

# AGENDA

---

**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room, Corn Exchange, Market Place, Devizes  
**Date:** Thursday 15 August 2019  
**Time:** 3.00 pm

---

Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

## Membership:

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

---

## Substitutes:

Cllr Ernie Clark	Cllr Jerry Kunkler
Cllr Anna Cuthbert	Cllr Christopher Williams
Cllr George Jeans	Cllr Graham Wright

---

## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request.

## **Parking**

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 12*)

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

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 8 August 2019 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Monday 12 August 2019. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

#### 6 **Planning Appeals and Updates** (*Pages 13 - 14*)

To receive details of the completed and pending appeals, and any other updates as appropriate.

#### 7 **Planning Applications**

To consider and determine the following planning applications.

##### 7a **18/11168/FUL - Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF** (*Pages 15 - 44*)

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.

#### 8 **Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

### **Part II**

***Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed***

## EASTERN AREA PLANNING COMMITTEE

---

**MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 20 JUNE 2019 AT THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.**

**Present:**

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Peter Evans and Cllr Anna Cuthbert (Substitute)

**Also Present:**

Cllr Laura Mayes

---

**38. Apologies**

Apologies were received from Councillors Stewart Dobson, Richard Gamble and James Sheppard.

Councillor Dobson was substituted by Councillor Anna Cuthbert.

**39. Minutes of the Previous Meeting**

The minutes of the meeting held on 25 April 2019 were considered and it was,

**Resolved:**

**To approve and sign the minutes as a true and correct record.**

**40. Declarations of Interest**

The Chairman read out a note emphasising the quasi-judicial role of the Committee, the requirement to act in accordance with the rules of natural justice to act fairly towards all interested parties, and approach the matter with an open mind and determine the application with an open mind. He then invited any declarations.

Councillor Mark Connolly declared that in relation to application 19/02455/FUL he was acquainted with the applicant, who was also a Wiltshire Councillor, but had no social or business relationship with him, and would debate and vote on the item, considering it with an open mind.

Councillor Paul Oatway QPM made the same declaration, noting further he had never visited the properties of the applicant in any capacity, and he would debate and vote on the application with an open mind.

Councillors Anna Cuthbert, Peter Evans and Ian Blair-Pilling made the same declaration that they knew the applicant as a Wiltshire Councillor but not in any other capacity, would debate and vote on the matter with an open mind, and also that they had visited the area to view the site.

41. **Chairman's Announcements**

There were no announcements.

42. **Public Participation**

The procedure for public speaking was noted.

43. **Planning Appeals and Updates**

The update on appeals was noted.

44. **Planning Applications**

The following application was considered:

**44.1 19/02445/FUL - River Mead House, Church Hill, West Overton, Lockeridge, SN8 4EL**

Public Speaking

Huw Roberts spoke in objection to the application.

Dave Snowden spoke in objection to the application.

John Kirkman, Campaign for the Protection of Rural England, spoke in objection to the application.

Chris Powell, agent, spoke in support of the application.

Ruaridh O'Donoghue, Senior Planning Officer, presented a report which recommended that permission be granted for the erection of an agricultural storage building. Key issues included whether the proposed use of the site was accepted in principle, of suitable design, its impact upon the landscape and upon highway safety.

It was stated that the principal of a rural based business in the location was acceptable under planning policy, and that use of the site for a farming contract business was considered acceptable, with the business using being B8, storage, rather than classified as agricultural. Mitigation could be conditioned for any immediate impact upon the landscape, with the effect from further away being very minimal, and the design was considered in keeping with modern storage for farming machinery. Permission could only be refused on highways grounds if there was an unacceptable impact upon highway safety or the

cumulative impact upon the road network was considered severe. The site had extant permission for access.

Members of the Committee were then given the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Councillor Laura Mayes, Roundway Division, then made a statement, undertaking the responsibility on behalf of the local unitary division member. She highlighted the concerns expressed by objectors in relation to impact on traffic, parked cars and safety, as well as scale of the building and its suitability.

The Committee then debated the application. The planning policy tests requiring severe impact upon the highways network was raised, and that the highways authority did not believe that threshold had been reached. The principle of the site for such storage was considered, along with other road routes, frequency of use of the site, and whether the scale and design was unacceptable given the area and modern requirements for such storage. The concerns raised regarding on street parking and large vehicles was discussed, but it was not considered there were sufficient grounds for refusal.

At the conclusion of debate, and on the motion of Councillor Mark Connolly, seconded by Councillor Paul Oatway QPM, it was,

**Resolved:**

**That planning permission be APPROVED subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

- Application Form**
- Location Plan 1:10000**
- Block Plan 1:1000**
- Drg No. 19-7443**

**REASON: For the avoidance of doubt and in the interests of proper planning.**

- 3 **No development shall commence on site until visibility splays have been provided 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 in both directions with from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.**

**REASON: In the interests of highway safety.**

- 4 **The development hereby permitted shall not be first brought into use until the first fifteen metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

**REASON: In the interests of highway safety.**

- 5 **Any gates shall be set back 15 metres from the edge of the carriageway, such gates to open inwards only.**

**REASON: In the interests of highway safety and to allow for agricultural use.**

- 6 **The development hereby permitted shall not be first brought into use until the access has been increased in width to 5 metres over the first 15 metres from the C202 carriageway edge with the provision of a radii of 3 metres to both sides of the access.**

**REASON: In the interests of highway safety.**

- 7 **No development shall commence on site above ground floor slab until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON: In the interests of visual amenity and the character and appearance of the area which is within the AONB.**

- 8 **No development shall commence on site above ground floor slab level until a scheme of hard and soft landscaping has been**



submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) finished levels and contours;
- c) all hard and soft surfacing materials;

**REASON:** To ensure a satisfactory landscaped setting for the development in the interests of preserving the landscape character and scenic qualities of the AONB. .

- 9** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge 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.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 10** The site shall be used for an agricultural contracting business and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). Furthermore, the provisions for change of use under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification) cannot be undertaken.

**REASON:** The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 11** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

- 12** No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site in the interest of maintaining dark skies within the AONB.

**INFORMATIVE TO APPLICANT:**

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

45. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.40 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,  
direct line 01225 718352, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

This page is intentionally left blank

**Wiltshire Council  
Eastern Area Planning Committee  
15<sup>th</sup> August 2019**

Planning Appeals Received between 07/06/2019 and 02/08/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/06056/LBC	30 High Street, Burbage SN8 3AF	BURBAGE	Single Storey Rear Extension	DEL	Written Representations	Refuse	10/07/2019	No
18/09761/FUL	The Old Rectory, Huish Wiltshire, SN8 4JN	HUISH	Erection of glazed link between dwelling and outbuilding (Resubmission of 18/01342/FUL)	DEL	Written Representations	Refuse	10/07/2019	No
18/09930/LBC	The Old Rectory, Huish Wiltshire, SN8 4JN	HUISH	Erection of glazed link between dwelling and outbuilding (Resubmission of 18/01440/LBC)	DEL	Written Representations	Refuse	10/07/2019	No

Planning Appeals Decided between 07/06/2019 and 02/08/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/00614/FUL	Park Farm House 39 High Street Worton, Wiltshire SN10 5RU	WORTON	Erection of an oak framed garage and guest annexe replacing existing garage/shed.	DEL	Written Reps	Refuse	Dismissed	27/06/2019	None
18/00821/LBC	Park Farm House 39 High Street Worton, Wiltshire SN10 5RU	WORTON	Erection of an oak framed garage and guest annexe replacing existing garage/shed.	DEL	Written Reps	Refuse	Dismissed	27/06/2019	None
18/07314/TPO	11 The Orchard Urchfont, Devizes Wiltshire, SN10 4QX	URCHFONT	Fell Scots Pine	DEL	Hearing	Refuse	Dismissed	05/07/2019	None

