

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 AUGUST 2019 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES.

Present:

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble and Cllr James Sheppard.

Also Present:

Cllr Stuart Wheeler.

46. Apologies

There were no apologies.

47. Minutes of the Previous Meeting

The minutes of the meeting held on 20 June 2019 were presented for consideration, and it was:

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 20 June 2019.

48. Declarations of Interest

There were no declarations of interest.

49. Chairman's Announcements

There were no announcements.

50. Public Participation

The rules on public participation were noted.

51. **Planning Appeals and Updates**

The report on completed and pending appeals was presented for consideration.

Resolved:

To note the updates.

52. **Planning Applications**

The following planning application was considered.

53. **18/11168/FUL - Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF**

Public Participation

Mr Aaron Smith, Agent for the applicant, spoke in support of the application.

Mr Bill Clemence, local resident and business owner, spoke in support of the application.

Cllr Anne Dudney of Grafton Parish Council spoke in support of the application.

Mike Wilmott, Head of Development Management presented a report which recommended that planning permission be refused for application 18/11168/FUL, Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF for the erection of 15 dwellings with access onto A338, formation of bus stop lay-by on A338, parking and associated landscaping with change of use of agricultural land to residential garden land.

Slides were shown to the meeting, including an aerial view of the site and plans of the proposed scheme. The site would be accessed via a new estate road onto the A338 and the proposal included bus stop provision on the A338. There would be sustainable drainage in the middle of the site and a residential garden space in the south-west corner. The mix of housing of the 15 proposed dwellings was stated to include 9 that would be open market, including 2 bungalows designed to meet accessible and adaptable home standards. The remaining 6 dwellings would be affordable homes for rent and shared ownership. Elevations and plans of the style of houses were also shown to the meeting.

Key details were stated to include the following:

East Grafton was defined as a 'Small Village' in the Wiltshire Core Strategy (WCS). As such development should be limited to 'Infill' development, which was defined as 'the filling of a small gap within the village that is only large enough for not more than a few dwellings (generally only one)'. As the application being considered comprised 15 dwellings, the scale of the proposal meant that it clearly could not be considered as 'Infill' development. It was also stated that in any event the site lay outside of the confines of the village in open countryside, so would not constitute the filling of a small gap.

Both Government and Wiltshire Council policy stated that development should be plan led. The site had not been accepted in the Wiltshire Housing Site Allocations Plan and there was no need for additional housing according to the WCS as there was in excess of a five year land supply in the area.

The officer stated that sometimes affordable housing schemes of up to 10 dwellings on land close to a small village may be considered, but this application was for 15 dwellings, the majority of which were not affordable housing. If the community wanted this site to be developed, then it was suggested that they produce a Neighbourhood Plan. If the site was identified in a Neighbourhood Plan as a development site then an application might be considered more favourably.

The Local Housing Needs Survey submitted with the application identified a need for 9 dwellings. Some of this need could be met by housing already within the village. There was also housing in the nearby village of Burbage, which was larger and had more facilities. Also, as previously stated, the application was for 15 dwellings rather than 9.

The site was wholly within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). According to the NPPF any major development in an AONB should be refused, other than in exceptional circumstances. It was not felt that the proposed scheme met these requirements.

In summary the officer stated that the application was contrary to the development plan, therefore the recommendation was to refuse planning permission for the reasons stated in the agenda report.

Members of the committee then had the opportunity to ask technical questions of the officer.

Clarification was sought regarding the location of the site as the report and the officer had stated that the site was outside the confines of the village. However, on the aerial view it looked like there were buildings all around the site. In response the officer stated that the site was a large field, the two bungalows to the east appeared to have been built for farm workers. When you drove past the site it could be seen that there were fields around it, therefore it was clearly outside the confines of the village and could not be considered as an 'Infill' site.

In response to a question regarding housing need numbers for the area in the new core strategy that was being developed to cover up to 2036 it was stated that those numbers were not yet known. However, as the strategy was being developed that would be consulted upon.

In response to a question regarding whether a financial appraisal had been submitted to justify there being commercial housing within the housing mix of the proposed scheme, it was stated that one had not been submitted.

