

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room, Corn Exchange, Market Place, Devizes

Date: Thursday 1 December 2022

Time: 3.00 pm

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

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Membership:

Cllr Philip Whitehead (Chairman)
Cllr Paul Oatway QPM (Vice-Chairman)
Cllr Dr Brian Mathew
Cllr Kelvin Nash

Cllr Sam Pearce-Kearney
Cllr Tony Pickernell
Cllr Iain Wallis
Cllr Stuart Wheeler

Substitutes:

Cllr Mel Jacob
Cllr Jerry Kunkler

Cllr James Sheppard
Cllr Caroline Thomas

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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 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 8 September 2022.

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 **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to 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 24 November 2022 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 28 November 2022. 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 **Chute Village Design Statement** (*Pages 15 - 146*)

To consider and determine the Chute Village Design Statement.

7 **Wiltshire Council North Tidworth Path No. 11 Definitive Map and Statement Modification Order 2022** (*Pages 147 - 290*)

To consider three objections to The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022.

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

NONE

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 8 SEPTEMBER 2022 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Dr Brian Mathew, Cllr Kelvin Nash, Cllr Tony Pickernell and Cllr Iain Wallis

Also Present:

Cllr James Sheppard, Cllr Jane Davies and Cllr Dominic Muns

31. **Apologies**

Apologies were received from Cllr Sam Pearce-Kearney and Cllr Stuart Wheeler.

32. **Minutes of the Previous Meeting**

The minutes of the meeting held on 24 March 2022 were presented for consideration.

Resolved:

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

33. **Declarations of Interest**

Cllr Iain Wallis declared a non-pecuniary interest in relation to agenda item 7a – Mill Lane, West Lavington, SN10 4HS, as he was a tenant of Aster, the applicant. Cllr Wallis confirmed that he would judge the application on its merits, and he spoke and voted on the application.

34. **Chairman's Announcements**

There were no Chairman's announcements.

35. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

36. **Planning Appeals and Updates**

Resolved:

To note the report on completed and pending appeals.

37. **Planning Applications**

The following planning applications were considered:

38. **PL/2021/11543 - Mill Lane, West Lavington, SN10 4HS**

Public Participation:

- Clive Durrant – spoke in objection to the application
- Matt Holmes – Agent – spoke in support of the application
- Cllr Julia Ford, West Lavington Parish Council – spoke in objection to the application

Nick Clark, Senior Planning Officer introduced the report which recommended that planning permission be approved, for reasons detailed in the report, for the demolition of the existing buildings and construction of 19 affordable homes together with associated parking, access and landscaping.

The officer advised that the principle of redevelopment of the site is supported both by the Wiltshire Core Strategy and the West Lavington Neighbourhood Plan. The main concerns raised by objectors relate to the loss of a dedicated development for elderly accommodation, impacts in terms of traffic, neighbour amenities and the character of the area. The site is currently vacant and there is little apparent prospect of it being brought back into use in its current form. There will be a change in the residential character of the site, particularly in terms of the replacement of bungalows with 2-storey buildings. The development will continue to provide affordable housing, including housing suitable for the elderly. The proximity of the development will be noticeable to neighbours and there will also be some increase in vehicle movements resulting from the development. The impacts however are assessed as not being material in the context of the site and would not support refusal of the application.

The officer explained that his conclusion is that the scheme is considered to accord with the development plan policy and is acceptable, therefore planning permission is recommended subject to the conditions set out in the report.

In response to technical questions asked by the Committee, the officer was unable to supply information about the residents who previously occupied Hedges House; the use of solar panels were not detailed in the application

plans; the existing dwellings were felt to be too small for future occupancy and not appropriate for modern living standards.

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

The unitary division member, Cllr Dominic Muns spoke in objection to the application. Cllr Muns asked the Committee to consider the visual impact, the relationship to adjoining properties, design (bulk, height, general appearance), environmental and highway impact and the 'loss of the current property status (supporting elderly residents) in favour of young families catered for as part of the 50 houses going into Lavington Lane site.

In response to issues raised during public participation and the Unitary Member statement, the planning officer explained that the road junction served a number of dwellings in the vicinity of the site and highways did not raise any objections in relation to this; detail about elderly accommodation is set out in the Neighbourhood Plan, which also comments on affordable homes; the planning application refusal in the vicinity of the application site related to an application for a proposed glamping site in an adjacent field and therefore of a dissimilar nature to this application.

So that the Committee had something to debate Cllr Brian Mathew proposed a motion to refuse the application, with reasons in relation to height and massing, that the application was contrary to Core Policies 51 and 57, and Policy NE2 of the West Lavington Neighbourhood Plan, and the application would fail to provide housing for the elderly – contrary to Core Policy 46.

A debate followed where Members commented on the need for elderly housing in the West Lavington area and the visual impact of the proposals on the eastern side of the site.

At the conclusion of the debate, it was

Resolved:

That Planning Permission is refused for the reasons stated below:

- 1. By reason of the height and massing of the development at the eastern end of the site (plots 14 to 19) the development would impose upon and harm the landscape setting of the village and the sense of openness between the recreation ground to the north of the site and the farmland to the south. As such the proposal fails to demonstrate a high quality of design that is appropriate to the local context or that would make a positive contribution to the character of the area, contrary to Wiltshire Core Strategy Core Policy 51 and Core Policy 57 and policy NE2 of the West Lavington Neighbourhood Plan.**

2. **The development would fail to provide sufficient housing for the elderly contrary to the aims of Wiltshire Core Strategy Core Policy 46 and the West Lavington Neighbourhood Plan.**

39. **PL/2022/04255 - O and S Self Storage Units, Lockeridge, SN8 4ER**

Public Participation:

- Andrew Oram – spoke in support of the application
- Cllr David Woolley, Kennet Valley Parish Council – spoke in objection to the application

Jonathan James, Senior Conservation/Planning Officer introduced the report which recommended that planning permission be approved, for reasons detailed in the report, for the demolition of existing open sided, steel-framed storage barn (54 sqm) and the installation of 10 x storage containers (144 sqm).

The officer stated that the main considerations for the application included the scale of development, the visual impact on the surrounding area, the design of the scheme and the environment/highway impact.

The officer advised that the site is located outside the village of West Overton in a relatively exposed position on raised ground above the Kennet valley within the North Wessex Downs AONB. There is an existing mature tree belt along the western boundary of the site and an existing mature hedgerow with trees forming the northern boundary. There is a well-established linear former chicken shed building on the site, which benefits from planning permission for self-storage use, and adjoining steel storage containers which also benefit from planning permission. There is access into the site off the adjoining highway at the north-west corner of the site. The proposed units would be set at the same level as the existing containers.

The officer explained that his conclusion is that the benefits outweigh any limited harm that the proposal might have within this area and that the application complies with Core Policies 34, 51, 57, 60 and 61 of the Wiltshire Core Strategy (2015) and the policies of the National Planning Policy Framework (2021). Consequently, the development is considered acceptable in this instance.

The report detailed the responses to the consultation and representations received. It was noted that the concerns raised related to visual impact and nuisance on the amenity of the area.

In response to technical questions asked by the Committee, the officer explained that the existing containers had been in their current location for 4-6 years; condition 7 detailed in the report indicates that the development shall be used as a self-storage facility only and for no other reason.

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

The unitary division member, Cllr Jane Davies spoke in objection to the application. Cllr Davies commented on the scale of development, visual impact on the surrounding area, design of the scheme and the environmental/highway impact.

In response to issues raised during public participation and the Unitary Member statement, the planning officer explained that highways supported the application, and that visual impact would not be an issue as the proposed containers would be well screened by the existing structures, trees and hedgerow within the area and the removal of the 'Dutch' barn would be a visual enhancement.

So that the Committee had something to debate the Chairman proposed a motion to grant the application, with conditions detailed at pages 45-46 of the agenda, as per the officer recommendations.

A debate followed where Members commented on the role of enforcement officers, the impact of additional traffic movements and the management of the storage containers.

At the conclusion of the debate, it was

Resolved:

That planning permission is granted subject to the conditions set out below:

- 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 details:**

- Plans**
- Application form**
- Design and Access Statement**
- Site location Plan**
- Existing Block Plan**
- Proposed Block Plan**
- Proposed Storage Containers – Plan and Elevations**
- Sections and Plan**

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

3. No part of the development shall be first brought into use until all the existing 'Dutch' barn has been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area.

4. 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 Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), 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.

5. This consent relates to a maximum of 10 storage containers that shall not be placed other than as shown on the approved drawings, and individually these shall measure no more than 2.4m x 2.4m x 6.0m, and shall all be placed at ground level and finished in dark green.

REASON: To ensure an appropriate scale of development and the associated activity and to minimise vehicle movements on the local highway network in the interests of highway safety and the amenities of the area.

6. The external materials and finishes to be used in the conversion of the building as hereby permitted shall not be other than as shown on the approved drawings.

REASON: In the interests of amenity, the agricultural character of the building and the rural character of the site within the AONB.

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any statutory instrument revoking or re-enacting that Order with or without modification), the development hereby permitted shall be used as a self-storage facility only 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 by the Town and Country Planning (Use Classes) (Amendment)

(England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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.

40. **PL/2022/04676 - Bourne Farm, Preston, Ramsbury, Marlborough, SN8 2HF**

Public Participation:

- Simon Chambers – Agent - spoke in support of the application

Ruaridh O'Donoghue, Senior Conservation/Planning Officer introduced the report which recommended that planning permission be approved, for reasons detailed in the report, for the erection of 1 No new dwelling in lieu of renewed temporary permission of use of mobile home as agricultural workers accommodation.

The officer stated that the main issues to be considered included:

- The principle of a new countryside dwelling in this isolated position, with particular regard to the functional need and financial 'tests' established in former PPG7 Annex A which appeal inspectors have satisfied to use as a framework for establishing the justification for such dwellings (CP 48);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51); and,
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64).

The officer advised that the site is located in the hamlet of Preston near Ramsbury. The applicant's freehold ownership at the site extends to 3.2 ha (8 acres); in addition, the applicant has the option to hold a further 2.4ha (6 acres) of land under a Farm Business Tenancy (FBT) but, has no need for it at this present moment in time. The freehold land is mainly flat, with an extensive frontage to the B4192; The site lies in the open countryside to the east of the B4192 within the North Wessex Downs AONB and a Public Right of Way runs to the east of the site (ALD46). Part of the site lies within Flood Risk Zones 2 and 3.

The officer explained that his conclusion is that the proposal complies with the development plan as a whole. The application is therefore recommended for approval subject to any conditions outlined in this report.

The report detailed the responses to the consultation and representations received. It was noted that there were 2 letters of objection and 12 in support of the application.

In response to technical questions asked by the Committee, the officer explained that this application had received support from the Agricultural Advisor, whereas another application had not received this support.

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

The unitary division member, Cllr James Sheppard questioned the essential need for a rural worker's dwelling on the site. Cllr Sheppard commented on his concern in relation to the long term viability and sustainability of the farm, the design of the proposal and how it didn't enhance the ANOB, the small scale of the farm and location of the dwelling.

In response to issues raised during public participation and the Unitary Member statement, the planning officer explained that an application cannot be refused on speculation of future events, the applicant and owner had provided accounts to indicate that the business was viable for the next 3 years, and made reference to Core Policy 51 that the application must protect the landscape character rather than enhance it.

So that the Committee had something to debate the Chairman proposed a motion to grant the application, with conditions detailed at pages 61-62 of the agenda, as per the officer recommendations.

A debate followed where Members commented on the length of time that the business would be in operation and the difficulties being experienced in the sector.

At the conclusion of the debate, it was

Resolved:

That planning permission is granted subject to the conditions set out below:

- 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 has been permitted in accordance with the following plans and documents:**

Dwg Ref: Application Form

Dwg Ref: Location Plan 1:2500

Dwg Ref: LPC 2627 PR 01 Site Plan – Proposed
Dwg Ref: LPC 2627 PR 02 Plan Proposed
Dwg Ref: LPC 2627 PR 03 Elevations Proposed

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

3. No development shall commence on site above ground floor slab level until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans/details.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

4. No development shall commence on site above ground floor slab level until 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. The 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.

5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area which is within the AONB.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area which is within the AONB, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations as the scale of the dwelling approved was considered in line with the functional need it was meeting.

41. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.55 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	1 st December 2022
Proposal	Chute Design Guide
Applicant	
Parish Council	Chute Parish Council and Chute Forest Parish Council
Electoral Division	
Type of application	
Officer	Mike Kilmister

Reason for the Village Design Statement being considered by Committee

The council's constitution sets out that one of the roles of the area committees is:

“To consider matters of local importance within the area such as:

- Village design statements and parish plans where Council approval is required for them to be considered as material considerations in dealing with planning applications.”

Purpose of Report

1. To seek Committee approval for the revised Village Design Statement (VDS) known as the Chute Design Guide for The Chutes, to enable the Design Guide to be treated as a material consideration when determining planning applications.:

A copy of the VDS is presented in Appendix 1.

Below is a location map that shows the context of the area covered by 'The Chutes'.



The original village design statement (VDS) was prepared under the old Kennet Local Plan in 2006 and whilst still relevant, the community have found that it has not had the anticipated success in defending the design quality of the Chutes. The Parish Council are looking at a refresh of the VDS to bring it up to date and make a more meaningful document.

Background

2. In 1996 the Countryside Commission (now Natural England) launched the 'Design in the Countryside' initiative and produced a series of packs to help villages understand the concept, process and method of producing a VDS.

3. VDSs are prepared by local communities. They offer a framework for engaging local people in constructive debate about defining the special character of their village, as a basis for ensuring that new development in their area fits its surroundings and is in keeping with that character. A 'Statement of Community Involvement' is presented in Appendix 2 which shows how the parishes engaged with their local communities in producing the design guide.
4. The VDS can help everyone involved in development to understand local views and perceptions at the outset of the design process. This helps new buildings to be designed in a way that is more likely to gain local support, rather than generate opposition. VDSs provide a tool to help manage long-term change, not prevent it.
5. A VDS contains a descriptive analysis of the relationship between landscape, settlement patterns and buildings. From the survey analysis, the VDS identifies principles to be applied to new developments such as the design of buildings and the spaces between them. The document should benefit local people, developers, new occupants and planners
6. The Localism Act 2011 provided a renewed impetus to community-led planning and documents such as VDSs to play an important part in helping to deliver the Government's Localism agenda.
7. This paper considers and assesses the Chute Design Guide, which is situated in the eastern part of Wiltshire. The statutory development plan is the Wiltshire Core Strategy adopted in January 2015 (WCS) which includes the saved policies of the Kennet District Local Plan 2011 providing the policy context for considering development for villages in the eastern part of Wiltshire.
8. Chute and Chute Forest Councils do not wish to undertake the process of producing a neighbourhood plan which has advantages over a village design guide in that once approved at a referendum it attains the same legal status as a local plan (and other documents that form part of the statutory development plan). The policies within a neighbourhood plan sit alongside the policies within the Local Plan in decision making. A village design statement focuses solely on design issues and are essentially guidance documents for developers and individuals that encourage good design to enhance and protect the local area without preventing growth. Village design statements do not determine or detail what type of development can occur and where it should go.

Village Design Statement Protocol

9. Once the Chute Design Guide is approved, it will become a material planning consideration in the consideration of planning applications. The rationale for this is set out in the council's Village Design Statement Protocol presented in Appendix 3.
- 10.. The Protocol also sets out the validation checklist that is used to appraise the Chute Design Guide to ensure it is fit for purpose and appropriate for the council to approve as a material planning consideration. This checklist is based on the Countryside Commission's (now Natural England's) advisory guidance referred to above and is set out in brief below:

Does the Chute Design Guide:

- describe the distinctive character of the village and the surrounding countryside;
- show how character can be identified at three levels:
 - the landscape setting of the village,
 - the shape of the settlement,

- the nature of the buildings themselves;
- draw up design principles based on the distinctive local character.

Has the process of developing the Village Design Guidance met the following objectives:

- worked in partnership with the local planning authority in the context of existing local planning policy and to influence future policies;
- been developed, researched, written and edited by local people? Is it representative of the views of the village as a whole? Has the process involved a wide section of the village community in its production?

Summary of Appraisal

11. The Chute Design Guide has been appraised against each of these objectives and the detailed results of the VDS assessment is presented in Appendix 4.
12. To summarise the Chute Design Guide provides a comprehensive description of the Chutes and their environs. Throughout the Chute Design Guide, a detailed description of the local character is provided, and design principles are provided throughout the document based on this character.
13. Wiltshire Council's Urban Design and Development Management services have been consulted on the Chute Design Guide and have raised no concerns to its approval and use in the planning process.

Safeguarding Considerations

14. There are no known implications at this time.

Public Health Implications

15. There are no public health implications.

Environmental Impact of the Recommendation

16. The Chute Design Guide provides design guidance to help inform the determination of planning applications in The Chutes.

Risk Assessment

17. There are no key risks identified in relation to the decision being considered.

Financial Implications

18. There are no financial implications to the Council at this time.

Options Considered

19. Approval of the Chute Design Guide by committee gives the document weight in decision making. It will complement existing planning policy and guidance, strengthening the Council's position when advising or negotiating on design and allows local views to be taken into consideration early in the process.

Legal Implications

20. Once a VDS has been approved by Committee, full regard must be had to its content in decision making.

Conclusion

21. It is considered that the Chute Design Guide complies with the Council's village design statement protocol and should be approved as a material consideration to inform decisions on planning applications.

Recommendation

22. It is recommended that the Chute Design Guide for The Chutes be approved as a material planning consideration for the purposes of development management in their decision making.