Planning Appeals Decided between 18/01/2019 and 12/04/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/08897/FUL	Land East of 2 Prospect Cottages Malthouse Lane Upper Chute SP11 9EP	CHUTE	Erection of a detached dwelling; with parking, turning, landscaping, and private amenity space. Creation of new vehicular access point out onto Malthouse Lane. (Resubmission of Application No. 17/04582/FUL)	DEL	Written Reps	Refuse	Dismissed	07/02/2019	None
18/00445/FUL	Wellaway, Close Lane Marston, Devizes Wiltshire, SN10 5SN	MARSTON	Demolition of existing commercial engineering building and erection of new detached dwelling	DEL	Written Reps	Refuse	Dismissed	05/02/2019	None
18/03794/OUT	Kingfisher House Bath Road Marlborough SN8 1NR	MARLBOROUGH	Detached family home with detached garage (Outline application relating to layout, access, appearance, scale and landscaping)	DEL	Written Reps	Refuse	Dismissed	08/02/2019	None
18/00558/FUL	3- Ailesbury Cottages Church Street Collingbourne Ducis SN8 3FN	COLLINGBOURNE DUCIS	Proposed single carport	DEL	House Holder Appeal	Refuse	Dismissed	05/04/2019	None
15/01209/ENF	Field Opposite Wyatts Lake Farm, Westbrook Bromham, Wiltshire	BROMHAM	Land being used for storage of vehicles and machinery, and earthworks taking place	DEL	Written Reps	-	Dismissed	13/03/2019	None
17/08306/FUL	Land Adjacent 555 New Buildings Enford, Wiltshire SN9 6AY	ENFORD	Retention of two shipping containers stacked on top of each other and associated balcony and platform walkway, and their use as an office and store.	DEL	Written Reps	Refuse	Dismissed	04/04/2019	Wilts Council Applied for Costs - <b>REFUSED</b>
17/00337/ENF	Land Adjacent 555 New Buildings Enford, Wiltshire SN9 6AY	ENFORD	Two shipping containers with staircase and balcony with handrail on an unsupported base.	DEL	Written Reps	-	Dismissed	04/04/2019	Wilts Council Applied for Costs - <b>REFUSED</b>

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	15 <sup>th</sup> August 2019
<b>Application Number</b>	18/11168/FUL
<b>Site Address</b>	Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF
<b>Proposal</b>	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
<b>Applicant</b>	Mr David Lemon
<b>Town/Parish Council</b>	GRAFTON
<b>Electoral Division</b>	Burbage and The Bedwyns – Cllr Stuart Wheeler
<b>Grid Ref</b>	425998 160598
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

### Reason for the application being considered by Committee

The Local Division Member has ‘called-in’ the application for the following stated reason:

*This is a significant application for this village.*

#### 1. Purpose of Report

The report assesses the merits of the proposal against the policies of the Development Plan and other material considerations leading to a recommendation, which is to refuse planning permission.

#### 2. Report Summary

This is a full planning application to erect an estate of 15 dwellings (including 6 affordable units) with vehicular access from the A338, and associated parking and landscaping. The detailed layout incorporates a bus stop lay-by on the A338 (with crossing points) and pavements alongside most of this frontage. A small land parcel in the south-west corner of the site is proposed to be used as residential garden.

East Grafton is defined as a ‘Small Village’ in the Wiltshire Core Strategy. The Small Villages do not have defined settlement boundaries, but in any event the application site lies outside of the confines of the village in open countryside.

The site and all surroundings lie within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The agricultural land classification hereabouts is ‘Grade 1’.

Grafton Parish Council supports the application, subject to conditions.

Two rounds of consultations generated representations from 16 interested parties in total – 5 objections, 9 in support and 2 comments.

### 3. Site Description

The application site comprises an open parcel of land (c. 0.9 ha) mainly laid to grass, lying in countryside immediately to the south and east of the outer limits of East Grafton village. To all intents and purposes the site 'reads' as a paddock, although is used at least in part for the open storage of farm machinery. The site is generally level, with 'tractor access' from the A338 on its north side.

To the west side of the site is an established contemporary (2001/2) estate of 9 houses – Granary Close – built on the site of a redundant farmyard; beyond this, and so further to the east, is the older core of East Grafton. To the north of the site (on the opposite side of the A338), is a slightly older (c. 1960's) residential development – Hungerford Road. To the east side are two detached bungalows – New Farm Bungalows – with open farmland beyond. To the south is open farmland.

The site and all surrounding land lies within the North Wessex Downs AONB. Likewise, the site and all surrounding land is classified as Grade 1 agricultural land. A relatively small part of the west side of the site lies within the East Grafton Conservation Area (land to the east, including Granary Close, lies within the conservation area).



Extract from Wiltshire Core Strategy policy map  
(green shading: AONB; brown line: conservation area; brown triangles: Grade 1 agricultural land)

### 4. Relevant Planning History

The application site has no relevant planning history.



## 5. Proposal

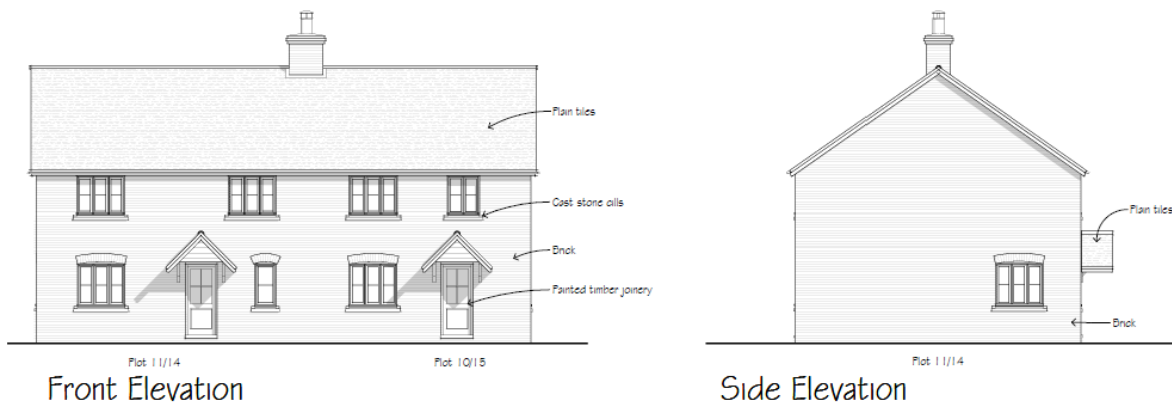
The proposal is to erect 15 dwellings served by a new estate road. Of these dwellings, 9 would be open market for general sale (4 x 2 bed; 3 x 3 bed and 2 x 4 bed), including 2 bungalows designed to accessible and adaptable home standards. The remaining 6 dwellings would be affordable homes for rent, shared ownership and low-cost market (4 x 2 bed and 2 x 3 bed), with occupation priority given to local people. The design/tenure/mix has been informed by a Grafton Housing Needs Survey undertaken in 2016 by the applicant in agreement with Grafton Parish Council.

Access to the new estate would from the A338. A bus stop lay-by would be constructed on the A338 frontage, and an improved pavement provided for most of the length of this frontage (including a new section of pavement to connect to Byway GRAF2 (to the east)); a a dropped-kerb at Wilton Road is also included. A small part of the site (in the south-west corner) would be use-changed to residential garden land.



The dwellings would be of “traditional cottage designs with use of local materials” (Design and Access Statement). They would nearly all front a central landscaped area incorporating a basin for surface water storage (so with private rear gardens running out to the west, east and south boundaries of the site). Landscaping would be provided on, and at the edges of, the site.

The application is accompanied by a Planning Statement, Design and Access Statement, Landscape & Visual Impact Assessment, Transport Statement, Arboricultural Impact Assessment, Landscape Strategy, Waste Audit Report, Affordable Housing Report, Extended Phase 1 Ecological Survey Report, Flood Risk Assessment and Statement of Community Involvement.



