site. These include new wayfinding signage, crossing points, dropped kerbs and tactile paving, to be secured via a planning condition. Also, the public rights of way contribution comprising an obligation of the legal agreement would be put towards the maintenance and improvement of the public rights of way within the site vicinity, of which there is a wide network.
54. Moreover, the appellant has submitted a proposed Travel Plan to enable the provision of measures to encourage travel by means other than the private car, the implementation of which would be secured by a planning condition.
55. With the above in mind, noting that the site lies immediately adjacent to the western edge of the designated village boundary, and having regard to my own observations in respect of the location of village services and facilities and public transport connections during my site visit, I find that there is satisfactory access to facilities and services by means other than by car. Notwithstanding third party concerns in respect of the service limitations and uncertain future of the No.53 bus service, it remains that there are bus stops which are readily accessible from the appeal site which provide reasonably regular services to and from Swindon.
56. For the above reasons, I am satisfied that, subject to appropriately worded conditions and a public rights of way contribution being secured via the legal agreement, that there would be no material harm to highway safety. In coming to this view, I have noted that the Highway Authority has raised no objection to the proposal. This is significant since the Highway Authority is responsible for the safety of users of the local highway network.

Flood risk and drainage

57. I acknowledge third-party concerns in respect of surface water drainage, ground water flooding and foul water discharge, in terms of impacts upon both the appeal site and land beyond the site.
58. The appellant has provided a Flood Risk Assessment (FRA) and a Drainage Strategy. The FRA confirms that the site lies within Environment Agency Flood Zone 1 and as such is at a low risk of fluvial flooding. Whilst part of the southern

end of the site is susceptible to a low risk of pluvial flooding, this is capable of being addressed through ground re-profiling of this part of the site and the avoidance of new built development within the lower ground at the southern part of the site as shown on the illustrative layout plan submitted with the application.

59. The submitted Drainage Strategy demonstrates that the development can provide a suitable on-site Sustainable Drainage System (SuDS) which, through the incorporation of infiltration and on-site water control measures and attenuation features to provide storage in the event of extreme storm events, will manage, and control surface water associated with the proposal, to ensure that flood risk is not increased on site or elsewhere outside the site. The details of the SuDS scheme and its subsequent management and maintenance would be ensured through a planning condition.
60. To address an identified risk of groundwater flooding in the Council's Strategic Flood Risk Assessment (SFRA), the appellant has undertaken a hydro-geological assessment to demonstrate that, having regard to wells, pump houses and springs surrounding the site, the site is likely to be at a low risk of ground water flooding. Having regard to factors including that the site is underlain by limestone which has a freely draining groundwater character and that any shallow groundwater is likely to flow westwards towards the River Key due to the site topography, this is not a constraint to the appeal scheme.
61. Moreover, this ground water assessment confirms that a Sequential Test, to demonstrate that there are no other reasonably available sites suitable for residential development in areas of a lower risk of flooding, is not required.
62. Foul water from the development would be dealt with by means of an on-site pumping station to pump water to the closest available public sewer located to the east of the Pavenhill and Ringsbury Close junction. Notwithstanding interested party concerns about the antiquated condition of the local foul water system, Thames Water (TW) is the responsible authority for the disposal of foul water for the Purton area and has confirmed to the appellant that capacity exists to serve the proposed 60 dwellings.
63. Based on the evidence submitted, which is not disputed by the Lead Local Flood Authority (LLFA), and in the absence of substantive evidence to the contrary, I am satisfied that suitable assurances have been provided to demonstrate that, subject to appropriate planning conditions, the appeal scheme would be acceptable having regard to flood risk/drainage.

Ecology/biodiversity

64. I have noted third party concerns regarding potential harm to ecology and biodiversity. The site currently comprises a large field with trees and hedging around its boundaries, including an area of woodland adjacent to the western boundary. There would be a loss of a small section of frontage landscaping to accommodate the proposed new vehicular access. However, having regard to the appellant's supporting information, which includes an ecological appraisal and protected species surveys, a Biodiversity Metric spreadsheet and a proposed Landscape Layout Plan, I am satisfied that no particularly valuable features would be removed, and that protected species could be safeguarded through the implementation of appropriate measures.