Members of the public then had the opportunity to present their views, as detailed above. The main points raised by those who spoke in support of the

application included; that the housing needs survey undertaken by the parish identified a need for at least 9 dwellings; that the village needed to grow, or it would stagnate and become unviable; it was claimed that the majority of the community supported the application and felt that the site was within the confines of the village.

The unitary division member, Cllr Stuart Wheeler, spoke in objection to the recommendation. Cllr Wheeler felt that the aerial slide showed clearly that the site was within the confines of the village and that villagers felt the village started at the farm bungalows on the corner. The Cllr stated that the mix of housing in the application met the village needs and this had been based upon consultation with the village. The Cllr felt that if the village had a Neighbourhood Plan then the committee would approve the application. However, he felt that Neighbourhood Plans were not fit for purpose when it came to small villages. The cost and time involved in producing a Neighbourhood Plan made it unrealistic for small villages to be able to produce them. The Cllr then listed a number of planning applications which had been on the boundaries of small villages and had been approved.

In response to public statements the officer stated that he disagreed with Cllr Wheeler regarding Neighbourhood Plans, there were around 24 or 25 Neighbourhood Plans in Wiltshire now, covering very small to large villages. It was a choice by the Parish Council not to have a Neighbourhood Plan. The officers were following Wiltshire Council and Government policy when considering the application. In applying the policies of the Development Plan, they had recommended refusal. The sites listed where applications had been granted all had their own individual circumstances and could not be used for comparison. The local housing needs survey had identified a figure of dwellings required, this was not the number of dwellings that had been applied for, the application was for more dwellings. The site was not 'Infill' development and was contrary to policy.

Cllr Mark Connolly proposed a motion to refuse planning permission, as per the officer recommendation. This was seconded by Cllr Nick Fogg, MBE.

A debate followed where the following issues were discussed:

The number of dwellings in the application were too high, it could not be considered as 'Infill' development whether you felt the site was within the confines of the village or outside of it. The principle of development could not be supported as it was against too many core strategy policies.

One member felt that the WCS was guidance, rather than rules that should be followed and that the mix of housing met the village's needs. Therefore on balance, the application should be granted.

Others agreed that too many core strategy policies had been breached. However, there were exceptions to the policies, for example rural exception sites, where small developments of affordable housing could be considered. Likewise a financial appraisal to justify the mix of commercial and affordable

housing had not been submitted. If the application had been in accordance with planning policy exception sites it might have been granted. Also, there was the option of developing a Neighbourhood Plan including the site. It was hoped the applicant would take this on board and find a positive way forward.

At the conclusion of the debate it was;

Resolved:

That planning permission be refused for the following reasons.

REASONS:

- 1. Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and identifies five tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, Large Villages and Small Villages. Within the Settlement Strategy East Grafton is identified as a Small Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or limits of development. Beyond the limits - and including the Small Villages - is countryside.**

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development, and at Small Villages in the countryside development will be limited to 'infill' within the existing built area (defined as "the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling"); but outside these parameters, other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. The application site is not identified for development in a Development Plan Document or Neighbourhood Plan.

Core Policy 18 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Pewsey Community Area in which East Grafton lies. It confirms that over the plan period approximately 600 new homes will be provided in the Area consisting of a range of sites in accordance with Core Policies 1 and 2. The latest housing figures, published in the Wiltshire Housing Site Allocations Plan Topic Paper 3 Addendum (July 2018) confirms that the indicative requirement for the Wiltshire Core Strategy plan period (2006-2026) in the Pewsey Community Area has been met, i.e. the current residual requirement for the Pewsey Community Area is 0 dwellings due to completions and extant permissions. In identifying its supply of specific deliverable housing sites Wiltshire Council uses

suitably defined sub-county areas as referred to in the Wiltshire Strategic Housing Market Assessment and the Wiltshire Core Strategy, titled 'Housing Market Areas'. The Pewsey Community Area lies within the East Wiltshire Housing Market Area. The Topic Paper also shows that there is at least an 8 year housing land supply in the East Wiltshire Housing Market Area at this time.