*Typical elevations*

## 6. Planning Policy and Guidance

### Wiltshire Core Strategy

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 3 – Infrastructure Requirements
- Core Policy 18 – Spatial Strategy for the Pewsey Community Area
- Core Policy 43 – Providing Affordable Housing
- Core Policy 44 – Rural Exceptions Sites
- Core Policy 45 – Meeting Wiltshire’s Housing Needs
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 – Landscape
- Core Policy 57 – Ensuring High Quality Design and Place Shaping
- Core Policy 58 – Ensuring the Conservation of the Historic Environment
- Core Policy 60 – Sustainable Transport
- Core Policy 61 – Transport and Development
- Core Policy 67 – Flood Risk

### Kennet District Local Plan

- Policy HC35 – Recreation provision on small housing sites
- Policy HC37 – Demand for education

### Other SPD / guidance

- Grafton Village Design Statement 2004
- East Grafton Conservation Area Statement 2005

### National Planning Policy Framework & Planning Practice Guidance

Relevant paragraphs referred to in the Planning Issues section of this report.

## 7. Consultations

**Grafton Parish Council**: Support subject to conditions.

- *The PC would like to see that the proposed development also makes further provision (to contribute towards the cost) for the improvement of road safety on the A338 when approaching and passing the road access point for the development. When entering to the East of the village speed is a concern so further traffic calming measures should be considered. These could include improved signage together with a clear pedestrian crossing point.*

*The current speed signs signalling the start of the 30mph zone sit too close to the corner at the village entrance to ensure that traffic speed is reduced in readiness for the entrance to the development. The proximity to the junction with the Hungerford Road houses on the opposite side of the A338 further supports this condition.*

*When vehicles use the proposed bus layby and people, more especially children, cross the road the speed of passing traffic is a cause of concern.*

- *The plans need to ensure that surface water drainage from the development is carried away from the A338 and the village to ensure that there is not additional drainage water being pushed onto the road that in turn will flow down to the lowest point in the village.*
- *Maintenance of the “common land” on the development –*

*There is a concern regarding the management/maintenance of the area within the development which is not owned by residents. The Parish Council is unable to accept responsibility for this space and a robust, enduring legal framework is required to ensure that the land is correctly maintained in perpetuity.*

*Any landscaping and planting will be in keeping with the area and any road frontage trees and or hedges will be maintained to ensure that visibility is not adversely impacted when joining the A338.*

**Wiltshire Council Spatial Planning:** Objection.

*These comments are concerned solely with the principle of development. Other policies of the WCS and Kennet Local Plan, other than those discussed below, may also be relevant ....*

*The location of the proposal is at the edge of the settlement of East Grafton, which is defined as a Small Village by the Wiltshire Core Strategy (WCS) and lies within the Pewsey Community Area. The site is adjacent to the Conservation Area and it is wholly within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).*

**Core Policy 1 ‘Settlement Strategy’ and Core Policy 2 ‘Delivery Strategy’ –**

*Core Policy 1 states that Small Villages have a low level of services and facilities, and few employment opportunities. Any housing development at a small village would need to be in response to local need (Core Policies 1 and 2 and WCS paragraph 4.16). The strategic housing requirement at East Grafton is currently 0, as discussed below. However, the WCS states that “sustainable development within the limits of development or at Small Villages should not be constrained just because requirements have been reached” (paragraph 4.17). For the purposes of Core Policy 2, local housing need is also relevant. The submitted planning statement includes a Housing Needs Survey for the Parish of Grafton showing that approx. 9 market homes are needed, and this may be considered to demonstrate the local housing need for the purposes of Core Policy 2. Further comments from the Housing Team are needed to confirm the situation in relation to housing need.*

*Core Policy 2 seeks to deliver development in a sustainable manner, and at Small Villages this is considered to be infill development within the existing built area. At paragraph 4.34 infill is 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). The proposal is for 15 dwellings and does not, therefore, constitute infill and would be above the level of development expected for this size of settlement.*

*Proposals at locations outside the limits of development are not supported unless they represent exceptional circumstances as listed in WCS paragraph 4.25. This proposal is not one of the exceptions.*

*Otherwise, proposals for development outside of the limits of development (i.e. at a small village) would need to arise through community-led planning documents such as a neighbourhood plan (Core Policy 2). The proposal is not being brought forward through a neighbourhood plan.*

*In addition to the requirement of Core Policy 2 to meet housing needs of the settlement, and be infill development, or to propose development via a neighbourhood plan, housing development would need to demonstrate that it:*

- respects the existing character and form of the settlement*
- does not elongate the village or impose development in sensitive landscape areas*
- does not consolidate existing sporadic loose knit areas of development related to the settlement*

*Furthermore, Core Policy 51 sets out the detail of what is required of proposals in the AONB. The Area Strategy for the Pewsey Community Area (Core Policy 18) reinforces the requirements of Core Policy 51 in that it requires proposals to demonstrate how they address the relevant issues and considerations listed in paragraph 5.95, which includes the objective to conserve the designated landscape of the North Wessex Downs AONB and its setting and where possible enhance its locally distinctive characteristics. Due to the location within the AONB there are additional constraints as set out in the National Planning Policy Framework (NPPF), discussed below.*

*The proposal must demonstrate that it satisfies the requirements outlined above. Advice from the relevant Wiltshire Council officers, including Conservation, Landscape and Urban Design teams as well as comments from the AONB will be key to understanding whether specific requirements are met by the proposed development.*

*In summary, in relation to the principle of development, while the evidence submitted in relation to local housing need is acknowledged, the development would not be in conformity with the Development Plan as it is outside the built area of the settlement and exceeds the scale of development that is considered appropriate at a Small Village.*

*National Policy and Guidance 5.1 The National Planning Policy Framework (NPPF) and Planning Policy Guidance seek to ensure an appropriate level of housing growth in a rural village, support the vitality of the village, ensure that appropriate design and layout is used that will enhance local distinctiveness, including the local historic and natural environment. This is expressed through the WCS policies discussed above and other subject specific WCS policies such as those relating to design (CP57) and the landscape (CP51).*

*East Grafton is wholly within the Area of Outstanding Natural Beauty and as such the presumption in favour of sustainable development does not apply. Any major development in an AONB should be refused, according to paragraph 172 of the NPPF, other than in*

*exceptional circumstances and where it can be demonstrated that the development is in the public interest, which must be assessed through specific considerations set out in the NPPF.*

*Material considerations relevant to principle: Housing Land Supply –*

*The indicative housing requirement for the Pewsey Community Area is 600 dwellings for the WCS plan period 2006-26, which should consist of a range of sites in accordance with Core Policies 1 and 2. According to the settlement hierarchy, development should be focussed at Pewsey as the Local Service Centres, and at Large and Small Villages some development will need to take place, but in accordance with Core Policy 2, as discussed above, this will be a limited level of development according to local needs.*

*The latest housing figures, published in the Wiltshire Housing Site Allocations Plan Topic Paper 3 Addendum July 2018 (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. The Topic Paper also shows that there is at least an 8 year housing land supply in the East Wiltshire Housing Market Area (Table 3.4).*

*The Local Housing Need survey submitted with the application is acknowledged but comments from the Housing Team will be key in confirming the local need.*

*Conclusion –*

*The development would not be in conformity with CP1 and CP2 of the Development Plan as it is outside the built area of the settlement and exceeds the scale of development that is considered appropriate at a Small Village. The proposal does not constitute one of the exceptions to the policy.*

*Due to the location of the proposal within the AONB, the requirements of Core Policy 51, Core Policy 18 and the tests within paragraph 172 of the NPPF would all need to be met, and comments from relevant Wiltshire Council and AONB officers will be key in reaching a decision.*

**Wiltshire Council Highways:** Objection (to principle, not detailed design).

*I am aware of the policy implications of the proposal with East Grafton being noted as a small village. .... East Grafton is a rural location and as such suffers from many of the restrictions in terms of transport and services that smaller villages do. That being the case, residents of the site will be heavily reliant on the use of a private vehicle.*

The detailed design of the estate is acceptable.

The provision of the bus lay-by will need to be secured via a S278 agreement which allows the work to take place and for adoption, and also ensures that construction is to adoptable standards. A S278 agreement also required for dropped kerbs on Wilton Road.