65. The development would incorporate a large area of soft-landscaped open space as well as a significant amount of new soft landscaping alongside the new built development. Moreover, the information before me is that the proposal can provide a minimum of 10% net biodiversity gain. As previously stated, impacts upon the EPS would be mitigated through the accompanying legal agreement.
66. Accordingly, subject to conditions to secure the submission and implementation of a Construction Ecological Management Plan (CEcMP), a Landscape and Ecology Management Plan (LEMP) and the provision of appropriate new soft landscaping within the development, I am satisfied that there would be no unacceptable impact upon biodiversity and ecological interests.

Legal Agreement

67. The Section 106 planning obligation would secure 40% of the development as affordable housing comprising a mix of social rented, affordable rented and intermediate housing, and provides the details and processes for its delivery. The amount and type of the affordable housing would accord with WCS Core Policies 43, 45 and 46.
68. The Planning Obligation would also provide for on-site Public Open Space measuring 3,300 square metres and an on-site play area with a Locally Equipped Area of Play measuring no less than 400 square metres. The landscaping thereof, and future management and maintenance by an appointed Management Company would also be secured. This reflects the requirements of WCS Core Policy 52 and NWLP saved Policy CF3.
69. The legal agreement would also procure financial contributions towards off-site sports facilities, early years education, public art, waste and recycling equipment, and public rights of way route improvements. These would reasonably be required in compliance with WCS Core Policy 3 and, in the case of the latter, Core Policy 51.
70. I have already set out why I consider the North Meadow Interim Recreation Mitigation Strategy Contribution contained within the Planning Obligation to be necessary to mitigate the impacts on the EPS.
71. I have noted third-party concerns that some of the aforesaid planning obligations, including the affordable housing and off-site sports facilities contributions, would not directly benefit the local community. However, I am satisfied on the evidence before me, which includes a CIL Regulation Compliance Statement by the Council setting out the development plan policies relevant to the obligations, that the planning obligations contained within the Section 106 Agreement would meet the three tests set out in Paragraph 58 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. They would all be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it. I am also satisfied that the monitoring fee secured would be proportionate and reflect the actual costs of monitoring.
72. Moreover, I have noted third party requests for further financial contributions in addition to those contained within the legal agreement. This matter would be dealt with separately through any required Council Community Infrastructure Levy (CIL) payments.

Heritage Balance

73. I have identified that the appeal scheme would cause less than substantial harm to the significance of South Pavenhill Farmhouse, the Granary at South Pavenhill Farm and the Stables at South Pavenhill Farm through development within their settings. In this respect, it is noteworthy that even less than substantial harm to a designated heritage asset carries considerable importance and great weight.
74. In terms of public benefits, the proposal would provide up to 60 additional housing units within a local authority area where the agreed housing land supply position is a 2.03 year-supply. This represents a substantial shortfall when compared to the minimum five-year supply threshold that applies and is endorsed by the Framework. In these circumstances, the additional dwellings would make a meaningful and important contribution to the supply deficit. This attracts significant weight as a public benefit.
75. Moreover, the policy-compliant delivery of 40% of the new dwellings as affordable homes as part of the housing mix would promote the delivery of distinct social benefits and respond to authority-wide levels of currently unmet and identified future need. This is also a benefit upon which I place significant weight.
76. There would also be economic benefits because of the creation of jobs during the construction phase and increased household spending in the area once the dwellings are occupied. Having regard to the number of new dwellings, I apportion considerable weight to these economic benefits.
77. Moreover, there would be social benefits from the development arising from the provision of public open space and play provision and contributions towards sports facilities, public rights of way, education, waste infrastructure and public art. Taken together, these benefits attract considerable weight.
78. A net gain in biodiversity is also proposed as part of the development, which has been demonstrated to have the potential to exceed 10%. This attracts considerable weight.
79. Cumulatively the public benefits associated with the appeal scheme would be very significant and would attract substantial weight. In my judgement, such benefits would outweigh the less than substantial harm that I have separately identified would be caused to the heritage significance of South Pavenhill Farmhouse, the Granary at South Pavenhill Farm and the Stables at South Pavenhill Farm.
80. As such, the appeal scheme would comply with the historic environment conservation and enhancement policies of the Framework in so much as they provide the opportunity for any less than substantial harm identified to a designated heritage asset to be outweighed by the public benefits of a development proposal.