Appendices

Appendix 1: Chute Design Guide (October 2022)

Appendix 2: Statement of Community Involvement

Appendix 3: Village Design Statement Protocol

Appendix 4: Village Design Statement Validation Checklists for 'The Chutes'

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THE CHUTES

Chute Design Guide

October 2022



FOREWORD

Welcome to this, the Chute Design Guide. It is to be considered for approval as a material planning consideration at Wiltshire Council's Eastern Area Planning Committee on 1st December 2022 as a locally derived design guidance for the Chutes. The Chute Design Guide will work alongside the Wiltshire Design Guide which will follow the National Design Guide.

The Chute Design Guide follows and updates the Chute Village Design Statement which was adopted in 2005. The Guide looks in more detail at all the elements which make the Chutes special by considering all the characteristics set out in the National Design Guide. It provides an excellent evidence base for designers considering development within the Chutes. The Guide includes detailed assessments of the streets and spaces that make up the Chutes. There are two checklists, available to complete online, which will focus the mind of the designer to ensure development represents the special qualities of the Chutes.

The Chute Design Guide has been subject to thorough consultation, including a well-attended drop-in session. With a good level of responses and a balanced assessment to address them, it truly represents the views of the community.

I want to thank everyone who has helped create this design guide and I commend it to all those who take an interest in development in the Chutes.

Cllr Christopher Williams

Summary of Aims

To describe in detail the distinctive character and identity of the Chutes based on detailed street surveys and community views following the National Design Guide and National Model Design Code¹ as supported by the community²

To provide guidelines to all those involved in development in the villages to ensure it is truly characteristic of the Chutes

To be approved in association with Wiltshire Council's Design Guide which will become supplementary planning guidance for use in planning decision making.

This design guide follows the principles of 'A well-designed place' as set out in the National Design Guide 2021 and uses the same colour code identity throughout

¹ MHCLG National Design Guide January 2021 + National Model Design Code 2021

² Consultation February-March 2022 – recorded in Statement of Community Involvement



10 Characteristics of Well Designed Places
(National Design Guide Extract)

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Appendix 3	Review of Planning Applications since 2005
Appendix 4	Conservation Areas and Listed Buildings in Chute
Appendix 5	Scheduled Monuments
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Appendix 7	Dwelling Statistics
Appendix 8	Agreed Permissive Paths

1. Introduction

Previous Village Design Statement -Reason for Update

I.1 The first Village Design Statement for the Chutes (“2005 VDS”) was prepared by the community and adopted by the then Kennet District Council in 2005. Much has changed since that time including the demise of Kennet and its replacement by the unitary Wiltshire Council.

I.2 The 2005 VDS stated that it:

- *represents what local residents of the Chutes consider to be the most important aspect of each of the settlements and identifies the distinct elements of local character that they wish to protect.*
- *has been produced as a collaborative effort by many residents.*
- *describes in words, photographs and drawings what it is about the Chute settlements that make them distinctive and so raises awareness of the special features of the Chutes to guide both residents and officials when considering changes to the settlements.*
- *must work within the current planning policy context and make a positive framework for change over time where it must occur.*
- *has been subject to extensive consultation and has been based on the views and comments of the residents of the Chutes.*
- *represents a local view of the settlements*

Aims of the Chute Design Guide

I.3 The aims of this new design guide remain largely the same. However, it builds on what has worked and addresses what has been less successful since the 2005 VDS. In addition, much has changed in planning legislation, regulation and especially planning policy guidance. As such this is a more rigorous document, more thoroughly researched and more closely allied to the adopted and emerging development plans in Wiltshire and the Government’s published national guidance on design guides and design coding. The summary of the aims of the design guide are on page 2.

I.4 The opportunity has been taken to describe each part of the Chutes in greater detail giving a more granular assessment of character. This is presented in the form of detailed street surveys³.

I.5 The heart of this document belongs to the residents who care passionately about the Chutes and who wish to protect their unique characteristics. They have been involved not only in the development of this document, but in the way they have acted as custodians of the settlements in the care taken to look after their homes, their farms, their woodlands and

³ Street Surveys are included in Section 2

collectively the open spaces where the community enjoys each other's company and the natural beauty of the environment.

- I.6 On the whole new buildings show continuity with the past, respecting and complementing the beauty of the landscape and the character of local vernacular building materials and styles. There are only one or two exceptions to this vernacular tradition in the whole of the Chutes. Historically the Chutes have not suffered with inappropriate development in the way other communities have. However, recently a number of changes have alarmed residents and the design guide is geared to prevent inappropriate developments that do not respect the essential character of the Chutes.

How has the Design Guide been produced?

- I.7 This design guide has been two years in the making and started out as an update to the 2005 VDS. Work started with the street surveys which were recorded in a consistent tabulated format by the local residents⁴. This has provided detailed analysis and a record of all parts of the Chutes and their unique environment. A second phase was to try and determine what residents felt was good and bad about the Chutes and this was recorded in a photo survey carried out in the summer of 2020. The Chute VDS website encouraged participation in the survey⁵.
- I.8 Additional research⁶ was completed which reviewed all planning applications since 2005 when the 2005 VDS was adopted. This demonstrated that the largest number of complaints arose from proposed infill development and replacement dwellings.
- I.9 Virtual meetings to progress the Chute Village Design Statement continued with Chute and Chute Forest Parish Councils throughout 2020. During 2021 it became clear that the change to the National Planning Policy Framework (NPPF July 2021) meant that a different approach to the Village Design Statement was needed.
- I.10 Both Chute and Chute Forest Parish Councils voted to support the change from an updated Village Design Statement to a Village Design Guide in order to comply with the requirements of the NPPF. The current document has been developed as a formal design guide, so it is consistent with the National Design Guide.

The role of the Chute Design Guide in the Planning Process

- I.11 The Chute Design Guide, once approved, will be a 'material consideration' with significant weight in the planning process. This is set out in NPPF paragraph 134 which says that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. The NPPF will give the new local guide more weight in the planning process

⁴ Baseline Street Surveys produced in March 2020 just prior to Lockdown 1.0 in the Covid-19 Pandemic

⁵ Details of Residents' Photo survey summarised in appendix 2

⁶ Review of Planning Applications within Chute Parish 2005-2021-Appendix 3

than the 2005 VDS. From the research it was clear that residents were disappointed about how little weight was given to the 2005 VDS in previous decisions by the Local Planning Authority and Planning Inspectors. Residents were therefore determined to create a robust and meaningful design guide. The approved design guide **should** be taken into account by the Local Planning Authority (Wiltshire Council) and any appeal decision determined by a Planning Inspector. The Chute and Chute Forest Parish Councils will also refer to the Chute Design Guide when commenting on planning applications.

- I.12 The Chute Design Guide has been subject to consultation and local involvement⁷. This strengthens the validity of the document and the weight to be given to it in decision making.

How to use the Chute Design Guide

- I.13 The Chute Design Guide is intended to help residents and built environment professionals alike. It has been drawn up using the 10 principles of a well-designed place in the National Design Guide., It is advisable to refer to the National Design Guide and Wiltshire Design Guide⁸ in addition to this guide. The Chute Design Guide has three main sections:

Section 1 – Narrative description of 10 (nationally described) characteristics of well-designed places within the Chutes (with reference to the baseline street surveys⁹ and visual guides – see below) using the colour coded characteristics set out in the National Design Guide to highlight the particular characteristics relevant to the Chutes. This includes the Design Policies which contain parameters to guide development in order to ensure it meets the described, community-endorsed characteristics of the Chutes.

Section 2 – The baseline street surveys record in detail each discrete area of the Chutes including its characteristics. Each survey covers a cohesive grouping of dwellings based on streets.

Section 3 – Visual Guide and Checklists. The visual guide is a record of the special character of the Chutes. It is intended to aid users and avoid long descriptions. With the visual guide are two checklists, one covering the setting and design details and the other based on the ten characteristics of the NDG. It is recommended that these both be completed and submitted with the planning application for any proposal that requires planning permission within the Chutes.

⁷ Statement of Community Involvement Chute Design Guide March 2022

⁸ Wiltshire Design Guide currently in preparation

⁹ Street Surveys are the Baseline studies which are described in the National Design Guide page 12 as descriptions of the conditions as existing against which changes arising from the proposed development are predicted and assessed

- I.14 It is acknowledged that design cannot be totally codified, and it is still necessary to use design judgment. Good design is the harmony of many elements.

2. Context

- 2.1 The National Design Guide (NDG) describes “**Context** is the location of the development and the attributes of its immediate, local and regional surroundings” and
- 2.2 “Well-designed places are based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design”
- 2.3 In terms of the regional surroundings the key attribute is the protected landscape of the **North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB)**. This protected landscape was first established in 1972. The designation applies to the whole of the Chutes and is the highest level of landscape protection in England. A statutory Management Plan exists for the nationally designated and protected landscape of the NWD AONB as required under the Countryside and Rights of Way Act 2000.

Chute Design Guide Advice The vision for the NWD AONB is as follows: *Vast dramatic, undeveloped and distinct chalk downlands with nationally significant areas of semi-natural chalk grassland, contrasting with well-wooded plateaux, arable lands and intimate and secluded valleys, all rich in biodiversity and cultural heritage; a national landscape that stands apart from the increasing urban pressures that surround it; where people live, work and relax; and where visitors are welcomed and contribute to a vibrant rural economy.*

- 2.4 The NWD AONB is the third largest in the country, covering 1730 sq km, or 668 sq miles. Whilst the Chutes are only a small part of the NWD AONB the vision is entirely fitting for it.
- 2.5 The Landscape Character for the Chutes is recorded in publications.¹⁰ When significant developments are proposed in the Chutes, they must be accompanied by a full Landscape Impact Assessment that considers the effect of the proposal on the landscape character.
- 2.6 The Chutes comprise a pattern of small discrete settlements set within a quiet rural landscape. The main settlements are Upper Chute, Lower Chute, Chute Cadley and Chute Standen (in Chute Parish) and Chute Forest (in Chute Forest Parish). All settlements are within the NWD AONB. In the Wiltshire Core Strategy, they are defined as small villages¹¹, where development opportunities are very limited.

¹⁰ National Character Assessment 130 (Hampshire Downs) North Wessex Downs AONB Integrated Landscape Character Assessment

¹¹ Wiltshire Core Strategy 2015 policy CP26

Visual Cohesion, Vernacular but above all rural

2.7 The Chutes are particularly privileged not to contain any through routes, so traffic volumes are always very light. The road network is confusing to outsiders who frequently get lost. The rural landscape dominates and there are few distinct buildings.

2.8 **Chute Design Guide Policy 1** – The Chutes display a high degree of visual cohesion. There are very few distinct buildings that are highly visible in the landscape (save for the two Churches, Conholt House, Chute Lodge and Chute Manor). Any infill or new build should respect the vernacular as recorded in the baseline street surveys by following the exact parameters for each distinct area. Any atypical design solution would require justification and a landscape assessment to demonstrate there would be no visual harm to the NWD AONB

2.9 Good quality vernacular buildings are the mainstay of the Chutes and for the vast majority of developments that is what will be deemed acceptable. The street surveys record the vernacular character of each 'street' thereby making it possible to produce good modern vernacular that will work well with the established character (See section on **Built Form**).

Chute Design Guide Policy 2

Most critically in the Chutes the sense and presence of the natural environment and tranquillity predominate, and the scene is totally dominated by the natural rather than the built. New development should respect this balance. Development proposals will be supported where they conserve and enhance the character of the Chutes by demonstrating that:

- a) They are informed by the character documented in the Chute Design Guide, reflecting the immediate context and type of village character in which the development is located (as recorded in the baseline surveys).
- b) The design, layout and scale of proposals should conserve and enhance existing landscape and village-scape character features which contribute to the distinctive character, pattern and evolution of the villages;
- c) Proposals should safeguard the experiential and amenity qualities of the Chutes; and
- d) Designs should be used so nature dominates over built form in a way that is consistent with local character (as recorded in the baseline surveys) and also enhances biodiversity, using native species, unless there are appropriate and justified reasons to select non-native species

Baseline Surveys

2.10 In order to establish the existing context of each part of the Chutes, baseline surveys in the form of 'street surveys' were carried out in 2020 by residents. These tabulated and illustrated baseline surveys are included in Section 2 of this guide. They were subject to community consultation and have been updated to reflect local views.

3. Identity

- 3.1 The NDG says “the **identity** or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them. It is not just about the buildings or how a place looks, but how it engages with all of the senses. Local character makes places distinctive”. It also suggests that “well designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents.”

Chute Design Guide Advice

The identity of the Chutes is still characterised by small settlements whose appearance almost as clearings in woodland and woodland pasture, stems from their historical development as settlements.

The separate Chutes are nucleated settlements with outliers. The key nucleus is Upper Chute around the twin nuclei of the Church of St Nicolas and the village green. The settlement of Chute Cadley has its pond as the nucleus with the sporadic largely single-sided ‘ribbon development’ of Lower Chute linking to the Hatchet Inn, and New Buildings extending out towards Conholt. Hatchet Hill is more mixed and modern with infill now linking the historic core to outlying historic Fox Cottage. Chute Forest sits slightly apart and is concentrated around the important Chute Lodge, its designed landscape setting and the remnant ancient royal forest. The outliers are the farms and historic groupings - for example at Standen. In all the Chutes the natural landscape dominates the overall scene.

Local Heritage

- 3.2 Local heritage is key so that the identity and character of the development suits its context and its history.
- 3.3 The history of the Chutes is set out in Appendix 1. In brief, the history of Chute Parish can be traced back to 1066 when St. Peter’s Abbey, Winchester, (later called Hyde Abbey) held the land of Chute as part of its estate called Collingbourne.
- 3.4 The Domesday survey of 1086 records Chute as a royal forest measuring approximately a league, located within the manor of Collingbourne Ducis.
- 3.5 During the medieval period the small hamlet settlements within the parish of Chute would have been located within the King’s Forest of Chute. The Forest refers to a legal entity created around a pre-existing nucleus of woodland, rather than implying that the entire area was wooded. The area would likely have comprised broken woodland pasture with fairly poor soils overlying chalk and clay with flints. By the later medieval period it seems that most of the parish would have been cleared to form medieval open field cultivation

- 3.6 The landscape history dating back over several hundred years is still in evidence today with the woodlands and woodland pasture still dominating the landscape character.

Built Heritage

- 3.7 **Conservation Areas** - Within the Chutes there are two Conservation Areas. Maps of the two Conservation Areas are included in Appendix 4.

Chute Design Guide Advice The Upper Chute Conservation Area and the Chute Cadley and Lower Chute Conservation Area are protected under legislation which must be considered when developing within these areas. All development must preserve or enhance the special quality of the Conservation Areas for which they have been designated.

- 3.8 Both Conservation Areas are accompanied by detailed character assessments¹² that describe the special qualities of the Conservation Areas which must be considered when making planning applications for development.

Listed Buildings

- 3.9 There are 30 listed buildings in Chute Parish (including one Grade II*) and 10 in Chute Forest Parish (including one Grade I and one Grade II*) - see map and full list in Appendix 5

Scheduled Ancient Monuments (SAMs)

- 3.10 The Chutes have been settled since at least the Bronze Age, and possibly earlier. A number of early prehistoric monuments are spaced along the ridge of high ground between Scots Poor and New Barn close to the northern boundary indicating the importance of the area to prehistoric populations. Scots Poor Barrow is considered to be a Neolithic (400-2200 BC) long barrow. The Bowl Barrow on Mount Cowdown is believed by to date to the Bronze Age (2200-700BC)¹³. Two Celtic field systems in the south-west part of the parish have also been identified which are believed to date from the Iron Age (700BC- AD43).
- 3.11 The Chutes have a number of Scheduled Monuments. These are listed in Appendix 6.

¹² Lower Chute and Cadley Conservation Area Appraisal - Kennet District Council, Upper Chute Conservation Area Appraisal - Kennet District Council

¹³ Wessex Archaeology – (2010) 74750.01 p.7

Views

3.12 The land falls sharply from north to south. The highest point near the northern boundary is 252 m above sea level whilst the lowest point on the southern boundary is 140 m above sea level. Views are spectacular in all directions particularly towards the south extending over 40 miles. The land is broken by mainly north-south ridges and dry valleys.

3.13 **Chute Design Guide Advice** - Long views are highly characteristic of Upper Chute, and less so in the other Chute settlements. When developing in Upper Chute consideration of impact on long-distance views is required. This should be assessed through a Landscape and Visual Impact Assessment. Special consideration must be given to far-reaching views. In the other Chute settlements, the views are more localised, but equally important to the communities. Specific views (especially those stipulated by the community) are identified in the baseline street surveys.

4. Built Form

- 4.1 The NDG describes **Built Form** as the three-dimensional pattern or arrangement of development blocks, streets, buildings and open spaces. It is the inter-relationship between all these elements that creates an attractive place to live, work and visit, rather than their individual characteristics. Together they create the built environment and contribute to its character and sense of place. The NDG suggests that it is relevant to villages and rural settlements as well as urban areas. It creates a coherent framework that forms a basis for the design of individual developments within a place.

Built Form Baseline

- 4.2 The three dimensional representation of the buildings in each area are recorded in the baseline street surveys¹⁴ (see also **Context**). These records the built form at three levels:
- Location/layout/setting
 - Townscape/spatial analysis
 - Building Detail
- 4.3 The example below shows one of the baseline surveys which includes a map identifier, a short description of the area, photos of typical buildings and detailed metrics of the street frontages, plot depths and housing density. It also records enclosure, spaces, vegetation, variation in built form, street scene and roofscape. The baseline surveys record the materials found in each area.