**Wiltshire Council Landscape:** Objection.

*In planning terms East Grafton is a small village and the application site lies in open countryside, partly within the East Grafton Conservation Area. The proposed development has not been brought forward through the neighbourhood planning or housing DPD process. As such there is an in principle objection in landscape terms because the development would be an encroachment into the countryside, and in this case the North Wessex Downs AONB, which has the highest status of protection.*

*CP51 Landscape requires that 'Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character....' This policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures. This policy also requires applications to demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plan for the AONB, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.*

*CP52 requires that that 'Development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained.'*

*The site lies within the Landscape Character Area (LCA) 6A: Vale of Pewsey (North Wessex Downs AONB Integrated Landscape Character Assessment) and LCA 9: Vale of Pewsey (Kennet Landscape Character Assessment) which both identify that development should be small scale, sensitively designed and associated with existing built form to minimise impacts on the surrounding countryside.*

*The site on the eastern side of the village comprises a relatively flat field, part of which is used to store farm machinery. It is bounded to north by the A338 and the housing estate off Hungerford Road and a smaller development of largely detached dwellings to the west off Granary Close. A mature hedge with belt of trees along a ditch adjoins the southern boundary with a cluster of bungalows set within mature gardens and trees to the eastern boundary. This enclosed aspect of the site means that there is limited inter-visibility from the surrounding AONB landscape and therefore minimal impact on the surrounding landscape character.*

*Various plans, including a detailed Site Plan and LVIA report have been submitted with this application. Viewpoints 5 and 9 from lanes to the south east illustrate that the development will be contained within the residential context of the village by the site boundary trees and garden trees to the bungalows with the housing along Hungerford Road to the north of the site defining the edge of the village. There will be glimpsed views of the development on the eastern approach to the village from the A338. Views from the countryside to the north east are restricted due to the undulating nature of the topography and the mature hedges and trees to the field boundaries. As mitigation the report recommends a mixed native hedge to the A338 and native street trees throughout the development. A strip of tree and shrub planting is proposed along the boundary with Granary Close with a landscape buffer of 2m along the southern boundary to protect and retain the mature hedgerow and trees.*

**Wiltshire Council Drainage:** Holding objection to initial submission in view of insufficient supporting information in Flood Risk Assessment c/o infiltration testing to demonstrate that proposed soakaways have a clearance of at least 1m from the groundwater level, allowing for seasonal variations; and requiring an outline plan for attenuation of discharge rate for the surface water from the site. At time of writing no further comments received from Drainage relating to revised Flood Risk Assessment.

**Wiltshire Council Housing:** Object to the proposal. The site is outside of the settlement and so should be considered against the rural exceptions policy in CP44, which supports the delivery of 100% affordable housing (or in exceptional circumstances on viability grounds, where the majority of the development is for affordable housing)

**Wiltshire Council Open Spaces:** No objection, subject to compliance with 'saved' Policy HC35 of Kennet Local Plan.

*15 dwellings generate a requirement for 147.6m<sup>2</sup> casual open space and 111.6m<sup>2</sup> equipped play; due to the scale of the development an off-site contribution would be more appropriate. The requirement would equate to an off-site contribution of £21,440.41 towards the parish councils ongoing project to enhance the playground at the Green in Grafton.*

**Wiltshire Council Ecology:** No objection, subject to conditions.

**Wiltshire Council Archaeology:** No objection, subject to condition.

**Wiltshire Council Education:** Requests financial contribution towards local education provision.

**Thames Water:** No objection.

*Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.*

*The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position. ....*

*On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.*

**Salisbury NHS Foundation Trust:** Request S106 financial contribution

*The Trust is currently operating at full capacity in the provision of acute and planned healthcare. The Trust plans to deliver known population growth but it cannot plan for unanticipated additional non elective growth in the short term. Additional patient treatment needs to be funded to maintain the delivery of safe, high quality healthcare services and care cannot be refused unless on specific grounds. Due to the NHS commissioning arrangements with Wiltshire CCG, additional non elective activity is reimbursed at 20% in year and therefore developers will need to provide 80% funding in the first year of the development.*

*A contribution is sought to support Salisbury NHS Foundation Trust to provide services needed by the occupants of the new development. It is recommended that Wiltshire Council supports the Trust's request for a contribution of £10,501 in relation to Planning application 18/11168/FUL.*

## 8. Representations

The application has been publicised by way of site notices, newspaper adverts and neighbour letters. There have been two rounds of consultations. The first generated 14 representations – 5 objections and 9 in support. The second round (following minor revisions) generated 2 further representations – 1 raising detailed highway safety concerns and 1 querying access arrangements for maintenance of existing boundaries common to the application site. No first round representations were withdrawn, this meaning that all remain relevant to the determination of the planning application.

The objections are summarised as follows:

- Principle: East Grafton defined as ‘Small Village’, and so not identified for housing development in the Wiltshire Housing Site Allocation Plan 2018 [emerging]. The Wiltshire Housing Site Allocation Plan 2018 assesses East Wiltshire as having adequate housing to meet local needs; 2016 survey referred to was unofficial with questionable conclusions not specifically relevant to East Grafton; this is therefore, a commercial venture rather than to meet specific social need. East Grafton has no facilities such as a shop.
- Traffic and highways: A338 already over-capacity, particularly in terms of commercial traffic. Proposal would add to the problem, particularly as planned access is in dangerous position (relative to bend and bus stop). Existing pavements have insufficient width; better pedestrian/cycle connectivity required between east and west sides of East Grafton, and to surrounding villages. Traffic speeds are high. Improvements/calming required (e.g. roundabout at edge of village).
- On-site open space: Pond proposed, but play area would be more sensible. No play facilities for children in East Grafton.
- Proposed bus-stop: ‘pitiful bargaining tool’ as very few buses anyway. No bus service for commuting.
- Design: Unaffordable housing not required; rather small houses/maisonettes. Maintenance of buffer between site at Granary Close requires consideration.
- Ecology: Site supports barn owl, bats, other birds, etc..
- Amenity: Loss of views from neighbouring houses (which were purposefully designed to look over the site). Site is not well-maintained, and ‘dumped’ farm machinery is an eyesore when entering the village.
- Electricity supply via poles/wires: requires consideration.

The supports are summarised as follows:

- Pre-application consultation. Proposal has taken on board feedback from village.
- Design / community impact: Proposal would address the lack of good quality and aesthetically pleasing housing in the area. Proposal would provide much needed family homes for villagers. Proposal is not crammed-in and relates well with neighbours.
- Landscape / AONB: No detrimental impact on landscape.
- Economic considerations: Proposal would support local pub. Enlarging the local community would help small local businesses and provide local housing for employees.



## **9. Planning Issues**

The main issues to be considered in this case are, firstly, the principle of the proposal; and secondly (and notwithstanding the conclusion on the principle), the impact of the specific scheme on detailed matters including landscape/visual amenity, agricultural land 'loss', highway safety, heritage, ecology, residential amenity and infrastructure provision.

### **9.1 Principle –**

#### **9.1.1 WCS Settlement and Delivery Strategies –**

The Wiltshire Core Strategy sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the county. Core Policy 1 refers to the Settlement Strategy, and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy East Grafton is indicated to be a Small Village. Small Villages are defined as having a low level of services and facilities, and few employment opportunities. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is countryside. Small Villages do not have limits of development, and so for the purposes of the Core Strategy lie within the 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 there is a presumption in favour of sustainable development; but outside the defined limits, other in circumstances as permitted by other policies of the Plan (which are not relevant here), 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 policy further states that at Small Villages development will be limited to infill within the existing built area and that it will be supported where it seeks to meet housing needs of the settlement provided this respects the existing character and form of the settlement, does not elongate the village or impose development in sensitive landscape areas, and does not consolidate an existing sporadic loose knit area of development related to the settlement. 'Infill' is 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"*.

Proposed development which does not accord with the Settlement and Delivery Strategies is considered to be unsustainable in the overarching context of the Wiltshire Core Strategy.