In terms of paragraphs 11 and 12 of the National Planning Policy Framework, this housing supply position confirms that the Wiltshire Core Strategy is not out-of-date in relation to housing supply in the East Wiltshire Housing Market Area; and in terms of paragraph 59, that the Core Strategy is "boosting significantly the supply of housing" in the Area in any event. It follows that further other, or 'windfall', sites, or sites delivered outside of any housing site allocations DPD or neighbourhood plan, are not required at this time.

The proposal is to erect 15 houses, etc. on land which is in the countryside and which does not comply with defined criteria for 'infill' development in Small Villages. Under Core Policies 1, 2 and 18, this does not accord with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new development satisfies the fundamental principles of sustainability and so it follows that where a proposal such as this does not accord with them then it is unsustainable in this defining and overarching context. The site is not identified for development in a Site Allocations Development Plan Document, nor in a Neighbourhood Plan. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan (including Core Policy 44), which override the core policy's positions. The proposal is, therefore, contrary to Core Policies 1, 2 and 18 of the Wiltshire Core Strategy and paragraphs 10-12 of the National Planning Policy Framework.

2. The application site lies within the North Wessex Downs Area of Outstanding Natural Beauty. In the context of paragraph 172 of the National Planning Policy Framework the proposal – for 15 dwellings on a c.0.9 ha site – comprises 'major' development. As there are no exceptional circumstances, and as the development is not required in the public interest, the presumption that planning permission should be refused for major development, as set out in the NPPF, applies. For reasons set out in reason for refusal no. 1, there is no 'need' for the proposed development; there is scope for residential development to be provided outside the designated area or in some other way; and the proposal would, in any event, have a detrimental effect on the environment and landscape.

Regarding landscape impact, the proposal would be detrimental to the Landscape Character Area (LCA) in which it is located, and would have harmful visual effects, albeit at a local level. In terms of

the LCA, it is identified as having an essentially rural, agricultural character within which “small-scale, sensitively-designed development, associated with built form, could be successfully accommodated without adverse impacts”. The proposal – being ‘major’-scale (in terms of size and quantum of development); and being not sensitively-designed (in terms of form / layout of buildings, and resulting limited opportunities for landscaping/mitigation); and being not associated with existing built form (by encroaching on to open land and coalescing with other scattered development outside of the existing village) – would not be sympathetic to the specific LCA, and more generally would not protect, conserve or enhance the landscape character of the wider area. In terms of the visual effects, the local views towards the site are identified in isolation to be adverse. Again, by reason of the size/quantum of development and the insensitivities of the design (notably, with inadequate opportunities for meaningful mitigation), these impacts are considered to be unacceptable, the development failing to protect, conserve or enhance the visual amenities of the landscape hereabouts. This is contrary to Policies 51 and 57 of the Wiltshire Core Strategy and paragraphs 170 & 172 of the National Planning Policy Framework.

3. The application fails to provide any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development can be delivered. The essential infrastructure, services and amenities include affordable housing, open space/recreation areas, highways infrastructure, and waste/refuse collection facilities (and/or contributions towards such infrastructure, services and amenities). This is contrary to Core Policy 3 ('Infrastructure requirements') and, more specifically, Core Policy 43 ('Providing affordable homes') and Core Policy 52 ('Green Infrastructure') of the Wiltshire Core Strategy and 'saved' Policies HC34 and HC37 of the Kennet Local Plan; and paragraphs 56-57 of the National Planning Policy Framework.
4. The proposed development, by reason of the number of market houses proposed and the size of the scheme fundamentally undermines the Council's approach to rural exception sites set out in Core Policy 44, and if approved, would set an undesirable precedent that could hinder the delivery of such affordable housing across the county.
5. **INFORMATIVE TO APPLICANT:** Notwithstanding reasons for refusal 1, 2 and 4, reason for refusal no. 3 may be overcome in the event of the applicant completing an appropriate planning obligation. The reason for refusal is necessary in the event that there is an appeal and such an obligation is not completed or not satisfactorily completed.

54. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.50 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail tara.shannon@wiltshire.gov.uk

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