¹⁴ Section 2 contains the baseline survey sheets

Lower Chute		Description:	
Hatcher Hill		Location: Ripon	
Planning context: Rural development; being re-created ground level and within Conservation area. Characterised by detached houses mostly 20thC.		Typology: Ribbon	
		Conservation Area Per walls CA	
Setting, context and location	Block structure, plot form and dimensions	Not all developments single sided primarily detached	
	Typical house formality & character	Most are terraced, front to Backwell, connects to Lower Chute centre and Lower station area and into village and station	
	Location and relation to context	17 houses in Lower end	
	Setback from road	Range from 15.5m. Average 20m (includes setts)	
	Plot depth	Range from	
	Open between buildings % of open area	Average distance 12m between buildings approx 40% open	
	Rooflines	Most	
	Landscaping Setting	Tree cover (southern side) Ash and Oak	
	Street layout	By stream bridge	
	Climate	2 dwellings per hectare	
	Regularity of scale	Regular - same as in street of Hatcher Hill	
Formal, spatial analysis			
	Structure plan	Yes	
	Connectivity: site	Access to the Village Hall (CAUT 11.8.16) - links to recreation	
	Space	Between front garden / side or rear	
	Tree/vegetation: cover	Mainly on southern side adjacent to playing fields	
	Views and vistas	Consistent views south, maximum view to the rear of the street and towards the station	
	Rooflines and Spines	Vertical - regular spacing inside roof structure	
	Roof forms and orientation	Generally single side in line with the road	
	Rooflines: slope, rise	Access to Village Hall in street settings. Recreation Grounds (recreation for residents)	
	Other buildings: materials and form plans	By Cottage, Church, Old, Old Cottage	
	Activity: parking, use	Recreation - with Church and recreation grounds in central area	
	Planning	On plot parking, driveway, ERM and Recreation Ground on general additional parking provided with some on street	
Style			
	Common architectural style: sp	By 20th Century	
	Key architectural details	Most plots in the Cottage, Church, Old and Recreation Grounds are detached and of varying heights	
	Rooflines	Most - mostly pitched and timber. Large amount - no detached	
	Plot/Block details	Use materials of granite, rubble, stone and	
	Building use	Some buildings with upper use and	
	Setback from pavement	15m to 20m	
	Boundary treatment - height, materials	Boundary - height of front garden	
	Colour and Materials: materials	Stone, Slate and Tile roof, Brick, Timber, plaster	
	Colour and Materials: colour range	White	
	Other features	None	
	Notes: Secondary: features	Color panels PV and Solar thermal panels visible on one house	
Policy Objectives			
	Typology	Key Features Ribbon development of domestic scale and mixed architectural language	Lessons Key mixed architectural styles Generally two storey or one and a half storey Ribbon development with good open boundary buildings

4.4 The baseline surveys are a record of what existed in the Chutes in 2021 and codify the nature of the built form as a means to guide new development. Each area is described in detail and includes key features and lessons from each area.

4.5 Whilst the Chutes include some variety there is a high degree of visual cohesion that characterises the villages. Overall, the dominance of the natural over the built is the key feature of all parts of the Chute settlements.

Chute Design Guide Policy 3 – Built Form - Compliance with Baseline Survey
 All development proposals should be subject to a detailed review against the relevant baseline survey. A setting and design checklist should be submitted with all planning applications in the Chute and Chute Forest Parishes. To be consistent with the Chute Design Guide developments should be consistent with the parameters set out in order to demonstrate that the built form proposals are characteristic of the Chutes.

- The key parameters ensure that form, orientation, plot width, density, storey height, roof form, materials and details are consistent to the high level of design cohesion found in the Chutes and will therefore be maintained.
- It is recommended that where proposals depart from the specific range expressed in the relevant baseline street survey for plot width, depth, spaces, set back and storey height, this should be adequately justified (for example to meet a specific need under the public sector equality duty).
- Any loss of native hedgerows, especially yew and box hedging, which are highly characteristic of the Chutes should be avoided or if unavoidable, suitable compensatory replacement planting should be secured by planning condition.

5. Movement

- 5.1 Patterns for **movement** for people are integral to well-designed places. They contribute to making high quality places for people to enjoy. They also form a crucial component of village character. Their success is measured by how they contribute to the quality and character of the place. In the Chutes much of the movement network is historic and is low-key and informal with few signs, lines or kerbs.

Historical Routes

- 5.2 The most notable route in the Chutes is Chute Causeway., This is a section of road built by the Romans during their occupation of Britain and was probably completed before 180 AD. The road ran from Winchester northwest to Mildenhall (near Marlborough) and onwards to Cirencester. At Conholt it deviated west to avoid the deep Hippenscombe valley, resuming its straight course near Tidcombe. The length of the deviation is about 4 miles and the Causeway forms the southern 2.5 miles.
- 5.3 Many tracks in the parishes are unchanged from medieval times or earlier. Chantry Lane provided a link between the upland at Mount Cowdown and, via a network of tracks, to Dean Farm at the bottom of the valley, to Upper Chute on the eastern side of the valley and to the former settlements at Shaw Bottom and Honey Bottom, to the west and south respectively. The continuation of the course of Chantry Lane southwards extends past Honey Bottom and links with the road to Appleshaw which in turn leads towards Weyhill where an important livestock fair was held from at least medieval times.
- 5.4 Chantry Lane is a hollow-way with a metalled stone surface - a rare example of an early metalled track using flint as the surface material¹⁵. 'Metalling' of a surface demonstrates the importance of the road. Larger stones formed the foundation and then successively smaller stones were placed above to result in a smooth, durable, and free draining surface. Chantry Lane is metalled with a layer of interlocked, knapped flints placed on the surface. The process of hand knapping flint is skilled since field flint is hard and its shaping is time-consuming. The placing of the flint on the surface can only have been carried out by hand due to the careful co-ordination required of the interlocking shapes.
- 5.5 The remnants of other 'metalled' tracks are visible in particular in Kitchen Lane which connects Cadley with Chute Standen. Both Flashet Lane and Breach Lane appear to be metalled tracks.

¹⁵ Wessex Archaeology – (2010) 74750.01 p.1, 12

- 5.6 A comparison of the routes around the Parishes from historic mapping shows very little has changed in terms of the connections between parts of the Parishes. The established routes linked the Churches, the grand estate houses (Conholt and Standen), the pastures and livestock markets.

Character of Roads

- 5.7 Whilst roads recorded in the street surveys are labelled as streets they are in fact more like lanes. The street surveys record the character of each road, whether it has a pavement, set-backs of buildings, presence of verges and enclosure by buildings. This record guides the style of any new development in each area.

Rights of way

- 5.8 The Chutes are served by an extensive network of rights of way. The map in Appendix 7 shows the status of each route and permissive routes are shown in Appendix 8.
- 5.9 Each parish benefits from its own network of rights of way. Chute has 3 byways, 1 restricted byway, 12 bridleways and 14 public footpaths. Chute Forest has 3 bridleways and 6 public footpaths. Many of these tracks and paths were used in the past as the means of access from one settlement to another.
- 5.10 Where development proposals impact on a right of way or an informal well-established route they should justify why any diversion or closure is necessary.

Chute Design Guide Policy 4 - Natural Way-Markers. Highly characteristic of the Chutes are the Scots Pines planted at strategic junctions to aid way-marking before the advent of road signs and GPS. These should be retained and protected and replanted to replace any lost species.

- 5.11 Changes in technology will continue to affect movement patterns. Electric vehicles and their charging requirements will become increasingly important.. Communal electric charging points may be required.

Chute Design Guide Advice - Communal Electric Vehicle Charging Points need to be identified, installed, and managed in easily accessible locations to assist the move away from reliance on petrol and diesel vehicles.

6. Nature

- 6.1 In the Chutes the natural landscape dominates. Accordingly considering **Nature** as a key characteristic of any development is paramount. The NDG suggests that **Nature** contributes to the quality of a place, and to people's quality of life, and it is a critical component of well-designed places. Natural features are integrated into well-designed development. In the Chutes nature should dominate since it is characteristic of the local **context**.
- 6.2 The Chutes are situated in a landscape characterised by a rich and varied biodiversity including chalk grassland, woodland and enclosed farmland. The landscape is home to rare and attractive flora including Field Fleawort, orchids and bluebells, to crickets and other invertebrates, to butterflies including the Adonis Blue and the Chalk Hill Blue and rare butterflies e.g. the Purple Emperor as well as to colourful arable weeds such as Slender Tare and Shepherd's Needle. The Chutes' environment also supports bats and a wide range of mammals and birds.

Supporting Biodiversity

- 6.3 Well-designed developments include site-specific enhancements to achieve biodiversity net gains at neighbourhood and household level. Green corridors can be used to extend and enhance existing ecosystems. Existing areas of valuable biodiversity are protected and enhanced. Priority is given to rare or critical habitats and species.
- 6.4 Existing legislation and the new Environment Act 2021 mandate the requirements to protect and enhance biodiversity.

Chute Design Guide Policy

No specific Chute design policy is required in relation to the theme of Nature as this is controlled through the Environment Act 2021 which requires a 10% net biodiversity gain on all developments.

7. Public Spaces

- 7.1 The Chutes have a good range of public spaces: with extensive space at King George's Field, the open space adjoining the Village Hall and the popular and useful village greens. They provide play space and visual and biodiversity interest. The development permissible in the Chutes in accordance with the Wiltshire Local Plan will not be of the scale to generate the need for new public open spaces. The existing spaces will not be used for built development. The descriptions below categorise the main spaces and their importance. Where development faces these spaces careful consideration needs to be given to how the development is perceived from the spaces.

King George's Field (KGF)

- 7.2 KGF is owned jointly by the Chute and Chute Forest Parish Councils. It was originally acquired through the King George's Fields Foundation which was established as a Memorial to King George V by Trust Deed in November 1936. The objects of the Trust were "to promote and to assist in the establishment throughout the United Kingdom of Great Britain and Northern Ireland of Playing Fields for the use and enjoyment of the people; every such Playing Field to be styled 'King George's Field' and to be distinguished by heraldic panels or other appropriate tablet medallion or inscription commemorative of the King".
- 7.3 The Trust defined a playing field as "any open space used for the purpose of outdoor games, sports and pastimes" and declared that the recreation ground shall "be preserved in perpetuity as a Memorial to His Late Majesty under the provisions of the KGFF and shall henceforth be known as a 'King George's Field'".
- 7.4 The Chute Village Fete takes place on KGF each year. In addition, KGF hosts football and cricket clubs and has a children's play area and adult exercise facilities.

Village Hall

- 7.5 The Village Hall was originally Chute School. In 1858 Miss Frances Ann Scroggs gave land to the minister and churchwardens of the parish of Chute "*for the education of children and adults ... of the labouring manufacturing and other poorer classes in the parish of Chute*". The site had been a ruined malt house. The school and master's house were built in 1857-58. Subsequently in 1891 Mary Catherine Scroggs gave the adjacent meadow to the Salisbury Diocese.
- 7.6 The school closed in 1978. The master's house was sold in 1979 and the school became the Village Hall in 1980. Both the former school and the house are now Grade II listed buildings.

Village greens

- 7.7 Upper Chute village green is a large triangular area at the western end of Malthouse Lane. It is bordered by roads on all sides and by houses and their gardens. It is used as a meeting point by residents and as a play area by children.
- 7.8 Chute Cadley has a steeply sloping triangular green on which there is a pond. Around the green in 1841 there stood 13 cottages and houses. The cottages and houses standing today include several built of brick and flint between the 17th century and the early 19th and a pair of estate cottages built in the 1930s.

Green triangles

- 7.9 In addition to the village greens there are two grass triangles in Upper Chute – one at the entrance to the settlement travelling west along Malthouse Lane and the other outside St Nicolas' Church. The war memorial at Lower Chute sits on a grass triangle at the east end of the settlement and is used for the annual Remembrance Day service.
- 7.10 There are further greens at Chute Standen.

Chute Design Guide Policy

No specific Chute design policy is required in relation to the open spaces as they are not available for development. Works to prevent parking have been implemented by the Parish Councils using permitted development rights.

8. Uses

- 8.1 Within the Chutes the uses of buildings are almost entirely residential, with a few exceptions such as agricultural buildings, the Churches, the Pub, the Chute Club and the Village Hall.
- 8.2 The NDG suggests that sustainable places include a mix of **uses** that support everyday activities, including to live, work and play. Well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. They are designed to be inclusive and to meet the changing needs of people of different ages and abilities.
- 8.3 With the Chutes being classed as small villages within the countryside¹⁶ and therefore suitable for only very minor development including extensions, outbuildings, infill and replacement dwellings, tourist development and limited employment development, there is very little opportunity for real mixed uses. However, with the rural location and the experience of the Covid pandemic homeworking has become increasingly popular and common in the Chutes.
- 8.4 Agricultural **uses** continue within the Chutes. However, these do not generally require planning consent as agriculture is not deemed as development. Many agricultural developments are ‘permitted development’ meaning there is very limited control over this.

Tenure and Size of Dwellings

- 8.5 The NDG confirms that “*Well-designed neighbourhoods provide a variety and choice of home to suit all needs and ages. This includes people who require affordable housing or other rental homes, families, extended families, older people, students, and people with physical disabilities or mental health needs*”. It also confirms: “*Well-designed places include a variety of homes to meet the needs of older people, including retirement villages, care homes, extra-care housing, sheltered housing, independent living and age-restricted general market housing.*”
- 8.6 The Parish Councils¹⁷ have investigated the need for affordable housing¹⁸ and considered the housing needs register as it relates to the Chutes and found that there was no specific requirement.

¹⁶ Wiltshire Core Strategy 2015 Policy CP1, CP2, CP26, CP34, CP39

¹⁷ Chute Parish Council reviewed demand in May 2020 and confirmed no households on Wiltshire Housing Waiting List in either Chute Parish or Chute Forest Parish.

¹⁸ Affordable Housing is defined in the NPPF (Annex 2 Glossary) as follows: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions (in summary) Affordable Housing for Rent, Starter Homes, Discounted Market Sales

- 8.7 Research for the development of this Design Guide¹⁹ has found that dwellings in the Chutes are disproportionately large when compared to the Wiltshire average. In order to maintain sustainable mixed communities with a mix of house sizes and types as well as preserve the essential characteristics of the Chutes where the rural dominates the built development, the Design Guide introduces a new policy recommending a limit to the size of extensions and replacement dwellings. This approach has been successfully used in the National Parks in the New Forest and the South Downs. Since the AONB designation has the same landscape status as a National Park in terms of landscape protection, it is appropriate that development in the Chutes is similarly controlled²⁰. Following community consultation it was considered that the date for this policy to apply should be the date Wiltshire Council was formed²¹. Wiltshire Council is also contemplating a similar policy in the emerging Local Plan²²
- 8.8 The new policy is based upon a majority view through community consultation that identified 'over intensive infill', over development of individual houses/plots, over development leading to on-street parking issues and the suburbanisation of small cottages. The community response is also underpinned by the research on objections to planning applications made by the community since 2005. The highest number of objections to any application related to concerns that the proposal was considered over development²³.
- 8.9 In order to support sustainable mixed communities, and prevent the unlimited increase in dwelling sizes within the Chutes and protect the distinct rural character of the Chutes the following policy limits built development of dwellings.

Chute Design Policy 5 – Recommended Limits to development of dwellings

Replacement Dwellings

1) It is recommended that the design of a replacement dwelling will be acceptable (where a dwelling is appropriate for replacement) if the replacement is of a similar size to the existing and should not normally exceed a 30% net increase of the Gross Internal Area (defined below) of the Original Dwelling (defined below) apart from in Exceptional Circumstances (defined below)

Housing and Other Affordable Routes to Home Ownership (at a price equivalent to at least 20% below market value) Full definition see Annex 2 Glossary

¹⁹– Appendix 8

²⁰ AONB is the highest landscape protection nationally (this approach has been taken in South Downs National Park in the Local Plan 2019 and deemed sound as part of the examination into the Local Plan).

²¹ Wiltshire Council came into existence 1 April 2009.

²² Wiltshire Council – Local Plan Review: Empowering Local Communities Consultation 2021

²³ Appendix 4 – Register of Planning Applications in Chute 2005-2021

Applications will be supported where:

- (a) The proposal does not result in a net increase of more than 30% compared with the Gross Internal Area of the Original Dwelling; and
- (b) The replacement dwelling/building is not of an Overbearing design or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.

Subdivision* of dwelling plots and infill dwellings

2) Development proposals for the replacement of one residential dwelling with two or more separate dwellings, or where a plot is subdivided to provide infill dwellings will be supported where:

Criteria 1(a) and (b) are satisfied and

- (a) The replacement or infill dwellings are Small (defined below) and designed with appropriate layouts and internal arrangements; and
- (b) There is sufficient scope within the curtilage of each dwelling to provide satisfactory private amenity space, landscaping, boundary treatments, external storage and on-plot vehicular parking for that dwelling.

There will be Exceptional Circumstances (defined below) where dwellings in excess of the guideline are justified.

Extensions to dwellings

In order that extensions are appropriately designed in character the following guideline should be observed

2) Where a dwelling is appropriate for extension, the extension should not exceed a 30% net increase of the Gross Internal Area of the Original Dwelling¹ apart from in Exceptional Circumstances. Applications will be supported where:

- (a) The proposed extension, and existing development, does not result in a net increase of more than 30% compared with the Gross Internal Area of the Original Dwelling; and
- (b) The extension is not of an Overbearing design or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.