The proposal is to erect 15 houses on an approx. 0.9 ha site at the edge of, but outside, the existing 'built' area of East Grafton. In terms of Core Policy 2 this is unacceptable as a matter of principle. Notably, and with specific regard to the location (that is, outside of the existing built area and so in open countryside) the proposal would lead to elongation of the settlement (in a sensitive landscape area – more below); and, with specific regard to the size of the site and the quantum of proposed development, it would not be 'infill'. The proposal, therefore, fails to comply with the physical requirements of Core Policy 2 for new development at Small Villages and so amounts to unsustainable development in the countryside as a matter of principle.

#### **9.1.2 Housing land supply –**

In terms of the NPPF, paragraph 11 confirms that development plans should apply a presumption in favour of sustainable development. The paragraph continues by stating that for 'decision-taking' this means:

- (c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- (d) *where there is no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Policies will be considered 'out of date' when a local planning authority cannot demonstrate a five year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the preceding three years.

The indicative housing requirement for the Pewsey Community Area is 600 dwellings for the WCS plan period 2006-26, which should consist of a range of sites in accordance with Core Policies 1 and 2. According to the settlement hierarchy, development should be focussed at Pewsey as the Local Service Centre, with some limited development also to be at the Large and Small Villages, but in accordance with Core Policy 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. The Topic Paper also shows that there is at least an 8 year housing land supply in the wider East Wiltshire Housing Market Area.

It follows that in terms of NPPF paragraph 11, the Core Strategy is not out-of-date.

Accordingly, the following paragraph 12 of the NPPF makes it clear that:

*Where a planning application conflicts with up to date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*

### **9.1.3 Emerging Wiltshire Housing Site Allocations Plan and 'Neighbourhood Plans' –**

As set out above, Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy defines the level of growth appropriate within the built up areas of Small Villages as 'infill'. Infill is 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. The WCS states that exceptions to this approach will only be considered through the neighbourhood plan process or DPDs.

The proposal – for 15 dwellings on land outside the 'built' area of East Grafton – does not meet the Small Villages' definition of infill. Indeed, the proposal does not even meet the definition of acceptable development at the next, higher, tier in the Settlement Strategy – that is 'Large Villages' where 'small housing sites' within settlement boundaries are acceptable, defined as "... sites involving fewer than 10 dwellings (i.e. not a major application)".

The Emerging Wiltshire Housing Site Allocations Plan (DPD), which will revise (where necessary) settlement boundaries and allocate new sites for housing in order to maintain a

five year land supply in each of the county's three Housing Market Areas, does not propose any sites at East Grafton, including the application site. Sufficient other sites are proposed to be allocated in the Plan to meet the Eastern Housing Market Area's housing needs.

There is no neighbourhood plan – either made or in preparation – for East Grafton. The Emerging Wiltshire Housing Site Allocations Plan states that in locations where there may not yet be an appetite to prepare a neighbourhood plan, the emerging Plan has considered how these neighbourhoods can accommodate additional housing and has allocated sites accordingly. As stated above, this process – based on need within the wider Housing Market Area and the circumstances of East Grafton – have led to there being no proposed allocated sites in East Grafton, including the application site.

#### **9.1.4 Grafton Parish Housing Survey –**

The planning application is accompanied by a 'Parish Housing Survey', base-dated July 2016, and endorsed by Grafton Parish Council. According to the Planning Statement accompanying the application, the survey's purpose was to determine whether or not local people have a need for additional housing across a variety of open market and affordable tenures in the Parish.

Notwithstanding the work undertaken by the Parish to complete the survey, in preparing the Wiltshire Core Strategy full regard was given to the housing needs of the county, and how the needs should be dispersed. As already referred to, the WCS contains a 'Settlement Strategy' (Core Policy 1); it identifies the different tiers of settlement within the County based on an understanding of the role and function of all settlements and how they interact with their immediate communities and their wider hinterlands. In doing this the Settlement Strategy, coupled with the 'Delivery Strategy' (Core Policy 2), defines where, and at what scale, development will be most sustainable, this 'drilling down' all the way to the Small Villages, such as East Grafton.

To further explain the strategies, at its highest level the Settlement Strategy has 'Principal Settlements' which are defined as strategically important centres, and so the focus for development (e.g. Chippenham, Salisbury and Trowbridge); at the next level, 'Market Towns' are recognised to have the potential for significant development that will increase jobs and homes in order to sustain and, where necessary, enhance their services and facilities (e.g. Devizes, Marlborough and Tidworth/Ludgershall); next, 'Local Service Centres' (smaller towns and some larger villages, e.g. Pewsey) will provide modest levels of development in order to safeguard their role and to deliver affordable housing; then in the 'Large Villages', which have a limited range of employment, services and facilities, development is limited to small housing and employment sites ('small' defined as sites involving fewer than 10 dwellings), (e.g. Burbage and Great Bedwyn); finally, the 'Small Villages' being within the countryside are limited to very modest development in the form of infilling.

So, although the Core Strategy uses Housing Market Areas for its high level disaggregation and measurement of the county's housing requirement, to ensure an appropriate distribution its Settlement and Delivery Strategies further define what, in terms of sustainability, is appropriate to meet the more local requirements of the actual settlements – from the largest to the smallest. This prevents settlements from receiving un-balanced levels of growth, and allows each Community Area to accommodate housing having regard to its constraints and opportunities. It also builds-in flexibility – notably, to allow "... local communities preparing neighbourhood plans, to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to maintaining a deliverable five year housing land supply and delivering the strategic objectives of the plan".

So, where there is not a neighbourhood plan the delivery Strategy in any event defines the level of growth appropriate within the built up areas of Small Villages, and this is 'infill'. This planned approach is not changed by other factors such as local housing needs surveys. The Core Strategy concludes, "*Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs*".

### **9.1.5 Affordable Housing**

The WCS makes it clear that under CP44, where the site is outside but adjoining a settlement, (as in this case) a scheme for wholly affordable housing will often be supported, where it has clear support from the local community and the environmental and landscape impacts, amongst others, are acceptable. Normally, such schemes are restricted to ten dwellings in size.

This scheme is not for wholly affordable housing – in fact, it is a minority of houses that are affordable. No viability argument has been presented to demonstrate the need for even a small proportion of the site to be market housing – in fact, the majority of the site is for market housing. The scheme is also larger than the ten dwellings referred to in CP44.

The importance of this conflict with policy should not be underestimated. If landowners begin to believe that the Council will grant planning permission for sites adjoining but outside of settlements where the majority of housing will be market housing, then the incentive to release land for Community Land Trusts etc for affordable housing in locations adjoining to or well related to existing settlements is fundamentally undermined.

## **9.2 Landscape impact**

The application site lies within open countryside forming part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

### **9.2.1 Policy background –**

Core Policy 51 ('Landscape') of the WCS states that new development should protect, conserve and where possible enhance landscape character, with any negative impacts mitigated as far as possible through sensitive design. The policy states that proposals should be informed by and be sympathetic to the distinctive character areas identified in relevant Landscape Character Assessment(s) and any other relevant assessments and studies; and proposals will need to demonstrate that the following matters in particular have been taken into account and landscape conserved and enhanced as appropriate:

- The separate identity of settlements and the transition between man-made and natural landscapes;
- Visually sensitive skylines, soils, geological and topographical features;
- Landscape features of cultural, historic and heritage value;
- Important views and visual amenity;
- Tranquillity and the need to protect against intrusion from light pollution, noise and motion; and
- Landscape functions including places to live, work, relax and recreate.

Core Policy 57 ('Ensuring high quality design and Place Shaping') provides more general development control standards, requiring new development to, in particular, respond positively to existing townscapes and landscape features in terms of building layouts, built form, height, mass, scale, building lines, etc., to effectively integrate development into its

setting. It also requires the retention and enhancement of existing important landscaping and natural features, including trees, hedgerows and watercourses.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, in particular, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils "... (in a manner commensurate with their statutory status or identified quality in the development plan)"; and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – "... Including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".

With particular regard to AONB's, paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing their landscape and scenic beauty, which have the highest status of protection in relation to these issues (alongside National Parks and the Broads). The paragraph further states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of .....