Overall Planning Balance

81. As the Council cannot currently demonstrate a five-year supply of deliverable housing sites, and the policies of the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed, the presumption in favour of sustainable development is engaged.

82. This situation is not altered by recent occurrences of other residential development within the parish of Purton or the existence of other potential forthcoming residential schemes.
83. For decision-making, the engagement of the presumption in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
84. I have found conflict with the Council's spatial strategy as set out in the WCS and the PNP, due to the location of the site beyond Purton's defined limits of development. The restrictions on housing development resulting from the Council's relevant housing delivery policies, namely WCS Core Policies 1, 2 and 19 have prejudiced the ability to demonstrate a satisfactory supply of deliverable housing sites. With this in mind, I attach limited weight to the scheme's identifiable conflicts with the Council's spatial strategy and the PNP.
85. I have also found conflict with WCS Core Policy 58 which aims to conserve the historic environment. However, on the basis that this policy does not incorporate a mechanism for balancing public benefits against heritage harm, unlike the Framework, I attach limited weight to this conflict. Notwithstanding this, the less than substantial harm identified to the heritage significance of three designated heritage assets attracts great weight.
86. Having considered the benefits (as discussed in the Heritage Balance above) and adverse impacts of the appeal scheme, I conclude that the adverse impacts identified, namely conflict with the Council's spatial strategy and less than substantial harm to the heritage significance of the listed buildings at South Pavenhill Farmhouse, the Granary at South Pavenhill Farm and the Stables at South Pavenhill Farm, would not, cumulatively, significantly and demonstrably outweigh the substantial benefits of the proposal when assessed against the policies of the Framework taken as a whole. Therefore, the presumption in favour of sustainable development, as set out in the Framework, applies.
87. Notwithstanding identifiable conflict with policies of the development plan, in this instance there are material considerations, including the Framework, that indicate that the proposals should be determined otherwise than in accordance with the development plan.

Conditions

88. In the event that the appeal was allowed, the Statement of Common Ground contains a number of conditions which were agreed between the main parties and formed the basis of a discussion regarding conditions at the Hearing.
89. I have considered these conditions in the light of the tests set out in Paragraph 57 of the Framework and the National Planning Practice Guidance (PPG) and imposed them where I consider them to be necessary and reasonable, incorporating amendments for the sake of clarity and precision.

90. Some conditions require scheme pre-commencement submission and approval in the instances where such details need to be considered in the construction of the development, and therefore go to the heart of the planning permission.
91. In addition to the standard outline permission implementation conditions (1), (2) and (3), it is necessary to define the plans for certainty (4). To accord with the terms of the outline planning application and to protect the character and appearance of the area and neighbouring living conditions, a condition is necessary to limit the number of dwellings permitted to a maximum of 60 (5).
92. In the interests of highway safety, conditions are necessary to ensure appropriate details of the permitted vehicular access (6), access visibility splays (7) and shared use path/emergency access (8) and to ensure the development provides appropriate on-site parking (9).
93. Conditions are necessary to facilitate the improved provision of sustainable modes of travel (10) and (11).
94. In the interests of protecting the living conditions of local residents, conditions are necessary to control construction hours (12) and ensure the implementation of an approved Construction and Environmental Management Plan (CEMP) (13). The latter would also be in the interests of highway safety.
95. In the interests of protecting public health, conditions are necessary to provide facilities for low emissions vehicle infrastructure (14) and to ensure that any contamination found during construction is appropriately dealt with (15).
96. Conditions are required in the interests of safeguarding protected species and maintaining and enhancing biodiversity (16) and (17).
97. In order to ensure that surface and foul water are suitably managed and that any associated flood risk is appropriately guarded against, conditions to secure appropriate surface water and foul water drainage schemes are necessary (19), (20) and (21).
98. In the interests of protecting the character and appearance of the area, conditions are required to ensure appropriate external lighting and hard and soft landscaping details (18), (22) and (23).