In this policy the following definitions shall apply:

1) Gross Internal Area (GIA) is defined as the sum of the areas of each floor level of a residential building measured to the internal dominant face (RICS Property

- Measurement Code).. In addition, GIA will include floorspace within conservatories and attached outbuildings but not floorspace within detached outbuildings.
- 2) Original Dwelling is defined as the building on the day Wiltshire Council was formed, 1st April 2009, or when it was constructed (or legally established) under its original permission if constructed after that date.
 - 3) Small is defined as no more than 120 sqm Gross Internal Area
 - 4) Exceptional Circumstances are defined as circumstances
 - a. Where the extension is part of a semi-detached dwelling and the other half has already had extensions in excess of the 30% guide, or
 - b. To meet the genuine family need of an occupier that could not have been reasonably anticipated at the time of the purchase of the property, or
 - c. To meet the needs of a registered disabled person
 - 5) Overbearing is defined to mean when a proposal is so domineering in respect of its relationship to neighbours (in terms of scale and massing, increase in intensity of use or reduction of privacy) that it would adversely impact the amenity and enjoyment of the neighbouring property

*Where permission is granted for subdivision of plots, future extensions may be controlled by the removal of permitted development rights where this is necessary to protect the impact on the NWD AONB and maintain the overtly rural character of the Chutes

9. Homes and Buildings

High Quality Development

- 9.1 The NDG states that well-designed **homes and buildings** are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them.
- 9.2 Well-designed buildings relate well to the public spaces around them. The interface between building and public space is carefully designed so that it is positive and appropriate to its context (see also **Context**, **Identity** and **Public spaces**) and to the occupants and passers-by who use them.
- 9.3 The Chutes do not contain any buildings that would not meet the nationally described technical standards. In addition, given that the Chutes are identified in the small village category²⁴ they will not be subject to large scale developments where space standards and amenity standards are relevant.
- 9.4 Of more relevance are the **Built Form** criteria that arise from the baseline surveys and the checklists for new developments.

Chute Design Guide Policy

No specific Chute design policy is required in relation to homes and buildings as these are dictated by Building Regulations and the **Built Form Guidelines and Baseline Surveys**.

²⁴ Wiltshire Core Strategy 2015 Policy CP26

10. Resources

- 10.1 The NDG states well-designed places and buildings conserve natural **resources** including land, water, energy and materials. Their design responds to the impacts of climate change. It identifies measures to achieve mitigation, primarily by reducing greenhouse gas emissions and minimising embodied energy, and adaptation to anticipated events, such as rising temperatures and the increasing risk of flooding.
- 10.2 Within the Chutes concerns about flooding do not feature due to the elevation and geology. However, in all areas well-designed places and buildings follow the energy hierarchy, starting with:
- reducing the need for energy;
 - energy efficiency;
 - maximising the potential for energy supply from decentralised, low carbon and renewable energy sources, including community-led initiatives; and then
 - efficiently using fossil fuels from clean technologies
- 10.3 New buildings and refurbished buildings should make use of alternative zero carbon and low carbon alternatives for energy use, such as photovoltaic arrays (PVs) and air source heat pumps (ASHPs). Within the Chutes care is required to make sure that these new technologies are visually sympathetic in the street scenes. PVs can be ground mounted, inset on the rafters or located on outbuildings where these are set back from the road. ASHPs need to be located carefully to avoid noise nuisance to neighbours and can be positioned discreetly behind hedges. There are some good examples from the Chutes in the visual guide. Individual wind turbines are unlikely to be acceptable within the NWD AONB.
- 10.4 Whole building approach: Where a new building is proposed more fundamental sustainable design can be considered from the outset. Lower Chute contains the first certified Passivhaus within Wiltshire. This highly efficient super insulated low energy house does not require any conventional heating but achieves a level of comfort through recovered heat from everyday activities. This whole building approach also considers overheating which may become increasingly problematic as climate change extreme events occur. Overheating is also now dealt with through building control.

Chute Design Guide Advice

Where new carbon zero and low carbon technologies are introduced, they should be located to be as unobtrusive as possible and with due regard to the impact upon neighbouring properties.

11. Lifespan

- 11.1 The NDG states that well-designed places sustain their beauty over the long term. They add to the quality of life of their users and, as a result, people are more likely to care for them over their **lifespan**. They have an emphasis on quality and simplicity.
- 11.2 Well-designed places, buildings and spaces are:
- designed and planned for long-term stewardship by landowners, communities and local authorities from the earliest stages;
 - robust, easy to use and look after, and enable their users to establish a sense of ownership and belonging, ensuring places and buildings age gracefully;
 - adaptable to their users' changing needs and evolving technologies; and
 - well-managed and maintained by their users, owners, landlords and public agencies.

Chute Design Guide Policy

No specific Chute design policy is required in relation to Lifespan as policy is dictated by Building Regulations. Most of the public realm elements are in place and do not require new management techniques.

12. Street Surveys

- 12.1 The attached section 2 contains the baseline street surveys for each area that has been surveyed in detail.
- 12.2 The following areas are included and are displayed in area groups as follows:

Chute Forest

Chute Lodge
North of Lodge Lane

Lower Chute

Cadley Bottom
Hatchet Hill
Lower Chute

Chute Cadley

Cadley Pond
New Buildings

Upper Chute

Back Lane
Forest Lane
South of Malthouse Lane
Tibbs Meadow
Upper Chute Farms
Village Green and west of Forest Lane

Outliers

Chute Collis
Forest Lane Corner
Middle Conholt
North Clanville

12.3 Street Based Checklist

Click to add street or village name.

Click to add area name.

Click to add overall description

VDG - Checklist

Description:

Development Proposed:

Conservation Area Click to add Yes or No.

How to Use

Form for completion with all development proposals that require planning permission – fill righthand column and bottom grid (shaded boxes)

Complete a description of how your proposal meets the parameters + where box is checked add the dimensions/ metric

Layout, Layout, Setting	ASK QUESTIONS FROM BASELINE SURVEY/ OBSERVATION	DESCRIBE YOUR PROPOSAL AND HOW IT FITS WITH THE SURVEY
Block structure, plan form and dimensions	Does the proposal fit within the existing block structure?	
Vehicular routes hierarchy + connections	Does the proposal impact on existing rights of way?	
Landform and relation to contours	Does the proposal sit at the same contour levels as existing?	
Street frontage plot widths	Does the plot fit within the limits in the survey?	<input checked="" type="checkbox"/>
Plot depths	Does the plot fit within the limits in the survey?	<input checked="" type="checkbox"/>
Gaps between buildings % of openness	Are the gaps between the buildings similar to those existing?	<input checked="" type="checkbox"/>
Pavement	Is the treatment of the pavement the same as existing?	
Landscape Setting	Is the proposal visually prominent in the landscape?	
Level changes	Does the proposal change the levels on site?	<input checked="" type="checkbox"/>
Density	Is the proposed density similar to existing? – compare	<input checked="" type="checkbox"/>
Limits of Built Development	Does the proposal meet the limits of Policy 5? What is % increase in total Gross Internal Area since 1972?	<input checked="" type="checkbox"/>
Townscape/ Spatial Analysis		
Connections/ links	Does the proposal relate well to any existing links?	
Spaces	Does the site face a public space?	
Tree/Vegetation Cover/ Biodiversity	Does the proposal ensure a +10% net biodiversity gain?	
Views and Vistas	Does the proposal impact any particular views from public vantage points- roads and footpaths?	
Roofscape and Skyline	Is the roof form sympathetic to the neighbouring buildings?	
Roof pitch	Traditional angles 37-45 degrees- is it within this range?	<input checked="" type="checkbox"/>
Roof forms and orientation	Does it have a pitched roof that recedes as it rises finishing in a ridge?	
Corner buildings/ markers and focus points	Does the building address the corner if located on a corner?	
Activity/ prevailing uses	What use is proposed?	
Parking	Can the proposal accommodate all parking requirements on the plot?	<input checked="" type="checkbox"/>
Details		
Dominant architectural style/ age	Is the proposal sympathetic to neighbouring or host style?	
Key architectural devices	Does the building have dormers, hips and low eaves to reduce scale of buildings?	
Fenestration	Does it match existing fenestration? Describe existing/proposed styles	
Porch details	Does this match the other buildings in the area?	
Building Line	Is the proposal on the same building line? If projecting, what depth of projection? Why is a departure from the building line justified?	
Set-back from pavement	What is the set back from highway edge?	<input checked="" type="checkbox"/>
Boundary treatment – heights, materials	What is proposed – describe or show how this is consistent?	
Storey heights	How many storeys are proposed – is this consistent?	<input checked="" type="checkbox"/>
Colour and Materials -elevations	What is found in the survey and what is proposed?	
Colour and Materials - streetscape	What is found in the survey and what is proposed?	
External Lighting	Does the proposal consider dark sky – what mitigation is proposed?	
Sustainability Measures	What is proposed to improve the sustainability of the proposal?	
Describe Proposal		
Add description of proposal Click to add text.	Describe any significant variation from the street character survey	Justify why the design departs from the survey parameters- Expand on additional sheet if necessary

Final Chute Checklist

When considering design proposals, the following final questions should be addressed by all those involved in the process. Poor design decisions have lasting impact and extreme care is required to prevent poor and damaging design in such a special place at the Chutes.

Chute Checklist National Design Guide

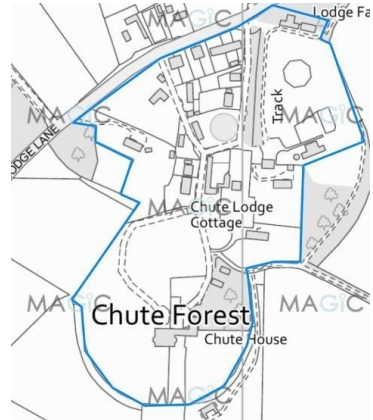
Criteria	Tick Box	If non-compliant explain the design rationale
1. Does the proposal enhance the surroundings by ensuring it respects the baseline character and ensure the natural dominates the built?		
2. Does the proposal follow the identity as set out in the relevant street survey and the visual guide in all respects? Have you completed checklist on Page 26 of the Design Guide?		
3. Is the proposal coherent and characteristic of the Chutes?		
4. Does the proposal respect the existing rights of way and future use of electric vehicles?		
5. Is nature enhanced and optimised – does it achieve a net gain in biodiversity?		
6. If the development faces a public space, is the design considerate of the impact on the public space?		
7. Does the proposal meet the built development limits of Policy 5?		
8. Does the proposal incorporate sustainable measures that are respectful of the context?		
9. Is the proposal resilient to climate change?		
10. Is the proposal designed to last?		



Chute Forest Chute Lodge

Tight grouping of dwellings built up around the focus of Grade I Listed Chute Lodge including some of the historic walls that formed part of the walled garden

Description:
Location: Rural
Typology: Villa, Cottage in former walled garden
Conservation Area No



Location, Layout and Setting		
Block structure, plan form and dimensions	Tight knit informal grouping	
Vehicular routes hierarchy + connections	Unmade informal private drives in loop format	
Land form and relation to contours	Flat, level area	
Junction positions	NA	
Street frontage plot widths	Average 16m	
Plot depths	Vary from 28-60m	
Gaps between buildings % of openness	Limited space between dwellings	
Pavement	None	
Landscape Setting	Wooded setting -approach to the Chute Lodge	
Level changes	None	
Density	5.5 dwellings per hectare	
Regularity of space	Tighter on approaches, lower density on periphery	
Townscape/ spatial analysis		
Enclosure ratios	NA	 
Connections/ links	Footpath north of Lodge Lane CFOR2 links to Lower Chute	
Spaces	NA	
Tree/Vegetation Cover	Some dominant individual trees and woodland grouping	
Views and Vistas	View to St Mary's Spire across important open space from Lodge Lane, limited views of Chute Lodge	
Roofscape and Skyline	Dormers on pitched roofs, Chute Lodge strong chimney and pediment	
Roof forms and orientation	Ridges running in line with roads	
Pedestrian desire lines	None	
Corner buildings/ markers and focus points	Chute Lodge Grade I listed building	
Activity/ prevailing uses	Residential	
Parking	On -plot	
Detail		
Dominant architectural style/ age	Mid century infill amongst 18 th Century	 
Key architectural devices	Dense grouping around the historic walls	
Fenestration	Small panes	
Porch details	Mixed approach	
Building Line	Irregular	
Set-back from pavement	Irregular	
Boundary treatment – heights, materials	Fences, picket and close-boarded, historic brick walls and piers	
Storey heights	Mostly 1.5	
Colour and Materials -elevations	Brick dominant – some limited render	
Colour and Materials - streetscape	Unmade	
Street Furniture	None	
Visible Sustainability Features	None	
Pattern Book Lessons		
Typology Tight nucleated grouping linking Chute Lodge to Lodge Lane.	Key Features Chute Lodge – Grade I Listed building dominates the grouping due to historic association	Lessons Evokes former uses of the garden area of Chute Lodge - listed building, development set amongst the old walled garden and service areas – settlement is subservient to the grandeur of the main house (now subdivided)

Chute Forest North of Lodge Lane

Sporadic detached mainly 20th Century dwellings in large spacious plots, well integrated by mature landscape with obvious important fields between dwellings that add a sense of space

Description:
Location: Rural /edge
Typology: Mixed

Conservation Area No



Location, Layout and Setting		
Block structure, plan form and dimensions	Sporadic	
Vehicular routes hierarchy + connections	Private drives from Lodge Lane	
Land form and relation to contours	Relatively flat	
Junction positions	NA	
Street frontage plot widths	40m	
Plot depths	46m	
Gaps between buildings % of openness	Very open with fields between dwellings +150%	
Pavement	None	
Landscape Setting	Edge of Wooded Endave of Chute Forest	
Level changes	None	
Density	5 dwellings per hectare	
Regularity of space	Irregular	
Townscape/ spatial analysis		
Enclosure ratios	NA	
Connections/ links	Footpath north of Lodge Lane CFOR2 links to Lower Chute	
Spaces	Large field used as paddocks	
Tree/Vegetation Cover	Woodland setting to north and amongst Chute Lodge grouping to the south	
Views and Vistas	View to St Mary's Spire across important open field from Lodge Lane	
Roofscape and Skyline	Low pitched roofs of mixed heights – well broken up	
Roof forms and orientation	Ridges running in line with roads	
Pedestrian desire lines	CFOR2 -Lower Chute	
Corner buildings/ markers and focus points	St Mary's Church	
Activity/ prevailing uses	Residential	
Parking	On -plot	
Detail		
Dominant architectural style/ age	Mid 20 th century	
Key architectural devices	Broken forms scaling from 1.5 to single storey	
Fenestration	Small panes	
Porch details	Mixed approach	
Building Line	Irregular	
Set-back from pavement	Generous set back	
Boundary treatment – heights, materials	Five bar gates, gate piers in brick	
Storey heights	Single, one and a half and two storey	
Colour and Materials -elevations	Brick and render	
Colour and Materials - streetscape	Tarmac	
Street Furniture	Village sign -painted	
Visible Sustainability Features	None	
Pattern Book Lessons		
Typology Has edge quality – dominated by open fields and spaces, very different in character to south of Lodge Lane	Key Features Sporadic nature with large gaps allowing view to St Mary's and woodland beyond	Lessons Open spaces formed by paddocks - important setting to this low density area

Lower Chute Cadley Bottom

Loose-knit village edge/ gateway dominated by the war memorial, and single storey development, gentle introduction to built development in the villages

Description:

Location: Southern most edge of Lower Chute

Typology: Linear loose knit collection of dwellings of varying ages centred on green with dominant war memorial cross

Conservation Area Yes



Location, Layout and Setting	
Block structure, plan form and dimensions	Linear, single sided development- no development block
Vehicular routes hierarchy + connections	Key access road to Lower Chute from Chute Forest, Andover, Clanville, Hatherden
Land form and relation to contours	Lowest point in the Chutes sitting at the top of Cadley Bottom valley, flat and level.
Junction positions	Main junction at village green marked by open green and war memorial
Street frontage plot widths	Long frontages 27-50m
Plot depths	28 – 45m
Gaps between buildings % of openness	Cadley Bottom and Cadley Lodge designed to feel like group of farm buildings with Cadley Bottom (converted stables). Elm Cottage sits on its own on the green
Pavement	None
Landscape Setting	Buildings surrounded by paddocks and fields
Level changes	Very minor
Density	Low density at 10 dwellings per hectare
Regularity of space	N/A
Townscape/ spatial analysis	
Enclosure ratios	None- single sided development
Connections/ links	Bridle path to Chute Forest and Cadley Bottom (Footpath CFOR3).
Spaces	Village green is key space and two open paddocks
Tree/Vegetation Cover	Trees around Elm Cottage on green and hedges. Large protected ash on bridle path. Privet, holly, laurel, hawthorn hedging.
Views and Vistas	Fine view south looking towards Chute Forest along Cadley Bottom
Roofscape and Skyline	Not dominant as buildings are single and one + half storey
Roof forms and orientation	Low pitched slate roofs
Pedestrian desire lines	Popular dog walking route and access to the pub from Chute Forest
Corner buildings/ markers and focus points	Cadley Bottom marks the start of the village
Activity/ prevailing uses	Residential
Parking	Off street
Detail	
Dominant architectural style/ age	Mixed – converted brick stable, modern brick and flint house, 18 th century cottage
Key architectural devices	None- Slate roof /thatch. Shiplap wood board on walls. Brick and flint
Fenestration	Modest wood framed windows; larger windows out of sight from road
Porch details	None
Building Line	No clear line- varies
Set-back from pavement	N/A
Boundary treatment – heights, materials	Mixed hedging, privet laurel
Storey heights	single storey+ attic; single storey;
Colour and Materials -elevations	Shiplap wood board on walls. Brick and flint white wash;
Colour and Materials - streetscape	Hedges, grass verges
Street Furniture	Some standard traffic road signs, traditional finger post, post box
Visible Sustainability Features	NONE
Pattern Book Lessons	
Typology Low density village edge with loose knit development	Key Features Strong sense of being on the edge of the village opening out into valley to the south. War memorial is a key landmark and marks a sense of arrival
	Lessons Low density, low height 1.5 storey max, loose knit in vernacular materials Connection and transition to open country