- a) *The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) *The cost of, and scope for, development outside of the designated area, or meeting the need for it some other way; and*
- c) *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

For the purposes of this paragraph, the NPPF explains that whether a proposal is 'major' AONB development is a matter for the decision maker, taking into account "... its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

In this case, having regard to the scale of the proposal (that is, 15 units) and its setting (that is, in open countryside outside of the East Grafton 'Small Village'), **and** having regard to the Settlement and Delivery Strategies of the Wiltshire Core Strategy referred to already (which limit development to 'infill' only within the Small Villages), the proposal is considered to be 'major' AONB development in its context.

### **9.2.2 Landscape and Visual Impact Assessment –**

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which assesses the landscape and visual effects of the proposal. It does this by applying established LVIA methodology – to define baseline conditions and then to assess the landscape and visual effects of the proposal; it also considers mitigation as necessary. The Assessment explains:

*"The LVIA is a tool used to identify and assess the likely Significance of Effects of change resulting from development, both on the landscape as an environmental resource in its own right and on people's views and visual amenity. Landscape Effects relate to changes in the landscape character, elements, and features as a result of development. Visual Effects relate to the appearance of development, its effect on specific views and on the general visual amenity experienced by users of the landscape. The Nature of Effect as a result of development can be Positive, Adverse or Neutral".*

### **9.2.3 Landscape Effects –**

Landscape character may be defined as the distinct and recognisable pattern of elements that occur consistently in a particular type of landscape, and how this is perceived by people. It reflects particular combinations of geology, landforms, soils, vegetation, land use and human settlement. It creates the particular sense of place experienced in different areas of the landscape. Landscape impact is determined by combining the sensitivity of the landscape resource with the magnitude of landscape change.

In terms of baseline conditions, the application site is located within the 'Berkshire and Marlborough Downs' National Landscape Character Area. In 1998 Kennet District Council published the Kennet Landscape Character Assessment (East Wiltshire Landscape Character Assessment (EWLCA)). The document's main objective was/is to increase understanding of the landscape resources of East Wiltshire, to assist with policy formulation and development management and to assist with the targeting of resources for enhancement and management of the landscape. The site falls within LCA 9: 'Vale of Pewsey', specifically LCT: Open Arable or Mixed Farmland (also referred to as Open Chalk and Greensand Lowland). The EWLCA describes LCA 9's character and sensitivities as follows:

*"The Vale of Pewsey forms a broad, low-lying landscape unit separating the two main chalk upland blocks of the Marlborough Downs and Salisbury Plain to the north and south. It is dominated by intensive agriculture and characterised by a mixed pattern of farmland, woodland and hedgerows. The Vale has for hundreds of years been the economic heart of the Kennet District [East Wiltshire] area, and encompasses the great majority of the settlements in the District. These have developed in the rich and sheltered agricultural land present.*

#### *Landscape and Visual Character:*

*The flanks of the Vale retain the wide open character found on many of the upland chalk areas, where intensive arable farming dominates. These create long views east and west along the Vale, while views north-south, except from more elevated positions, are interrupted by hedgerow trees and small blocks of woodland. The core areas of the Vale are generally better vegetated with more enclosed fields, although many areas remain with very large fields and a weak or declining hedgerow structure. Landscape quality is enhanced in a number of locations by attractive parkland and areas of estate farmland. Areas of pasture on the Vale floor, particularly those associated with the catchment of the Avon, are very attractive where they pass through enclosed farmland, but become less well defined within open arable areas. ....*

#### *Development Sensitivities:*

- *the whole area has an essentially rural, agricultural character within which only small-scale, sensitively-designed development, associated with existing built form, could be successfully accommodated without adverse impacts;*
- *remnant pastures and meadows along the vale floor represent a scarce landscape and ecological resource, making them particularly unsuitable for development;*
- *areas of enclosed farmland with an intact hedgerow structure are more visually contained. These areas are potentially more able to accommodate that essential development which must be located in the countryside, but only where it would not compromise their rural, unspoilt character;*

- *the open arable landscapes along the Vale fringes and which appear as higher ground or ridges within the Vale are particularly visually sensitive and built development would be highly prominent and exposed;*
- *areas of parkland or estate landscape have particularly distinctive and attractive qualities and are sensitive to development;*
- *the Greensand scarps, which are very visually prominent from the clay vale to the west, are also of high landscape quality and sensitive to development;*
- *mosaics of woodland and farmland are more visually contained. In landscape and visual terms they may be able to accommodate change which would not adversely affect their attractive, rural and unspoilt character.*
- *strong landscape 'edges' and structure need to be maintained or established around the fringes of the main settlements to enhance their settings, to minimise impacts on surrounding countryside and to prevent the coalescence of linear settlements, e.g. at the far western end of the Vale". [emphasis added].*

In 2005, the Kennet Landscape Conservation Strategy (KLCS) classified the area in which the site is located as being also within the 'Vale of Pewsey' Landscape Character Area. The KLCS's conclusions on the character and sensitivities of the landscape closely match those of the earlier EWLCA. Its specific objectives for the Vale of Pewsey LCA are as follows:

*The Vale of Pewsey has an essentially rural, agricultural character, and this character must be retained. Development possibilities are restricted, with sensitively designed residential development located within and bordering existing settlements. It is essential that, in particular, the spring-line villages do not coalesce and therefore strong landscape buffers, using indigenous woodland species in combination [with] open space and shrub and hedge planting, will be required where development on the periphery of a settlement is deemed acceptable. This will ensure that the integrity of the individual settlements is retained, at the same time as integrating new development into the landscape and softening the hard edges of the built environment. ....*

Using this baseline information the LVIA draws a number of conclusions on landscape effects, set out as follows:

*“5.2.2 The site itself does not represent a specific feature or element defined as a key characteristic of the study area or the AONB, but it does form part of the broader key characteristics in respect of the typical compact nucleated villages which dominate the built form of the Vale of Pewsey. The nature of the development, being a residential development contained within the existing built form, means that the proposals will be in keeping with the development sensitivities of the Vale of Pewsey as described in the East Wiltshire Landscape Character Assessment LCA 9: Vale of Pewsey, which states: ‘the whole area has an essentially rural, agricultural character within which only small-scale, sensitively-designed development, associated with existing built form, could be successfully accommodated without adverse impacts’.*

*5.2.3 The development proposed will have a high level of containment within the wider landscape. As opposed to the creating [of] an isolated feature within the landscape, it will be located within the established residential context of the village. Furthermore, while there will be an overall increase in built-form, the proposed development is sited in such a way that the residential edge of East Grafton as a whole does not become unduly prominent nor detract from the wider landscape. ...*

*5.2.6 The development proposals will not conflict with the relevant key issues, strategies, objectives and policies identified across the relevant Character Assessments. Additionally, the proposals are not considered inappropriate in respect of the key issues identified in the*

North Wessex Downs AONB Management Plan 2014–19. The site is somewhat exceptional within the AONB, but it is considered that in landscape and visual terms it passes the test under the section entitled 'Built environment and New Housing' and The North Wessex Downs AONB Housing Position Statement, which requires strict tests to minimise the impact on the landscape. It states that in principle small-scale housing in larger villages may be supported where landscape and other planning issues have been resolved. It is accepted that East Grafton is not, in planning terms, a larger village, however, the site has attributes which make this site particularly well-contained and suitable for the form and scale of the development proposed.

5.2.7 At a local and regional level, the Landscape Value of the study area as a whole is High, due to its location within the North Wessex Downs AONB but also taking into account the area's various natural environment and heritage assets and recreational value. The overall Susceptibility to Change is Medium as, while the proposed development will represent the loss of an area of agricultural land, the proposals will be in keeping with the village's established character and will be well contained within the landscape. As such, this study considers the Overall Landscape Sensitivity of the site within the surrounding landscape to be High - Medium.

5.2.8 In terms of the Overall Magnitude of Landscape Effect resulting from the proposals, any change has to be considered in terms of the key elements and features that will definitely be affected and those that will potentially be affected, as well as the importance of these elements and features as part of the wider landscape. While the proposals will result in a new area of development, they will not result in the loss or alteration of any key elements, features and characteristics of the baseline condition, furthermore development will not significantly change the pre-development condition of the landscape as a whole. As such, the Overall Magnitude of Landscape Effect is Slight. The development proposals have an Overall Significance of Landscape Effect of Moderate – Moderate/Minor, which is not significant when considered under the LVA methodology used in the appraisal.