Conclusion

99. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it.
100. For the reasons given above, I conclude that the appeal should succeed, and outline planning permission be granted subject to conditions.

S Leonard

INSPECTOR

Schedule of Conditions

1. Details of the scale, layout, external appearance and landscaping (including strategic landscaping), “the reserved matters”, shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out in accordance with the approved details.
2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of the 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: Opportunities and Concept Plan: 0743-1002; Location Plan: 0743-101; Development Areas Plan – Net Developable Area: 0743-1007-1; Principles Plan – Routes and Movement: 0743-PP-2; Principles Plan – Scale: 0743-PP-3; Principles Plan – Green and Blue Infrastructure: 0743-PP-4; Principles Plan – Land Budget: 0743-PP-5; Principles Plan – Density: 0743-PP-6; Principles Plan – Open Space and Ecology: 0743-PP-7; and Proposed Access Design: 0970-001.
5. The total number of dwellings hereby permitted shall be a maximum of 60 dwellings and the overall layout and built form shall be generally in accordance with the Illustrative Layout Plan ref 0743-1003.
6. No development shall commence on site until full technical details of the access into the site from Pavenhill have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
7. No development shall commence on site until full details of visibility splays between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the east and 43 metres to the west from the centre of the access have been submitted to and approved in writing by the local planning authority. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.
8. No development shall commence on site until full technical details of the shared use path/emergency access onto Ringsbury Close have been submitted to and approved in writing by the local planning authority. The shared use path/emergency access shall be provided in accordance with the approved details prior to the occupation of any dwelling hereby approved and maintained free of obstruction at all times.
9. At reserved matters stage, the proposal shall come forward with car parking provision in accordance with the Wiltshire Car Parking standards.

10. No development shall commence on site until full technical details of a scheme of footway improvements including new crossing points, dropped kerbs, tactile paving and wayfinding signage in accordance with Plan 2 – Proposed Pedestrian Improvements (0970 PLAN 2); Plan 3 – Walking Routes (0970 PLAN 3); Plan 4 – Walking Route to School(s) (0970 PLAN 4) and Plan 5 – Footway and Footpath Spot Dimensions (0970 PLAN 5) received on 21st June 2023 have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until this scheme has been provided in accordance with the approved details.
11. No development shall commence on site until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied prior to the implementation of the Travel Plan.
12. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
13. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following measures:
 - i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Site working hours and a named person for residents to contact;
 - v. Detailed site logistics arrangements;
 - vi. Details regarding parking, deliveries, and storage;
 - vii. Details regarding dust and noise mitigation;
 - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - ix. Communication procedures with the local planning authority and local community regarding key construction issues – newsletters, fliers etc; and
 - x. Details of the routing of construction traffic and delivery vehicles and how it would be signed appropriately to the necessary standards/requirements. This includes means of access into the site.

The development shall be carried out in accordance with the approved details.

There shall be no burning undertaken on site at any time.

14. No development shall commence on site until a scheme of Ultra Low Emissions Vehicle infrastructure has been submitted to and approved in writing by the local planning authority. The scheme shall be approved prior to implementation and shall be retained for the lifetime of the development.
15. In the event that contamination is encountered at any time when carrying out the approved development, the local planning authority must be advised of the steps that will be taken by an appropriate contractor to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.
16. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological Management Plan (CEcMP) shall be submitted to the local planning authority for approval in writing. The CEcMP shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - e) Timeframe for provision of compliance report to the local planning authority, to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEcMP.

17. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) prepared in accordance with recommendations in Section 5 of the Preliminary Ecological Appraisal and submitted Auditing and Accounting for Biodiversity Spreadsheet shall be submitted to and approved in writing by the local planning authority. The LEMP will include:
 - A plan specifying the location, number and type of features with the built environment to benefit, but not exclusively, birds, bats and hedgehogs.
 - Long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development.
 - A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

18. Any external lighting that is installed across the site shall be designed and implemented to minimise sky glow, glare, and light trespass. It shall be designed in a downward facing position at all times and shall meet the criteria for Environmental Zone E2 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. Any external lighting installed at the site shall be retained and maintained as such thereafter for the lifetime of the development.
19. Notwithstanding the submitted Flood Risk Assessment and Drainage Strategy, no development shall commence on site until a detailed drainage scheme based on sustainable drainage principles (SuDS) has been submitted to and approved in writing by the local planning authority. The scheme will:
 - i. provide plans and calculations for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year plus climate change rainfall event, including allowance for 10% urban creep, and setting MADD Factor / Additional storage within the hydraulic model as 0m³/ha;
 - ii. provide plans and calculations for the drainage system design showing attenuation is sized to fully attenuate the 1 in 100yr plus climate change rainfall event;
 - iii. include plans with pipe/link and manhole/node numbers that correlate to the calculations;
 - iv. include a sensitivity analysis on the drainage network considering surcharged outfall conditions;
 - v. show exceedance routes for flows in excess of the 1 in 100 years plus climate change event are safely managed and do not pose a risk to people or property;
 - vi. demonstrate that the finished floor levels are above the maximum predicted 100 year flood levels or, if no flooding is predicted, at least 150mm above (or a height to be agreed with the local planning authority) the surface water drainage cover levels;
 - vii. provide a timetable for its implementation; and
 - viii. provide a management and maintenance plan for the scheme for the lifetime of the development.

The approved drainage scheme shall be implemented before the first occupation of the development hereby approved and thereafter be managed and maintained in accordance with the approved details.

20. No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority.

21. No development shall commence until a scheme for foul water drainage has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
22. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The details shall include:
 - i) location and current canopy spread of all existing trees and hedgerows on the land;
 - ii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - iii) means of enclosure to include details of any fencing and gates;
 - iv) all hard and soft surfacing materials; and
 - v) minor artefacts and structures to include refuse storage units.
23. All soft landscaping comprised in the approved details of the landscaping scheme shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner. All shrubs, trees and any other planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

*****End of Conditions*****

DOCUMENTS RECEIVED DURING THE HEARING

Summary note on the impact of the appeal scheme on the North Meadow and Clattinger Farm Special Area of Conservation by Ascerta dated 10 February 2025, submitted by the appellant.

DOCUMENTS RECEIVED AFTER THE HEARING

CIL Compliance Statement/S106 Justification Statement, submitted by the Council by email dated 12 February 2025

List of amended conditions, submitted via email by the appellant on 17 February 2025

APPEARANCES

FOR THE APPELLANT:

- Neil Cameron KC
- Nev Surtees – Associate Director, Planning: Savills
- Anthony Setter - Badingham Limited

FOR THE LOCAL PLANNING AUTHORITY:

- Adrian Walker – Planning Manager, Wiltshire Council
- Joe Richardson – Senior Planning Officer, Wiltshire Council

INTERESTED PARTIES:

- Jacqui Lay – Wiltshire County Councillor and local resident
- Geoff Greenaway – Parish Councillor and local resident
- Richard Pagett – local resident
- Robbie Fowler – local resident
- Sheila Fowler – local resident
- Edna Bunce – local resident
- John Cozens – local resident
- Paul Grigg – local resident
- Lisa Wolford – local resident