Lower Chute Hatchet Hill

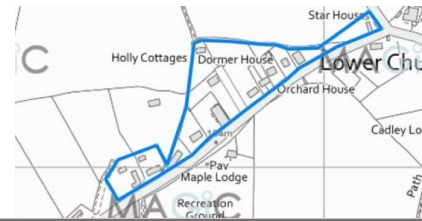
Mostly single sided ribbon development facing recreation ground, lower end within Conservation area. Dominated by detached houses mostly 20thC

Description:

Location: Edge

Typology: Ribbon

Conservation Area Part within CA



Location, Layout and Setting

Block structure, plan form and dimensions	'Ribbon' development single sided primarily detached
Vehicular routes hierarchy + connections	Important connecting route to Biddesden, connects to Lower Chute centre and conservation area
Landform and relation to contours	Land rises steeply and plateaus
Junction positions	T junction at lower end
Street frontage plot widths	Range from 18-53m Average 33m (excludes semis)
Plot depths	Range from 15-60m
Gaps between buildings % of openness	Average distance 12m between dwellings/ approx 40% open
Pavement	None
Landscape Setting	Tree cover to southern side (Ash and Oak)
Level changes	No distinct changes
Density	5 dwellings per hectare
Regularity of space	Regular – opens up on ascent of Hatchet Hill



Townscape/ spatial analysis

Enclosure ratios	NA
Connections/ links	Footpath link to Village Hall (CHUT 13 & 14) – links to recreation ground
Spaces	Fairview front garden / club car park
Tree/Vegetation Cover	Mostly on southern side adjacent to playing fields
Views and Vistas	Glimpsed views south, expansive views to the rear Great Hoe and towards Chute Standen
Roofscape and Skyline	Varied – irregular spacing avoids roof dominance
Roof forms and orientation	Generally, ridges are in line with the road
Pedestrian desire lines	Footpath to Village Hall at rear of dwellings- Recreation Ground is a destination for residents
Corner buildings/ markers and focus points	Fox Cottage, Chute Club, Star Cottage
Activity/ prevailing uses	Residential – with Chute Club and recreation ground in central point
Parking	On plot parking. Events at Club and Recreation Ground can generate additional parking demand with some on-street



Detail

Dominant architectural style/ age	Mid 20th Century
Key architectural devices	Visual stop at Fox Cottage, dormers, hips and low eaves to reduce scale of dwellings
Fenestration	Mixed – mostly painted/stained timber. Large panes – no dominant style
Porch details	Few examples of porches, modest when used
Building Line	Strong building line with regular set back
Set-back from pavement	5-12m (Excludes Fairview)
Boundary treatment – heights, materials	Evergreen hedges of 1m+ dominate
Storey heights	1.5-2 (but low eaves)
Colour and Materials -elevations	Thatch, Slate and Tile roof- Brick, Render, Timber elevations
Colour and Materials - streetscape	tarmac
Street Furniture	None
Visible Sustainability Features	Solar panels PV and Solar thermal panels visible in street on one dwelling



Pattern Book Lessons

Typology
Ribbon development of domestic scale and mixed architectural language

Key Features
Low density residential development single sided with open and glimpsed views to countryside/ King George V ground.
Good enclosure to dwellings with evergreen hedges and simple timber gates.

Lessons
Very mixed architectural styles
Generally low two storey or one and a half storey.
20thC design dominates with good gaps between dwellings

Lower Chute Lower Chute

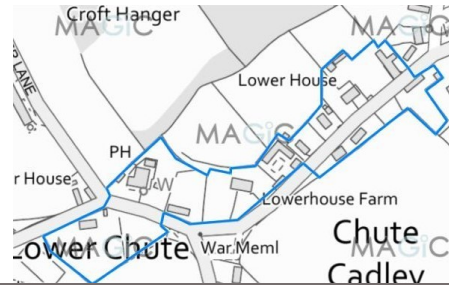
Typology : Rural – ribbon, low density dominated by vernacular style

Description:

Location: Rural

Typology: Mostly double sided ribbon development, within Conservation area. Dominated by 17th and 18th century thatched and timber framed cottages and houses, with C20th additions.

Conservation Area Yes



Location, Layout and Setting	
Block structure, plan form and dimensions	Ribbon development, partly double sided, mostly detached
Vehicular routes hierarchy + connections	Connecting route to Chute Cadley, Upper Chute, and Biddesden
Land form and relation to contours	Land rises gently to the north east and to both sides, forming a shallow valley.
Junction positions	T junction to south by war memorial and to Hatchet Hill.
Street frontage plot widths	Range from 14-118m. Average 46m (excludes semis)
Plot depths	Range from 10-65m. Average 37m.
Gaps between buildings % of openness	Average distance 32m between dwellings. Approx 70% open
Pavement	None
Landscape Setting	Some Tree Cover, including Beech and Yew at the Hatchet Inn, with Horse Chestnut, and Lime trees on Lower Chute Green.
Level changes	No distinct changes- level
Density	6 dwellings per hectare
Regularity of space	Regular, opens up by Lower Chute Green
Townscape/ spatial analysis	
Enclosure ratios	NA
Connections/ links	Footpath used by villagers with permission of landowner from Hatchet Inn to Kitchen Lane – not a public right of way.
Spaces	Lower Chute Green
Tree/Vegetation Cover	Mature trees around Hatchet Inn (Beech and Yew) and Lower Chute Green (Lime). Identified in Conservation Area Statement
Views and Vistas	Woodland setting Grove Copse and Croft Hanger important to views
Roofscape and Skyline	Varied – irregular spacing avoids roof dominance/ low thatches
Roof forms and orientation	Generally ridges are in line with the road/ save Providence Cott
Pedestrian desire lines	None
Corner buildings/ markers and focus points	Hatchet Inn, Lower House Farm
Activity/ prevailing uses	Residential
Parking	On plot parking. Events at Hatchet Inn can generate additional parking demand with some on street
Detail	
Dominant architectural style/ age	17 th and 18 th century thatched and tiled houses and cottages, with 20 th century infill and additions.
Key architectural devices	Varied
Fenestration	Mixed, no dominant style- painted timber
Porch details	Few examples of porches, modest when used.
Building Line	Strong building line, with regular set back.
Set-back from pavement	5-12m
Boundary treatment – heights, materials	Evergreen hedges of 1m+ dominate
Storey heights	Single storey + attic - 2 storey within roofspace
Colour and Materials -elevations	Thatch, Slate and Tile roof, Brick, Flint, Render, Timber elevations
Colour and Materials - streetscape	Tarmac
Street Furniture	Lamp post outside Hatchet Inn. Finger post, war memorial, Parish Council Noticeboard and seat on Lower Chute Green.
Visible Sustainability Features	None
Pattern Book Lessons	
Typology Historic ribbon of development of vernacular style, domestic scale with modern infill of mixed architectural language	Key Features Low density residential development partly double sided, consisting largely of listed buildings, connected by village green and historic Hatchet Inn.
	Lessons Mixed architectural styles generally of low built two storey or one and a half storey. 17 th and 18 th Century design dominates, with 20th century additions and infill and with varied gaps between dwellings.

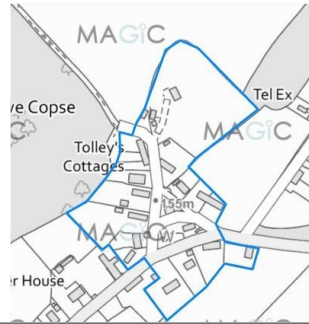


Chute Cadley Cadley Pond

Delightful grouping around small pond characterised by traditional thatch and brick and flint with some modern infill

Description:
Location: Village centre
Typology: Cottage and vernacular villas

Conservation Area Yes



Location, Layout and Setting	
Block structure, plan form and dimensions	Nucleus around central pond/ green
Vehicular routes hierarchy + connections	Green /pond form island for circulation with connecting routes
Land form and relation to contours	Land dips at lowest point where pond is formed
Junction positions	Variety around central green
Street frontage plot widths	Range 9m-32m average is 19m
Plot depths	Range 14m-93m average 40m
Gaps between buildings % of openness	70% openness
Pavement	None
Landscape Setting	Traditional clearing in wooded area. Enclosed grouping.
Level changes	Drops to pond
Density	9 dwellings per hectare
Regularity of space	Clustered around pond, but more dispersed at periphery



Townscape/ spatial analysis	
Enclosure ratios	NA
Connections/ links	Kitchen Lane (CHUT30) important green lane to Chute Standen
Spaces	Pond and green
Tree/Vegetation Cover	Trees on green and within Gardens, significant wooded backdrop from Grove Copse
Views and Vistas	No particular external – views enclosed by wooded backdrop
Roofscape and Skyline	Soft with a number of traditional thatches that are generally listed so have survived
Roof forms and orientation	Generally in ridge in line with road, save two exceptions to west of Pond
Pedestrian desire lines	Kitchen Lane
Corner buildings/ markers and focus points	None- Pond is focus point
Activity/ prevailing uses	Residential
Parking	Mostly on Plot – with some overspill at peak times on green



Detail	
Dominant architectural style/ age	16/17 th and 18 th C
Key architectural devices	Vernacular architecture
Fenestration	Painted small pane timber windows (very limited UVPC)
Porch details	Varied – pitched roof examples
Building Line	Inconsistent
Set-back from pavement	Varies typical range 4-15m
Boundary treatment – heights, materials	Hedges predominate box and yew
Storey heights	1.5 and full 2 storey (one example of 2.5 storey is an exception)
Colour and Materials -elevations	Flint/ render and brick
Colour and Materials - streetscape	tarmac
Street Furniture	Bench on green/ one street light
Visible Sustainability Features	None highly visible



Pattern Book Lessons	
Typology Generally unspoilt grouping with relatively little modern infill. Sensitively extended dwellings in relatively attractive grouping around the central pond	Key Features Hedges dominate the street scene and nestle the low scale dwellings in an attractive ensemble. Pond is a key feature of the grouping.

Lessons
The importance of soft boundary hedging is a key characteristic of this part of the Chutes coupled with the wooded backdrop. They create a sylvan enclosed feel to this group.

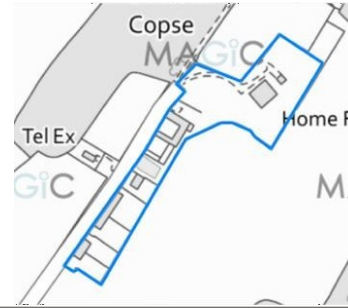
Chute Cadley New Buildings

Single sided ribbon development of consistent design originally built for estate workers leading to an isolated modernised Victorian House

Description:

Location: The furthest North Eastern aspect of the Chutes, serviced by a private, lane which becomes a footpath

Typology: A single row of dwellings consisting of two blocks of semi-detached, estate-built houses, with barn conversions lying at the furthest end and a significant modernised Victorian house sitting alone and above the other properties.



Conservation Area NO

Location, Layout and Setting

Block structure, plan form and dimensions	Single sided ribbon development
Vehicular routes hierarchy + connections	Served by a single track, private lane with no through access.
Land form and relation to contours	Sitting on the side of a gentle incline, land rises behind and drops gently in front.
Junction positions	T junction at southern end
Street frontage plot widths	Houses face onto the lane with a small area of private frontage
Plot depths	Gardens are proportionate to the property
Gaps between buildings % of openness	The blocks of building are separated visually by side access to rear garden or garage. 10% Openness.
Pavement	None.
Landscape Setting	Set above a meadow, the properties are surrounded by tree lined field boundaries or woodland.
Level changes	Predominantly the properties are on one level
Density	22dph (Home Farm excluded as atypical)
Regularity of space	Regular.



Townscape/ spatial analysis

Enclosure ratios	N/A
Connections/ links	Footpath to Conholt Hill CHUT28 -links to Conholt Hill
Spaces	Plato's Meadow.
Tree/Vegetation Cover	Not set in woodland but surrounded on three sides by woodland
Views and Vistas	Across Plato's Meadow to Woodland and Chute Cadley
Roofscape and Skyline	Predominantly two storey property
Roof forms and orientation	Roofline in line with road
Pedestrian desire lines	Footpath through woodland/to Conholt Hill (CHUT28)
Corner buildings/ markers and focus points	Barn and stable yard serving Home Farm
Activity/ prevailing uses	Residential. The barns and stables currently providing service as residential outbuildings
Parking	On plot parking, to front of properties



Detail

Dominant architectural style/ age	Two distinct elements: Semi detached estate built houses, leading. Barn and stable properties, wooden clad.
Key architectural devices	Extension and conversions have replicated the style of the original building.
Fenestration	Windows are a mix of original wooden frame, modern UPVC and Oak Frame Floor to ceiling.
Porch details	None.
Building Line	Linear development to the south of the lane.
Set-back from pavement	Properties fronted by small verge approx 2m.
Boundary treatment – heights, materials	No fencing to front and only post and rail fencing between plots.
Storey heights	Mainly two storey, Barn conversion follows original roof line.
Colour and Materials -elevations	Rendered, either pebbled or painted. Timber cladding
Colour and Materials - streetscape	Tarmac country lane.
Street Furniture	None.
Visible Sustainability Features	None



Pattern Book Lessons

Typology
Characterised by the estate-built houses which have been extended to provide reasonable sized family homes. At its furthest end the barn conversions and stables provide a rural aspect.

Key Features
Distinct and separated from the village, typified by modest sized family homes. Visually the key features are subtle transition from a service road to a rural lane running through ancient woodland.

Lessons
Recent development has represented no change to the original building style. Though in close proximity to Chute Cadley, it stands separated in position and style and is outside the Conservation Area.

Upper Chute 'Back Lane'

Intimate narrow lane with mixed dwelling types

Description:

Location: Village centre

Typology: Detached cottages dominate

Conservation Area Yes



Location, Layout and Setting

Block structure, plan form and dimensions	Frontage lane facing Tibbs Meadow
Vehicular routes hierarchy + connections	Internal links within Upper Chute
Land form and relation to contours	Rising land towards Causeway
Junction positions	T junction and small green
Street frontage plot widths	Range 15-38m average 24m
Plot depths	Range 26-60m average 39m
Gaps between buildings % of openness	25%
Pavement	None
Landscape Setting	Contained group -by landscape form -land rising to north
Level changes	Drops towards west
Density	<10dph
Regularity of space	Quite regular



Townscape/ spatial analysis

Enclosure ratios	N/A
Connections/ links	Footpaths CHUT17 & CHUT18 lead from corner of Back Lane
Spaces	None
Tree/Vegetation Cover	Good with garden trees and hedging
Views and Vistas	No
Roofscape and Skyline	Pitched roofs variety of approaches
Roof forms and orientation	Generally in line with road – thatched, full hipped, half hipped
Pedestrian desire lines	None
Corner buildings/ markers and focus points	None
Activity/ prevailing uses	Residential
Parking	On plot



Detail

Dominant architectural style/ age	Mixed from 17 th C to 20 th Century
Key architectural devices	None
Fenestration	Small pane painted timber windows
Porch details	Porches are a feature of this group -pitched/ projecting most prevalent
Building Line	Generally close to road – more so than elsewhere in the Chutes
Set-back from pavement	Range 0-25m average 9m
Boundary treatment – heights, materials	Hedges, timber fencing at about 1.5m.
Storey heights	1.5-2
Colour and Materials -elevations	Brick and flint, painted render and some ship lap boarding
Colour and Materials - streetscape	Tarmac
Street Furniture	None
Visible Sustainability Features	None



Pattern Book Lessons

Typology

The proximity of dwelling to the road creates an intimate back lane – that has a cohesive sense of scale despite architectural variety

Key Features

Vernacular styles, with modern infills replicating key features, scale/ materials

Lessons

Demonstrates how infill needs to respect scale, density and materials.

Upper Chute Forest Lane

Quiet, enclosed lane, irregular pattern of low density but clustered dwellings dominated by vegetation and the soft form of thatch roofs

Description:

Location: Rural village edge -opening to countryside

Typology: Traditional Cottages 16-17th C and mid to late 20th Century infill of mixed styles including bungalows

Conservation Area Yes



Location, Layout and Setting		
Block structure, plan form and dimensions	Double-sided linear development facing road 85% detached	
Vehicular routes hierarchy + connections	Single track road from running north / south link to Biddesden	
Land form and relation to contours	Land rises 2% to north – all buildings (just) above road height	
Junction positions	Cross-roads at north (village green)	
Street frontage plot widths	Range from 6m- 36.5m Average = 22.5m	
Plot depths	22- 35m to west (avg 27m), 16-63 m to east (avg 44m)	
Gaps between buildings % of openness	1m to 20m (excl 2 x semi detached)	
Pavement	None	
Landscape Setting	Enclosed lane with ash, willow, walnut, pine, beech and yew.	
Level changes	Slight rise to north	
Density	10 dwellings per hectare	
Regularity of space	Fairly evenly spaced although east and west display variety	
Townscape/ spatial analysis		
Enclosure ratios	NA	
Connections/ links	Links to Upper Chute Green and footpaths CHUT 8 & 9 to rear	
Spaces	None	
Tree/Vegetation Cover	Throughout – good cover	
Views and Vistas	South	
Roofscape and Skyline	Well enclosed not visible in wider views	
Roof forms and orientation	30% thatched 90% aligned with road (north/south)	
Pedestrian desire lines	Footpath to fields to west	
Corner buildings/ markers and focus points	Thatched well house	
Activity/ prevailing uses	Residential	
Parking	On plot with limited (4 informal spaces) on road	
Detail		
Dominant architectural style/ age	Mid -late 20 th C: 50% 17-19 th century -listed thatches dominate	
Key architectural devices	Visual stop at south end.	
Fenestration	Painted timber	
Porch details	25% modest porches	
Building Line	Strong building line to west with regular set back, varied to east	
Set-back from pavement	12-20m to west 0-30m to east	
Boundary treatment – heights, materials	Mainly hedge, various species	
Storey heights	Single storey + attic, some bungalows, two storey modern	
Colour and Materials -elevations	brick /painted render/ flint tile/ slate & thatch	
Colour and Materials - streetscape	Tarmac	
Street Furniture	None	
Visible Sustainability Features	None	
Pattern Book Lessons		
Typology Clustered village lane of mixed domestic. Thatched cottages predominate visually. Vegetation dominates to create an intimate quiet lane with pinch point	Key Features Low density mainly detached with partially obscured views south. Partially enclosed with 1-2m hedges and simple timber gates	Lessons Thatched /older cottages predominate visually, newer dwellings tend to be more obscured from road by high hedges. Generally single storey + attic. Some bungalows.