5.2.9 The proposals will be in keeping with the prevailing character of the eastern part of East Grafton and will not affect important elements and features of the wider landscape of the study area, they will however result in an increase in built-form in the immediate area. As such, while the nature of effect from within the immediate vicinity is considered Adverse due to the loss of the paddock, the Overall Nature of Landscape Effect is Neutral".

These conclusions of the LVIA are not entirely accepted. Firstly, it is not agreed that the proposal is for "... a residential development contained within the existing built form ...". The existing built form of East Grafton effectively ends at Granary Close to the east of the application site and Hungerford Road to the north. The application site, which is essentially a field outside of the built area of the village, is in open countryside.

Secondly, and leading on from the first point, it is not accepted that the proposal is "... in keeping with the development sensitivities of the Vale of Pewsey as described in the East Wiltshire Landscape Character Assessment LCA 9: Vale of Pewsey, which states: 'the whole area has an essentially rural, agricultural character within which only small-scale, sensitively-designed development, associated with existing built form, could be successfully accommodated without adverse impacts'". Rather, the proposal is for development of 'major'-scale (not 'small-scale') which by reason of this would cause significant encroachment, so effecting the existing transition between the established village and the countryside; and causing a coalescence of the village with the isolated bungalows (New Farm Bungalows) located further to the east. Accordingly the proposal actually fails the sensitivity 'test' set out in the EWLCA which states that only small-scale and sensitively-designed development associated with existing built form can be accommodated within this



landscape character area without adverse effects being caused to its rural and agricultural character.

With particular regard to the 'major development' status of the proposal, there are considered to be no exceptional circumstances to override the paragraph 172 presumption against such development in the AONB. Specifically, the adequate supply of housing in the applicable housing market area demonstrates no need for the development; and should there be future need then this could be delivered elsewhere or in accordance with housing delivery policies which allow for more sensitively-scaled 'infill' development within the Small Villages anyway. And, notwithstanding the conclusions of the LVIA, the effects of a major-scale development outside of this Small Village are 'adverse' in the context of the Landscape Character Assessments, undermining the essentially rural and agricultural character of the area. All in all, the unacceptability of the proposal in terms of national AONB policy compounds the local landscape impact objection.

#### **9.2.4 Visual Assessment –**

The visual effects of proposed development are the changes that arise in the composition of available views as a result of changes to the landscape and the degree to which these changes affect the overall amenity and character of an area.

The LVIA assesses a number of views, and its initial conclusions on sensitivity are agreed. These are as follows:

*“5.3.4 The Overall Visual Sensitivity of the study area is considered High/Medium, taking account of the potential for residential views, as well as the well-used PRoW network within a sensitive part of the AONB. However, the visual envelope of the site is comparatively limited when taking account of the potential for elevated views from the east and south, with existing dense vegetation being a key mitigating feature, often obscuring views. Additionally, the existing built form of East Grafton precludes any views from the west and north. Furthermore, the development, while visible as a new feature within the local village landscape, will predominantly be seen in the established existing residential context of the eastern part of East Grafton. There is potential for some notable, close distance views, however the effect of these will be extremely localised. As such the Overall Magnitude of Visual Effect, where the site may be visible is considered to be Moderate – Slight, resulting in the Overall Significance of Effect being considered Moderate, which is not significant when considered under the LVIA methodology used in the assessment.*

*5.3.5 The proposals will see a change to the make-up and balance of the view from several local viewpoints, with the development being noticeably prominent from views directly adjacent to the site and from the residential areas surrounding it. However, the overall visual character of the wider study area will remain unchanged due to the high level of containment of the site. As such, while there will be some local Adverse effects, the Overall Nature of Visual Effect on receptors across the study area is considered to be Neutral”.*

It is agreed that more distant views of the application site are screened, or broken-up, by established hedgerows/tree belts, landform or intervening development, including East Grafton village itself. Some views from the east have established development in East Grafton providing a 'built' back-drop.

In some very local views – notably, from the A338 – the impact is recorded as 'adverse'. Notwithstanding the LVIA's conclusion on the overall combined 'neutral' effect in all views, the local adverse impacts are of concern. They are compounded by the scale and form of the proposal, and the resulting limited opportunities (that is, c/o meaningful un-built space) to introduce beneficial mitigation to soften the visual effects of the development and so

maintain and/or create an appropriate transition with the countryside, as effectively provided by the existing field. In a sensitive AONB, this is unacceptable, neither conserving, nor achieving enhancement of, the landscape.

Overall the proposal is, therefore, considered to conflict with Core Policies 51 and 57 (and the NPPF) in that it does not protect, conserve or enhance landscape character, and its negative impacts are not adequately mitigated through sensitive design.

### **9.2.5 Agricultural Land –**

As set out above, paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by “.... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land ....”.

In this case the application site supports Grade 1 agricultural land according to Agricultural Land Classification records. Grade 1 is excellent [the highest] quality agricultural land, on which a very wide range of agricultural and horticultural crops can be grown and where yields will be high.

In taking into account this classification of the land it is material that the site area is relatively small – c. 0.9 ha – and that the land is not currently being used for the growing of crops (it is used at least in part for the open storage of farm machinery). For these reasons in this particular case the loss of the land from agriculture is not considered to be a sustainable reason for refusing planning permission.

### **9.3 Highway Safety**

In view of the failure of the proposal to comply with the Settlement and Delivery Strategies of the Wiltshire Core Strategy and so comprise unsustainable development, the Council's Highways Officer raises objection as a matter of principle. The concern relates to occupiers of the development being reliant on travel by motor-car, which is unsustainable.

In terms of the detailed layout, the Highways Officer is satisfied that the proposal is satisfactory in terms of the access, visibility, parking and turning arrangements. There is support for the proposal to provide pavement and crossing improvements and a bus stop lay-by.

### **9.4 Heritage**

A small section of the application site on its west side lies within the East Grafton Conservation Area. Granary Close (to the west) also lies within the Conservation Area. Granary Close is relatively recent development, and it now largely screens the site from the historic core of the village / conservation area further to the west. That part of the conservation area comprising mainly open land to the south-west of the site is also largely screened by hedgerows and trees.

All in all, it is not considered that the conservation area would be affected by the proposals. In terms of the NPPF the impact on East Grafton Conservation Area would be no worse than neutral.

In terms of historic buildings, the core area of the East Grafton Conservation Area supports a cluster of listed buildings and other non-designated heritage assets. However, they are sufficiently separated from the site and/or contained within their own small-scale and

domestic settings to ensure no adverse impacts. Again, in terms of the NPPF the impact on historic buildings would be neutral and/or no impact.

### **9.5 Ecology**

The application is accompanied by an Extended Phase 1 Ecological Survey. Its self-explanatory summary states the following:

*“The site does not lie within or adjacent to any protected sites and is close mown grassland that is used for agricultural storage.*

*The mature trees and hawthorn hedge along the southern boundary provide suitable habitat for nesting birds and any works to these should avoid the nesting season, which is between March and August (inclusive).*

*The grassland is kept mown, making it of limited suitability for common species of reptile and amphibians. This mowing regime should continue until works on site commence, to deter these species from moving in to the working area.*

*An eDNA survey of the only pond within 250m of the site which holds water was negative for great crested newts. This species is not considered to pose a constraint to the development of this site.*

*There are no further ecological constraints to the residential development of this site but recommendations for ecological enhancement are made”.*

### **9.6 Residential amenity**

Established residential development adjoins the site on its west and east sides. To the west side is Granary Close. The gap between the rear elevation and common boundary of the closest proposed units (nos. 3 and 4) with Granary Close is c. 15m, with an overall ‘back to back’ separation (with no. 3 Granary Close) of c. 30m. A buffer planting strip is proposed to be planted inside the rear boundary of the new units. These measures / separation are sufficient to ensure adequate privacy for the existing and proposed residents. Units 1 and 2 are proposed to be single storey in any event.