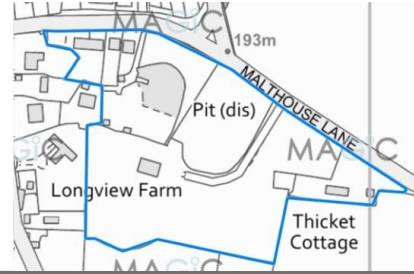


South of Malthouse Lane
Upper Chute

Sporadic dwellings set within large plots at periphery moving to more regular spacing at village centre. Dominated by open views to south

Description:
Location: Village Edge to village centre
Typology: Isolated dwellings on open village edge dominated by landscape

Conservation Area Part within CA



Location, Layout and Setting	
Block structure, plan form and dimensions	Sporadic development, mostly detached houses, part single sided
Vehicular routes hierarchy + connections	Connecting road to Chute Standen and beyond
Land form and relation to contours	Land rises very gently towards the west
Junction positions	T junction with road towards church and Chute Causeway
Street frontage plot widths	Range from 15-135m
Plot depths	Range from 30m -200m, Average is 85m -long plots
Gaps between buildings % of openness	Large gaps at eastern end, 3m gaps at western end
Pavement	None
Landscape Setting	Upper ridge on approach to causeway with wide open landscape views to south
Level changes	Rise to Malthouse Lane
Density	Varies Bungalows-and adj dwellings 15dph/ Longview <1dph/ Thicket Cottage 5dph
Regularity of space	Space opens up at eastern end after Thicket Cottage
Townscape/ spatial analysis	
Enclosure ratios	N/A
Connections/ links	Track to allotments, footpath to Tibbs Meadow
Spaces	Triangle of grass at T junction/ former pond
Tree/Vegetation Cover	Mostly on southern side – holly, beech, ash, maple
Views and Vistas	Expansive views to south, views from within Upper Chute
Roofscape and Skyline	Mixed – single, one and a half and two storey
Roof forms and orientation	Pitched roofs – double pitch on Longview
Pedestrian desire lines	Track to allotments, footpath to Tibbs Meadow
Corner buildings/ markers and focus points	None
Activity/ prevailing uses	Residential
Parking	On plots. Limited space on road/verges at western end
Detail	
Dominant architectural style/ age	20th/21st century
Key architectural devices	No consistent architectural language
Fenestration	Typically painted wood/UPVC
Porch details	Mixed styles
Building Line	Strong line at western end with regular set backs
Set-back from pavement	Range from 10 -100m ,15m, is average
Boundary treatment – heights, materials	2- 3m hedges at eastern end, fencing (1.5m) at west
Storey heights	1-2 storeys
Colour and Materials -elevations	Brick & flint, painted render, brick
Colour and Materials - streetscape	Tarmac
Street Furniture	Telegraph poles (telephone & broadband) Bus Shelter/ Red sign – identified as inappropriate by community now pub has closed
Visible Sustainability Features	None
Pattern Book Lessons	
Typology Sporadic development mainly of small domestic scale. Two large houses	Key Features Extremely low density development at eastern end with plots shielded from road and dwellings set back. Higher density at western end with houses in strong line with regular set back
Lessons Spacious plots – but highly conspicuous to the south. Longview and Thicketdominate the skyline within Upper Chute from various vantage points.	



Tibbs Meadow Upper Chute

Mid- late 20th Century small social housing estates – two phases and semis facing Malthouse Lane

Description:

Location: Core of village
Typology: Mid and Late 20th C small housing estates

Conservation Area Yes



Location, Layout and Setting

Block structure, plan form and dimensions	Cul-de-sac of terraces and semi-detached
Vehicular routes hierarchy + connections	No through route, service vehicles & residents' vehicles
Land form and relation to contours	Cul-de-sacs occupy the plateau of Butts Hill
Junction positions	T junctions at both top ends of each cul de sac
Street frontage plot widths	6-12m -typically 10m
Plot depths	23-42m, typically 30m
Gaps between buildings % of openness	Higher density housing with smaller gaps than exists in village
Pavement	Short concrete pavement, in earlier development
Landscape Setting	Generous grass verges edge pavement, some shrub planting
Level changes	Both cul-de-sacs occupy a plateau
Density	23dph
Regularity of space	Sensitively developed to give a spacious aspect



Townscape/ spatial analysis

Enclosure ratios	Front to front distances 32m
Connections/ links	Footpath link to Butts hill.
Spaces	No open spaces
Tree/Vegetation Cover	Trees on margins of the development
Views and Vistas	Minimal- internalised layout
Roofscape and Skyline	Pitched roofs, chimneys on earlier phase- continuity in heights
Roof forms and orientation	Regular tiled pitched roofs
Pedestrian desire lines	Pedestrian access to bus top and Butts Hill
Corner buildings/ markers and focus points	none
Activity/ prevailing uses	residential
Parking	Some attached to single residences, some shared driveways, and some designed-in extra spaces, generally inadequate resulting in Verge parking.



Detail

Dominant architectural style/ age	Late twentieth century
Key architectural devices	none
Fenestration	Generally large paned double glazed upvc
Porch details	Few, and integrated into building
Building Line	Consitent
Set-back from pavement	Approximately 3-5 meters
Boundary treatment – heights, materials	Some hedging on property perimeters and shrub planting
Storey heights	Single and two storey
Colour and Materials -elevations	Largely brick finish, some rendering, pitched tiled roofs
Colour and Materials - streetscape	Tarmac, block paving,verges are block edged,pavement concrete.
Street Furniture	Street names and property numbers,post box, street light
Visible Sustainability Features	None



Pattern Book Lessons

Typology
Estate design with two cul-de-sac developments of semi detached and small terraced residential buildings and adjacent street facing semis

Key Features
Open spacing between housing reduces the perception of higher density housing, which is unique only to the cul-de-sacs, and not otherwise present in the village. Large green verges help to soften the aspect of the development.

Lessons
No vernacular style that would help to identify the dwellings as belonging to Chute, universal designs that are found everywhere in UK. Display traditional roof forms and scale is appropriate to Chute.

Upper Chute Upper Chute Farms

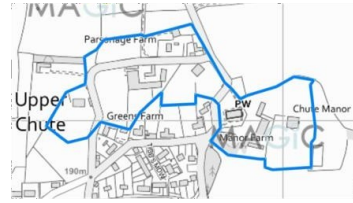
Peripheral low-density part of the village with traditional farmsteads and large detached dwellings

Description:

Location: Northern and eastern edge of Upper Chute

Typology: Farmhouse and Villas

Conservation Area Yes



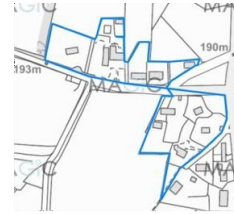
Location, Layout and Setting			
Block structure, plan form and dimensions	NA – Peripheral farmsteads and individual dwellings	 	
Vehicular routes hierarchy + connections	Back lane from Upper Chute		
Land form and relation to contours	Land rising to north		
Junction positions	T junctions		
Street frontage plot widths	NA -wide variety		
Plot depths	NA -wide variety		
Gaps between buildings % of openness	Generally very open – dwellings well interspersed amongst open spaces		
Pavement	None		
Landscape Setting	Open countryside edge -exposed to longer views		
Level changes	Rising land		
Density	< 1 dwelling per hectare		
Regularity of space	Irregular		
Townscape/ spatial analysis			
Enclosure ratios	NA	 	
Connections/ links	Footpath CHUT17 & 18 from to west and CHUT15 & 16 to east		
Spaces	No public spaces		
Tree/Vegetation Cover	Good incidental trees		
Views and Vistas	Long views around Church and Chute Manor		
Roofscape and Skyline	Dominated by St Nicolas' spire		
Roof forms and orientation	Pitched roofs		
Pedestrian desire lines	None		
Corner buildings/ markers and focus points	The Church		
Activity/ prevailing uses	Residential / Farms		
Parking	On plot		
Detail			
Dominant architectural style/ age	Mixed from 17 th 20 th C	 	
Key architectural devices	None		
Fenestration	Painted Timber small paned		
Porch details	Simple verancular styles		
Building Line	NA		
Set-back from pavement	NA		
Boundary treatment – heights, materials	Mixed good quality walls and hedges-		
Storey heights	1.5 -2		
Colour and Materials -elevations	Brick, flint and render – High quality flintwork on Vicarage cottage		
Colour and Materials - streetscape	Tarmac		
Street Furniture	None		
Visible Sustainability Features	None		
Pattern Book Lessons			
Typology Unusual small working farm within village settlement - increasingly rare survival. Otherwise individual dwellings of scale and modern redevelopments sympathetic to original	Key Features Dominance of St Nicolas' and horse chesnut tree at church gate		Lessons The unusual survival of working farm adds rural charm to this grouping. Low density nature of development is the dominant theme in this peripheral village edge.

Upper Chute Village Green + West of Forest Lane

Peripheral loose knit village green and village edge with significant spaces between dwellings

Description:
Location: Village centre
Typology: Cottages, Villas, mid -late century bungalows

Conservation Area 90% within



Location, Layout and Setting			
Block structure, plan form and dimensions	Detached houses all close to village green	 	
Vehicular routes hierarchy + connections	Malthouse Lane connecting to Chute Standen & Lower Chute		
Land form and relation to contours	Land rises towards the west		
Junction positions	NA		
Street frontage plot widths	Range 10-60m (Average 33 m)		
Plot depths	Range 25-80m (Average 43m)		
Gaps between buildings % of openness	Generally well spaced. >50% openness		
Pavement	None		
Landscape Setting	Properties broadly surround village green		
Level changes	5m elevation rise east to west, Peel House set lower		
Density	5 dwellings per hectare		
Regularity of space	Sporadic development in well-spaced plots		
Townscape/ spatial analysis			
Enclosure ratios	NA	 	
Connections/ links	Tracks to Dean farm Bridleway CHUT36, footpath CHUT1 Links to Honey Bottom CHUT6, CDUC40		
Spaces	Village Green (1/2 hectare)		
Tree/Vegetation Cover	Limited tree cover – holly, ash		
Views and Vistas	Long views to south at western end		
Roofscape and Skyline	Pitched roofs dominate with chimneys on most dwellings		
Roof forms and orientation	Mixture of thatch, tile & slate		
Pedestrian desire lines	Tracks to Dean Farm and Honey Bottom		
Corner buildings/ markers and focus points	Cross Keys was previously the Village pub		
Activity/ prevailing uses	Residential		
Parking	Mainly on plots. On street outside Prospect Cottages		
Detail			
Dominant architectural style/ age	Some 18 th century cottages but 20 th century predominates		 
Key architectural devices	None		
Fenestration	Typically painted timber		
Porch details	30% have porches; mixed styles		
Building Line	None		
Set-back from pavement	5-35m average 18m		
Boundary treatment – heights, materials	Primarily hedges (4-8ft), some shrubs		
Storey heights	1-2 storey		
Colour and Materials -elevations	Brick, brick & flint, render		
Colour and Materials - streetscape	Tarmac		
Street Furniture	1 street lamp, 5 telegraph poles		
Visible Sustainability Features	None		
Pattern Book Lessons			
Typology Loose knit village edge around open village green with lower density mixed dwelling style and ages, prominent views	Key Features Sense of spaciousness and sporadic spaces between dwellings with long views south	Lessons Low density dwellings in spacious plots with generous set-backs, mixed styles and ages. Long views and gaps need protection - evidenced by significant planning appeal history adj. Prospect Cottages	

Upper Chute Chute Collis

Small outlier group of mid -late 20th century dwellings in very large plots

Description:

Location: Rural, bewteen village groupings

Typology: Isolated, detached houses between the settlements. 20th Century and new build

Conservation Area No



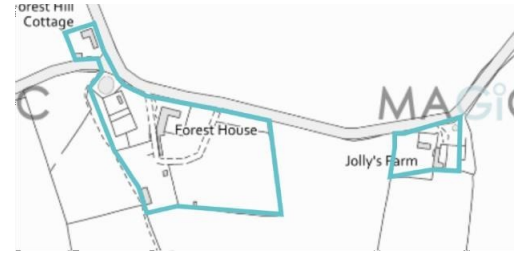
Location, Layout and Setting		
Block structure, plan form and dimensions	Stand-alone, detached, single-sided	
Vehicular routes hierarchy + connections	Connecting routes to Upper Chute, Chute Standen & Biddesden	
Land form and relation to contours	Land rises gradually to the North	
Junction positions	T junction at North of Hookwood Lane	
Street frontage plot widths	Range from 80m to 200m	
Plot depths	Average 109m	
Gaps between buildings % of openness	Very open < 25%	
Pavement	None	
Landscape Setting	Tree cover on east and mixed hedging on north	
Level changes	Insignificant	
Density	1.5 dwellings per hectare	
Regularity of space	Random – no pattern	
Townscape/ spatial analysis		
Enclosure ratios	N/A	
Connections/ links	Road links only- but CHUT13 across Great Hoe links to Lower Chute	
Spaces	No open spaces/ Private woodland frontage to Collis House	
Tree/Vegetation Cover	Mostly on Eastern side	
Views and Vistas	Significant views from the east -Hoe Lane Footpath CHUT13	
Roofscape and Sykline	Collis Farmhouse dominates long views and close views with crown roof. Collis Cottage dominant given prominent corner location.	
Roof forms and orientation	Pitched Roofs -non-vernacular forms	
Pedestrian desire lines	Along the road	
Corner buildings/ markers and focal points	Collis Cottage, Traditional Finger post	
Activity/ prevailing uses	Residential	
Parking	On plot	
Detail		
Dominant architectural style/ age	Mid- late 20 th C with additions and new build	
Key architectural devices	Modern dormers, traditional brick chimneys	
Fenestration	Painted wood casement and box sash	
Porch details	One visible, modest brick & timber	
Building Line	Irregular set-back	
Set-back from pavement	10 - 100m	
Boundary treatment – heights, materials	Mixed hedging, woodland, park railing	
Storey heights	Single storey + attic - 2 storey + rooms within attic/ mansard	
Colour and Materials -elevations	Tiled roofs, brick and brick & flint (some non-traditional flint blocks)	
Colour and Materials - streetscape	Tarmac	
Street Furniture	Telegraph poles, traditional finger signpost on T-junction	
Visible Sustainability Features	None	
Pattern Book Lessons		
Typology Large houses set well back in centre of their grounds Discreet outbuildings	Key Features Traditional building materials Good enclosure to dwellings with indigenous hedging, trees and timber gates	Lessons Mid -late 20 th century dwellings with long range views. Very low density in agricultural landscape.

Lower Chute Forest Lane Corner & Jolly's Farm

Outlying houses and farmstead mark western boundary of Lower Chute

Description:
Location: Rural edge
Typology: House/ Cottage/ Farm

Conservation Area No



Location, Layout and Setting		
Block structure, plan form and dimensions	N/A	
Vehicular routes hierarchy + connections	Route to Biddesden/ Appleshaw-link to Upper Chute	
Land form and relation to contours	Dip before rise to Upper Chute	
Junction positions	T junction at Hookwood Lane	
Street frontage plot widths	N/A – no general rule	
Plot depths	N/A – no general rule	
Gaps between buildings % of openness	Very open corner – dominated by gaps not buildings	
Pavement	None	
Landscape Setting	Enclosed grouping	
Level changes	Yes- rise from Jolly's Farm	
Density	Very low <1 dph	
Regularity of space	None - irregular	
Townscape/ spatial analysis		
Enclosure ratios	N/A	
Connections/ links	Footpath CFORI links from Pond to Longbottom (Biddesden)	
Spaces	Triangle at junction/ pond at Forest House	
Tree/Vegetation Cover	Good Hazel stands and mature box hedges	
Views and Vistas	None	
Roofscape and Skyline	Quality clay tiled old roofs, pitched dormers - set on eaves	
Roof forms and orientation	In line with road	
Pedestrian desire lines	None	
Corner buildings/ markers and focus points	None	
Activity/ prevailing uses	Farms	
Parking	On - plot	
Detail		
Dominant architectural style/ age	17/18 th C	
Key architectural devices	Quiet vernacular architecture	
Fenestration	Small paned painted timber windows	
Porch details	Simple open porches	
Building Line	N/A	
Set-back from pavement	N/A	
Boundary treatment – heights, materials	Excellent tall box hedge/ flint and brick walls	
Storey heights	1.5 - 2 storey – Exceptional 3 storey at Forest House	
Colour and Materials -elevations	Brick/ Flint and Render	
Colour and Materials - streetscape	Tarmac	
Street Furniture	Traditional finger post	
Visible Sustainability Features	None	
Pattern Book Lessons		
Typology Unspoilt little changed approach to Lower Chute where landscape dominates and high quality vernacular detailing prevails	Key Features Excellent brick and flint buildings and walls, and highly sensitive detailing	Lessons This unspoilt corner displays many of the traditional vernacular themes and details in high quality traditional materials. Highly traditional development details.



Clanville North Clanville

Outlier to Chute on the Hampshire border. Attractive group of cottages and larger properties that sit beyond the centre of Clanville and are distinct from the Chute settlements, they relate to the through Road.

Description:
Location: Edge
Typology: Mixed 20th Century dwellings
Conservation Area No



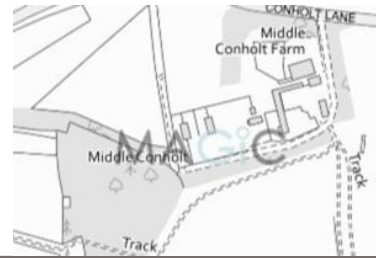
Location, Layout and Setting		
Block structure, plan form and dimensions	Ribbon type development	
Vehicular routes hierarchy + connections	Main road dominates, with long drives / tracks linked	
Land form and relation to contours	Lower lying than the Chute settlements	
Junction positions	Grid pattern	
Street frontage plot widths	Varied	
Plot depths	31-52m (save Pollard's Cottages)	
Gaps between buildings % of openness	Good spaces between dwellings	
Pavement	None	
Landscape Setting	Wooded setting	
Level changes	Land rising to east and west	
Density	Low <5dph	
Regularity of space	Relatively regular pattern of plots	
Townscape/ spatial analysis		
Enclosure ratios	NA	
Connections/ links	CFOR10 – links Roundaway Lane to Sopers Bottom CFOR 4A (both bridleways)	
Spaces	No public spaces – but wide verges	
Tree/Vegetation Cover	Good enclosure from vegetation	
Views and Vistas	None- enclosed shallow valley	
Roofscape and Skyline	Varied -pitched roofs throughout	
Roof forms and orientation	Generally in line with the road	
Pedestrian desire lines	None	
Corner buildings/ markers and focus points	None	
Parking	All on -plot	
Activity/ prevailing uses	Residential, equine and farming	
Detail		
Dominant architectural style/ age	Mixed	
Key architectural devices	None	
Fenestration	Small paned	
Porch details	Nothing dominant	
Building Line	Generally set back from road edge	
Set-back from pavement	10-14m (save Pollard's Cottages)	
Boundary treatment – heights, materials	Hedges and fences - mixed	
Storey heights	2	
Colour and Materials -elevations	Brick with Flint	
Colour and Materials - streetscape	tarmac	
Visible Sustainability Features	None	
Street Furniture	Telegraph poles	
Pattern Book Lessons		
Typology Typical linear development relating strongly to the main road	Key Features Mixed character and age of property from thatched cottage to 21 st century redveloped dwelling in traditional style. Pleasant grouping but with quite individual styles. Vegetation plays an important softening role in the street scene.	Lessons Spaces between dwellings and good enclosure from vegetation are important features of this grouping.

Conholt Middle Coholt

Located at the periphery of the Parish, this group of Estate Cottages creates a cohesive group of traditional dwellings.

Description:
Location: Edge
Typology: Estate Cottage

Conservation Area No



Location, Layout and Setting		
Block structure, plan form and dimensions	Single sided row of semi-detached cottages	
Vehicular routes hierarchy + connections	Served by single track private road with no through access	
Land form and relation to contours	Sitting on level ground	
Junction positions	T junction at northern end	
Street frontage plot widths	Houses face onto the track with deep front gardens	
Plot depths	Approx 80m	
Gaps between buildings % of openness	Well-spaced approx. 10-20m apart	
Pavement	None	
Landscape Setting	Adjacent to working farmyard, rural	
Level changes	Properties on one level	
Density	Low density	
Regularity of space	Regular	
Townscape/ spatial analysis		
Enclosure ratios	None – single sided development	
Connections/ links	Connecting routes to Vernham Dean and Tangley	
Spaces	No open spaces. Private estate	
Tree/Vegetation Cover	Hedges – privet & laurel. Trees to the south	
Views and Vistas	Insignificant	
Roofscape and Skyline	Two storey, half dormer windows	
Roof forms and orientation	Roofline in line with road	
Pedestrian desire lines	Footpath from Chute Causeway to Chute Cadley	
Corner buildings/ markers and focus points	None	
Activity/ prevailing uses	Residential	
Parking	On plot in front of properties	
Detail		
Dominant architectural style/ age	Traditional brick	
Key architectural devices	Centred chimneys, hipped roofs and full gable with central chimney	
Fenestration	Painted wood casement- 'half' dormers	
Porch details	Simple open canopies	
Building Line	Set back from track	
Set-back from pavement	40m	
Boundary treatment – heights, materials	Mixed evergreen hedges	
Storey heights	2 storey	
Colour and Materials -elevations	Slate roofs, brick, some flint	
Colour and Materials - streetscape	Tarmac	
Street Furniture	None	
Visible Sustainability Features	None	
Pattern Book Lessons		
Typology Middle Conholt cottages are mid 20 th century (1938) estate built houses. Timber garages	Key Features Traditional brick estate dwellings	Lessons Unchanged group of 3 buildings. Quiet well detailed architecture- cohesive group

Appendix 1

History of the Chutes

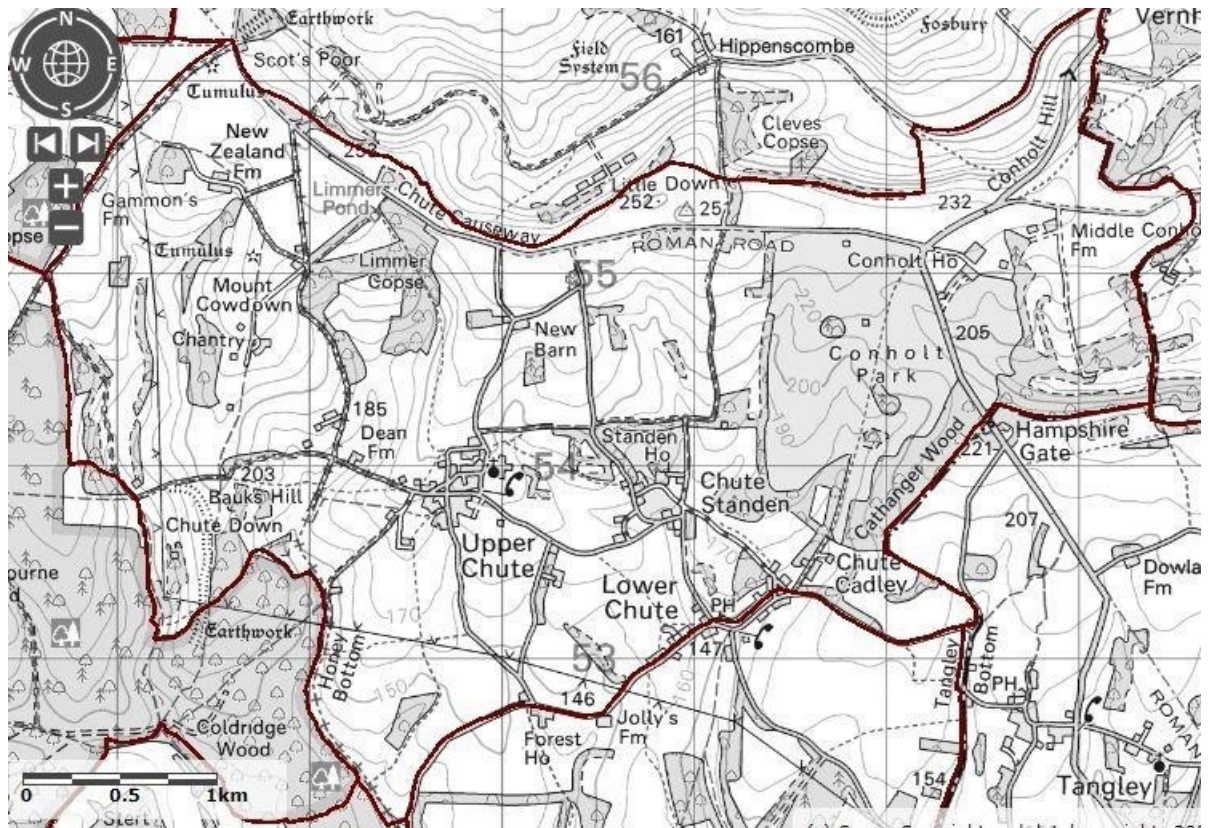
Location

Chute Parish (1,313.6 hectares) lies around 10 km. north-west of Andover. Its eastern boundary is the Wiltshire/Hampshire border whilst to the west Collingbourne Woods form the boundary. To the north the boundary is Grim's ditch close to Chute Causeway. Chute Forest Parish is immediately to the south.

The land falls sharply from north to south. The highest point near the northern boundary is 252 m above sea level whilst the lowest point on the southern boundary is 140 m above sea level. Views throughout the parish are spectacular in all directions particularly towards the south extending over 40 miles. The land is broken by mainly north-south ridges and dry valleys. The only flat land is along the northern boundary. The ground consists of chalk overlaid with clay and flints.

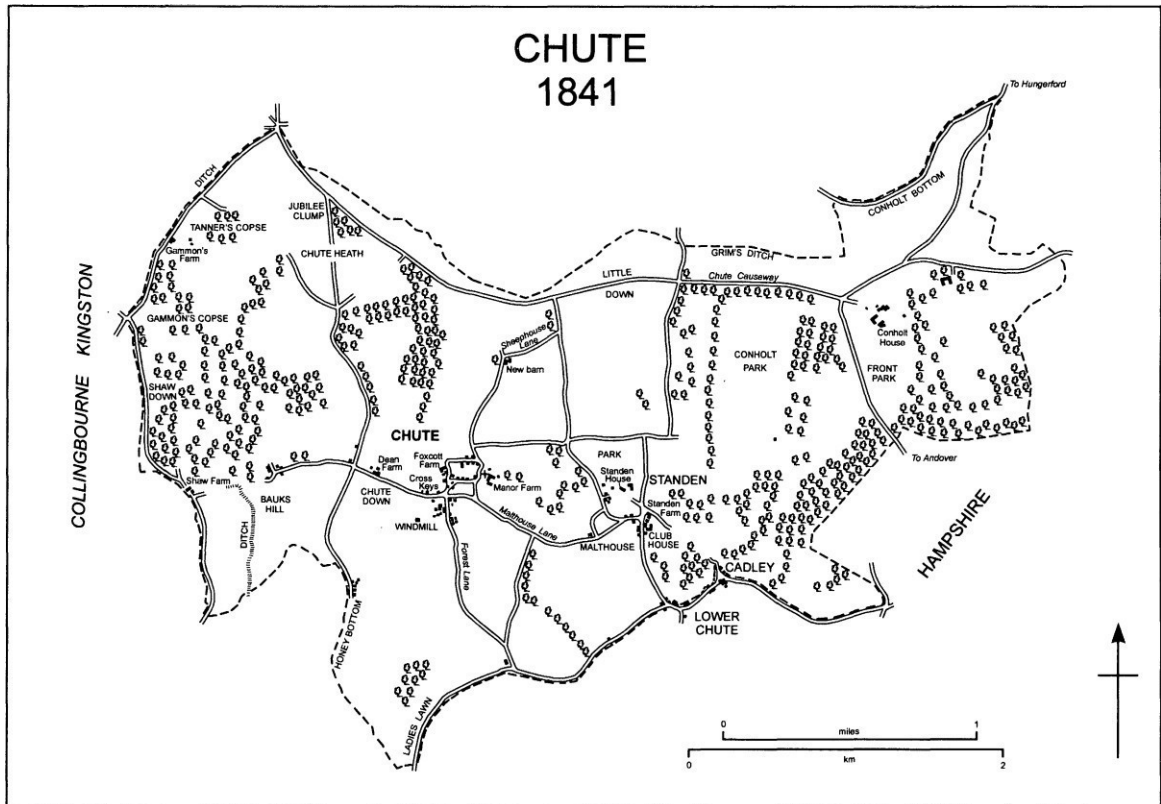
Within Chute Parish there are two conservation areas – the Upper Chute Conservation Area and the Chute Cadley and Lower Chute Conservation Area.

The map below shows the area covered by Chute Parish.



Source: Magic DEFRA

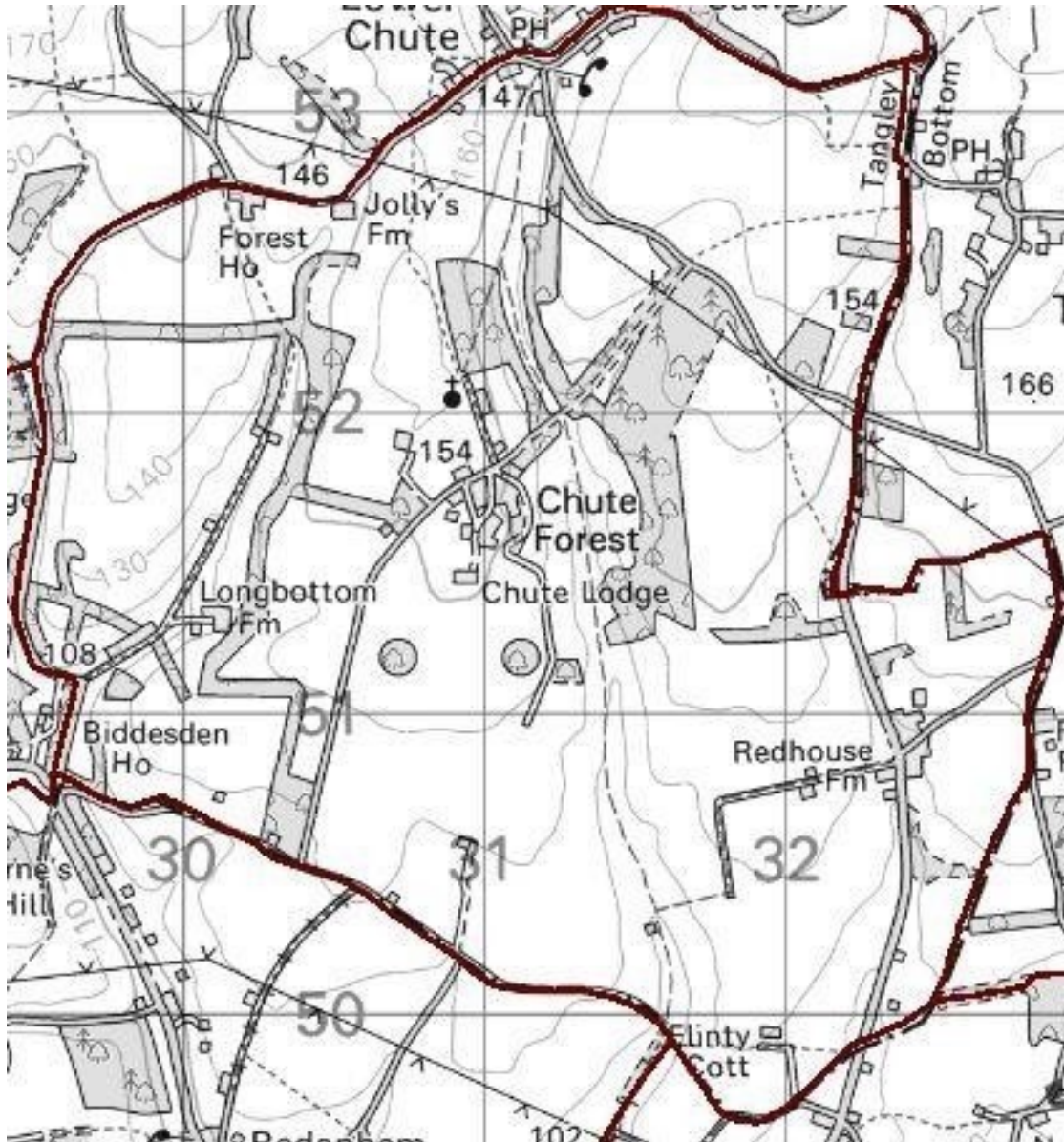
A comparison with the 1841 map of Chute Parish (see below) reveals little has changed in 180 years. The network of roads and tracks, oriented broadly on two axes, north – south and east – west, is almost identical.



Chute Forest Parish (825 hectares) lies about 5 km north west of Andover. It was part of Chute forest until it was disafforested in 1639. In the Middle Ages it was one of nine forests in Wiltshire: Braydon, Chippenham, Chute, Clarendon, Grovely, Melchet, Melksham, Selwood and Savernake.