To the east are New Farm Bungalows. The gap between the rear elevation of the closest proposed units (no. 10 and 11) and the common rear boundary with New Farm Bungalows is c. 12.5m, with separation of, c. 22.5m (to corner of bungalow). This is an acceptable separation to achieve adequate privacy for the occupiers of New Barn Bungalows.

### **9.7 Drainage**

The site lies within an area classified as Flood Zone 1, the low fluvial flood risk area.

As referenced earlier in the report, the Council’s Drainage Engineer raised a holding objection to the initial submission in view of insufficient supporting information in the Flood Risk Assessment c/o infiltration testing to demonstrate that proposed soakaways have a clearance of at least 1m from the groundwater level, allowing for seasonal variations; and requiring an outline plan for attenuation of discharge rate for the surface water from the site.

In response the applicant has submitted a revised Flood Risk Assessment. The application agent’s further supporting statement summarises this in the following terms –

*“In response to the Drainage Officer consultation .... , the FRA has been updated to include details of preliminary infiltration testing undertaken mid-February (groundwater peak), revised greenfield runoff rates which reflect [the] recommended 5l/s/ha and confirmation that Thames Water support the development in respect of foul water drainage.*

*The consultant has added information ..... relating to infiltration drainage following the receipt of infiltration test raw data from the applicant Mr Lemon. Whilst the tests were not undertaken in strict accordance with the industry standard BRE Digest 365 methodology, these provide sufficient information for the consultant to derive an indicative infiltration coefficient and therefore provide preliminary infiltration storage estimated requirements. The tests indicate that the site is geologically conducive with infiltration drainage, however reservations in relation to the level of groundwater in years wetter than the one which we have just experienced are maintained. The consultant has advised that the detailed design, to be established and details to be submitted pursuant to a pre-commencement planning condition, should include BRE365 compliant infiltration testing and pay further regard to the probable groundwater conditions over the lifetime of the development.*

*The consultant has also reviewed the greenfield runoff rate estimates in respect of an attenuation lead drainage system and included a revised estimate for less permeable soils (FSR WRAP 4), in addition to that already discussed (FSR WRAP 1). The FRA also provides an additional attenuation storage estimate to reflect the revised limiting discharge rate (1.5l/s). .....*”

*Lastly, in paragraph 8.5, the FRA has been updated to reference the Thames Water consultation response in which they accept that foul water may discharge to the public sewer network.*

In view of this the FRA states that the likely means of surface water drainage would be open green SuDS such as ponds, basins and swales in the undeveloped areas of the site. The detailed design of this, and further infiltration testing to confirm the capacities, could now reasonably be a matter for conditions in the event of planning permission being given.

## **9.8 Other infrastructure made necessary by the proposed development**

Core Policy 3 of the Wiltshire Core Strategy requires all new development to provide for necessary on-site and, where appropriate, off-site infrastructure requirements arising from it. Where relevant this must be in accordance with other policies of the Strategy – CP43 & CP45 relating to affordable housing, CP62 relating to highways and transportation, CP52 and ‘saved’ HC34 relating to open space, and ‘Waste storage and collection: guidance for developers’ SPD. Saved policy HC37 relating to provision of education is not applicable because the proposed quantum of development is below the threshold; it follows that WC Educations request for a contribution towards local education provision is not supported by the policy.

On affordable housing, the application proposes 6 of the 15 dwellings to be affordable units; this amounts to c. 40%. As noted above, at Small Villages, Core Policy 44 (Rural Exceptions Policy) supports exceptionally a proactive approach to the provision of affordable housing, “solely for affordable housing”; the proposal is not solely for affordable housing, and the quantum / scale of development is too great in any event with environmental / landscape implications already referred to. Core Policy 44 states that the inclusion of open market housing within a rural exceptions proposal will not normally be supported except in exceptional circumstances, including when the majority of the development is for affordable housing and it has been demonstrated through financial appraisal that the scale of the market housing component is essential for the successful delivery of the development. These exceptional circumstances do not apply in this case.

On open space, the scale of the development does not readily lend itself to on-site provision of play space. An off-site contribution is, therefore, required towards an on-going project to improve existing play facilities at the Green. Using current calculators this is £21,440.41.

On refuse collection, the requirement is for a financial contribution towards to cost of refuse collection containers for each dwelling. The total cost is £1,365 (2015 calculator).

On highways, 'S278/38' agreements would be required to deliver the highway works – including pavements, crossing points and the bus lay-by.

Health facilities come under 'essential infrastructure' in Core Policy 3, and Chapter 9 of the Revised Planning Obligations SPD allows for the funding of health facilities through s106 where there is a direct link to development, although this would normally be applied to larger proposals generating a need for new infrastructure. For this reason the request for a health contribution is not considered reasonable under the CIL tests as the site is too small to require specific infrastructure to be required and the expected contribution cannot reasonably be linked (or evidenced) to be solely required by Salisbury NHS FT.

The applicant has agreed the infrastructure requirements. In the event of a resolution to grant planning permission, their delivery would require completion of a S106 agreement prior to the issuing of the permission.

## **10. Conclusion – the planning balance**

By reason of its location in 'countryside' and its scale, the proposal conflicts with the Settlement and Delivery Strategies of the Wiltshire Core Strategy as a matter of principle. Notwithstanding the local needs survey submitted with the application, the housing needs of the housing market area in which the application site is located are being adequately met c/o a healthy c. 8 years supply and a Core Strategy Delivery Strategy which allows an appropriate spread of housing across all settlements within the area in any event.

The scale of the proposed development – 15 dwellings – does not comply with the Delivery Strategy which limits development in East Grafton (a 'Small Village') to 'infill' only. A development of 15 dwellings outside of the village does not comprise infill. Indeed, it even exceeds the appropriate scale permitted by the Delivery Strategy in 'Large Villages'.

The proposal, by having a majority of houses that are market housing, fundamentally undermines the Council's affordable housing strategy set out in policy CP44 in that it is not solely for affordable housing, and it does not comply with the circumstances set out in the policy which can otherwise exceptionally allow an element of open market housing.

Proposals which do not comply with the Settlement and Delivery Strategies of the Wiltshire Core Strategy are unsustainable in the context of the Core Strategy. In terms of the NPPF, the WCS is up-to-date and relevant in this regard.

In terms of landscape impact, the proposal comprises 'major' development in an Area of Outstanding Natural Beauty. There are no exceptional circumstances, such as need or provision of affordable housing, which outweigh the presumption against major developments in the AONB set out in the NPPF. Notwithstanding the findings of the LVIA which accompanies the planning application, the proposal, by reason of its 'major-scale' (15 units / c. 0.9ha) *and* by reason of its detailed design which is not adequately associated with existing built form, would have a harmful impact on the landscape character area in which the site is situated, this having regard to the identified sensitivities of this LCA. In terms of visual effects, these are really limited to local views only, but would in any event be adverse,

and so – again, by reason of the scale of the proposal and the resulting extent of ‘encroachment’ into open countryside *and* the coalescing effect with existing development *and* the lack of opportunity for meaningful mitigation offered by the layout – cause harm to the landscape hereabouts, neither conserving nor enhancing its appearance.

The application site presently supports grade 1 agricultural land which would be lost if developed. However, its limited area and present non-productive use means that an objection based on its loss would be difficult to sustain.

Other material considerations – such as the delivery of infrastructure made necessary by the development together with the bus stop and pavement improvements, and other matters such as the economic benefits for local services and construction industry – do not ‘tip the balance’ in the proposal’s favour. These considerations are demonstrably outweighed by the policies of the development plan and NPPF which seek to protect the character and appearance of settlements and the countryside, and so uphold the principles of sustainability.

## **RECOMMENDATION**

### **To refuse planning permission for the following 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.



18/11168/FUL  
Land opposite Hungerford Road  
A338  
East Grafton  
Marlborough  
Wiltshire  
SN8 3DF



This page is intentionally left blank

18/11168/FUL  
Land opposite Hungerford Road  
A338  
East Grafton  
Marlborough  
Wiltshire  
SN8 3DF



This page is intentionally left blank