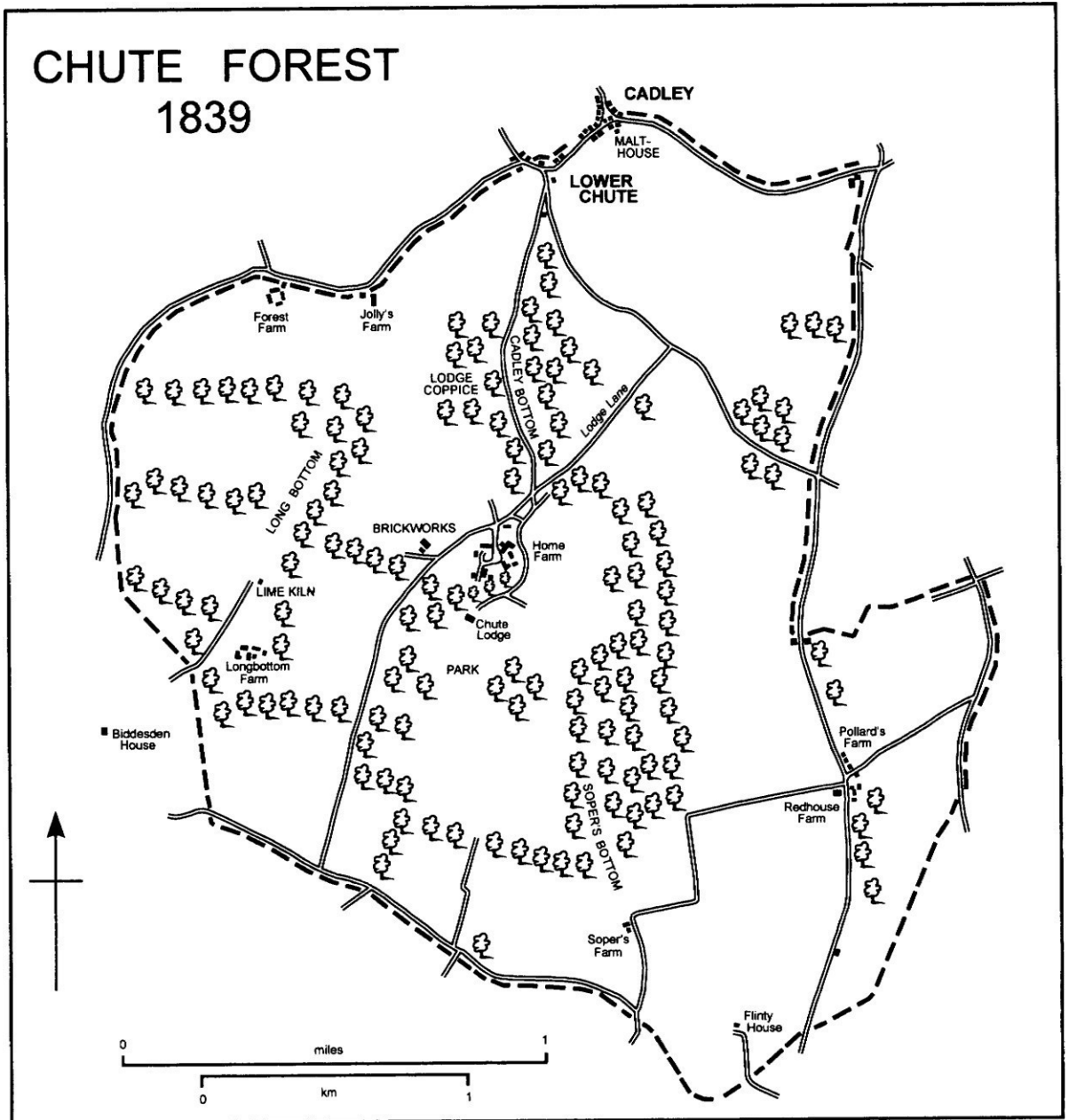
Chute Parish is immediately to the north. The Wiltshire/Hampshire border forms the eastern and southern boundaries. The land also falls from north to south but the gradient is less pronounced than in Chute Parish. It is broken by north-south dry valleys (see Parish map below).

Chute Forest Parish

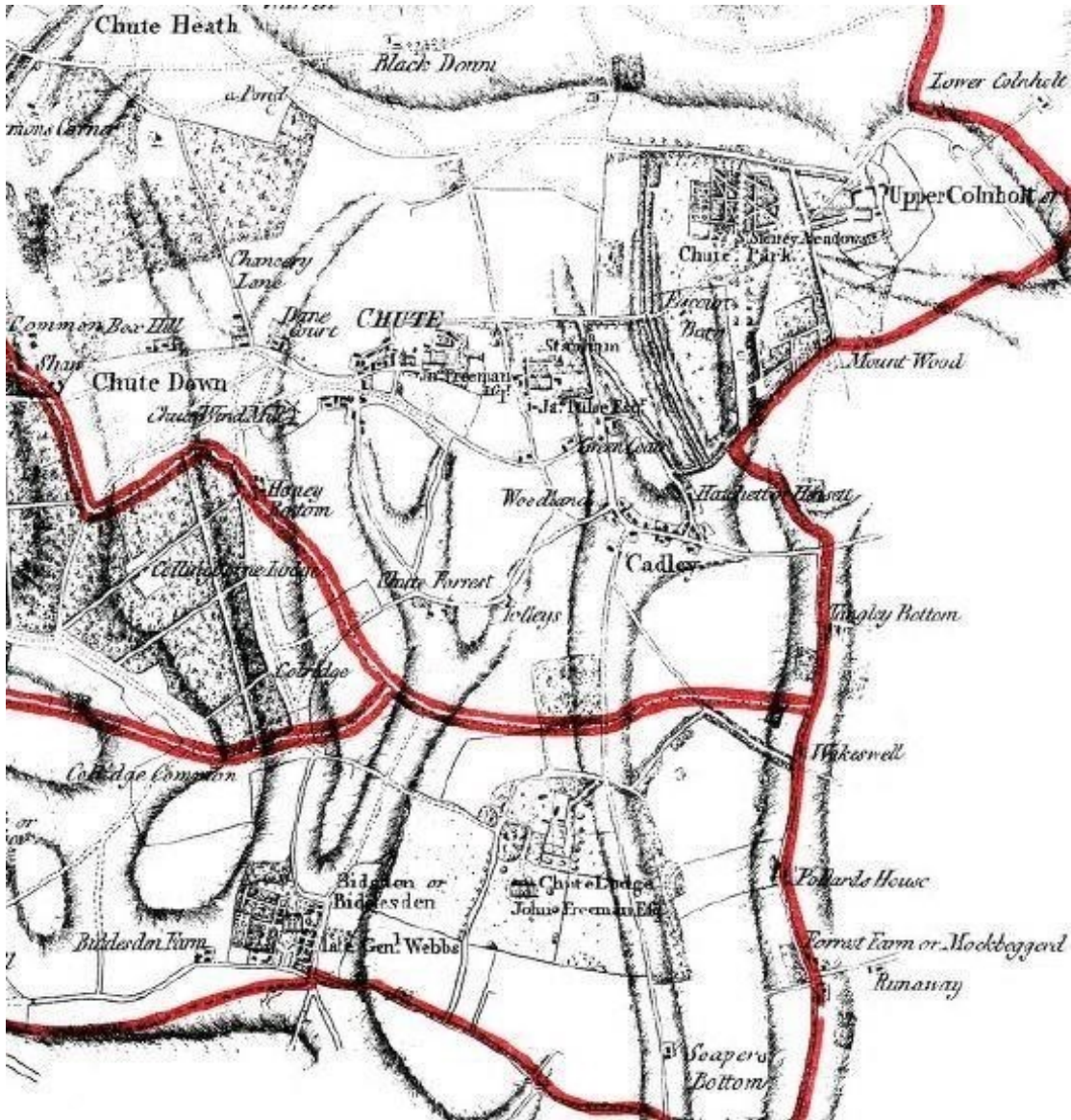


Source:
DEFRA Magic

No major road crosses the parish from east to west. As a royal forest, it may have had restricted access with roads running along its boundaries. A comparison with a 1839 map of Chute Forest Parish (see below) reveals little has changed in 180 years.



An earlier map of the area extracted from the Andrews & Jury map of Wiltshire in 1773 (see below) shows the settlements and the tracks linking them were very similar then. There have been few changes. Shaw farm, a settlement of up to eight houses on Baulks Hill and Escourt, a settlement in Conholt Park, no longer exist nor does Chute windmill. The main settlements have grown. However generally there has been remarkably little change in 250 years.



Source: Andrews & Jury (1773)

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 landscape impacts.

History

Chute Parish

Chute Parish sits in a landscape with strong visible links to over 2,000 years of history.

There is evidence of occupation of the land going back to prehistoric times. Grim's ditch on the northern boundary is thought by Wessex Archaeology (WA) to be a drove-way boundary associated with the adjacent Iron Age field system. It was probably built around 300 BC.

A number of early prehistoric monuments are spaced along the ridge of high ground between Scots Poor and New Barn close to the northern boundary indicating the importance of the

area to prehistoric populations. Scotspoor Barrow is considered to be a Neolithic (400-2200 BC) long barrow. Human remains were discovered at this site during excavation in 1934. A number of Neolithic flint implements have been recovered from near Scots Poor and a Neolithic polished axe was found on Chute Causeway. The Bowl Barrow on Mount Cowdown is believed by WA to date to the Bronze Age (2200-700BC). Two Celtic field systems in the south-west part of the parish have also been identified which are believed to date from the Iron Age (700BC- AD43).

The ditch which runs south west to north east on the high ground between Gammon's Farm and Scotspoor Plantation appears to be cut by Chute Causeway. It may have been a boundary similar to the territorial boundaries that survive on the Salisbury Plain military area. These are attributed to at least the Late Bronze Age and Iron Age.

Chute Causeway is a section of the road built by the Romans during their occupation of Britain. It was probably completed before 180 AD. The road ran from Winchester (*Venta Belgarum*) northwest to Mildenhall (near Marlborough) (*Cuneto*) and onwards to Cirencester. At Conholt it deviated west to avoid the deep Hippenscombe valley, resuming its straight course near Tidcombe. The length of the deviation is about 4 miles and the Causeway forms the southern 2.5 miles.

The history of Chute Parish can be traced back to 1066 when St. Peter's Abbey, Winchester, (later called Hyde Abbey) held the land of Chute as part of its estate called Collingbourne. The Domesday survey of 1086 records Chute as a royal forest measuring approximately a league, located within the manor of Collingbourne Ducis.

During the medieval period the small hamlet settlements within the parish of Chute would have been located within the King's Forest of Chute. The Forest refers to a legal entity created around a pre-existing nucleus of woodland, rather than implying that the entire area was wooded. The area would likely have comprised broken woodland pasture with fairly poor soils overlying chalk and clay-with flints. By the later medieval period, it seems that most of the parish would have been cleared to form medieval open field cultivation.

Due to the absence of natural watercourses or springs in the area, ponds would have been required in order to water the livestock. A number of carefully constructed, often clay lined medieval ponds, known as dewponds, still survive within the parish eg. Ashmore Pond near Chute Causeway. Other examples survive at Chute Cadley and Chute Standen.

The medieval village of Estcourt is believed to have stood in Conholt Park. Today a network of earthworks remain suggesting stone buildings. On a map of Wiltshire dated 1720 the names Escourt and Chute are depicted of equal size. It is not clear why the village was abandoned.

The settlement of Chute (now called Upper Chute) was called *Ceit* in 1178 and *Cett* in 1235. The name evolved to *Chuch* by 1268, *Cheut* by 1289 and *Chewte* by 1553. The name Chute is thought to derive from an ancient British word meaning forest.

No mention of a church in the hamlet of Chute is contained in the Domesday Book. St Nicolas parish church was probably not founded until the first half of the 12th century and is first mentioned in 1320. The church was almost completely rebuilt in the period 1868-72 to designs by J. L. Pearson. It is Grade II listed as are several of its monuments.

Hyde Abbey held the manor of Collingbourne until the dissolution of the monasteries in the 1530s. By 1550 parts of the Conholt estate in the east of the parish and parts of Dean farm

and the Chantry estate in the west were owned by Thomas Corderoy. Tracks would have linked his different holdings with Flashet Lane being the main route from Conholt to Chute.

From the Middle Ages agriculture was the predominant occupation with many residents occupying housing tied to the farms in the parish. The agricultural systems of this period consisted of large open fields divided into rectangular furlongs of individual parallel cultivation strips. The fields were planted in sequences of crop rotation and depended on manuring by communal sheep flocks during fallow periods. A medieval field system is clearly visible from the footpath across Chute Down.

The main grazing pastures were Chute Heath and Cowdown to the north west of the village of Upper Chute, Chute Down and Baulks Hill to the west and at Honey Bottom and Ladies Lawn to south. The agricultural system meant livestock was moved from upland to lowland grazing according to the season, and to fallow grazing on the stubble after the harvest. Chantry Lane is one of a number of north-south lanes in the parish which probably originated at this period as drove roads to move livestock between upper and lower pastures and continued to perform this function for several centuries. Breach Lane is likely to be another.

Many tracks in the parish are unchanged from medieval times or earlier. Chantry Lane provided a link between the upland at Mount Cowdown and, via a network of tracks, to Dean Farm at the bottom of the valley, to Upper Chute on the eastern side of the valley and to the former settlements at Shaw Bottom and Honey Bottom, to the west and south respectively. The continuation of the course of Chantry Lane southwards extends past Honey Bottom and links with the road to Appleshaw which in turn leads towards Weyhill where an important livestock fair was held from at least the medieval period.

WA considers Chantry Lane to be a hollow-way with metalled stone surface. WA believes it is a rare example of an early metalled track, using flint as the surface material. 'Metalling' of a surface demonstrates the importance of the road. It took the form of larger stones forming the foundation and then successively smaller stones being placed above to result in a smooth, durable and free draining surface. Chantry Lane is metalled with a layer of interlocked, knapped flint placed on the surface. The process of hand knapping flint is skilled, since field flint is hard and the shaping of it is time-consuming. The placing of the flint on the surface can only have been carried out by hand due to the careful co-ordination required of the interlocking shapes.

The name Chantry Lane is only known since 1773, but in the 1590s it was called *Holdways Lane*. This was the *Haldewey* which in 1353 had given its name to the chantry of the Assumption established in the parish church of Chute and served as the spine road of its estate. The name suggests that it was already considered to be old, and its origins probably lie further back in the late Saxon or early medieval periods as a road for moving livestock between upper and lower common pastures.

Both Flashet Lane and Breach Lane appear to be metalled tracks. Together with Chantry Lane they provide links with the history of Chute going back to Saxon times.

An archaeological evaluation was undertaken in 1994 at Tibbs Meadow in Upper Chute. Artefacts were recovered with a date range between the Iron Age and the present day, indicating the continued occupation of Upper Chute throughout this period.

Chute Forest

The early history of Chute Forest is less well documented although a hoard of early Iron-Age coins found in the north-east part is evidence of prehistoric activity in the parish. The Crown owned Chute forest until 1639.

In the Middle Ages much of the parish would have been woodland. By the early 17th century it was mostly farmland.

A house called Chute Lodge was standing in 1632 and was lived in by Sir John Collins M.P. in 1650. A chapel was consecrated in it in 1674. The house was replaced by a new Chute Lodge built on or near its site in about 1768 for John Freeman to designs by Sir Robert Taylor. The new house was one of several compact country houses designed by Taylor in the 1760s for men who were connected with the East India Company.

In 1866 alterations were made to the house to designs by J. L. Pearson. The house was enlarged in the period 1906-8 by the building of an east wing. In 1942 the house was bought by the Home Office for use as a borstal. Subsequently it became a school. By the early 1980s it was divided into five flats. Chute Lodge is a Grade 1 listed building.

The house originally stood in a park of around 150 acres crossed by the road through Cadley bottom and Soper's bottom. Between 1773 and 1795 the park was altered and enlarged in all directions to designs most likely by Brown & Emes (according to Dorothy Stroud). Belts of trees standing in 1839, and, with Lodge coppice, enclosing around 440 acres, probably marked the boundaries of an enlarged park. A new main drive was made north-east of the house and land immediately south of the house was enclosed by a semi-circular ha-ha. Further south of the house two circular plantations were made in the park. In 1839 a long drive led from the house southwards across the park. Where it left the park a lodge was built and where it met the road along the south boundary of the parish gate piers still survive. In 1839 and later only around 110 acres around and south of the house was preserved as a park. Most of the rest of the enlarged park was used for agriculture.

Chute Forest church was designed by J. L. Pearson and built in 1870-1. It was consecrated in 1875. The settlement of Chute Forest grew up as the hub of the Chute Lodge Estate. Many of the properties still have features that hint at their origins. The result is an eclectic collection of low lying buildings where buildings have a historical connections with each other.

In 1954 the Chute Forest parish was united with Chute parish. The church was closed in 1972, and in 1974 it passed to the care of the Redundant Churches Fund, later the Churches Conservation Trust. The church is Grade II listed and remains open to visitors. In the graveyard the community has conducted a wildlife conservation project. In 1979 the united benefice became part of Wexcombe benefice.

Appendix 2

Summary of Photo Survey

Likes

Rural environment

1. Open views across farmland to ancient small scale settlements (churches)
2. Working farm buildings – old and modern
3. Trees critical part of the village character
4. Views of farm-houses subservient to surrounding natural landscape
5. Actual setting providing the essence of the beauty to the village
6. Far reaching, unspoilt, stunning views
7. Lovely walks
8. Conker Tree and swing in Upper Chute
9. The quiet tranquillity
10. Traditional Farming
11. Cadley Pond
12. Quiet wooded lanes
13. Southerly views from Malthouse Lane
14. Statement Tree Planting -The Round off the Causeway
15. View between Lower Chute and St Marys
16. Unspoilt working countryside

Heritage assets

17. Unmetalled bridleways
18. Traditional timber finger post signs and Village Greens
19. Old landmarks especially Wellhouse Upper Chute
20. War memorial and village Green
21. St Nicolas Church
22. St Marys Church
23. Village green open to all – especially children
24. The Cross Keys (when it was a pub)
25. Village Hall
26. The Hatchet Inn
27. Scale of village green at Upper Chute
28. Historic Landscape Setting in Chute Forest – potentially Capability Brown
29. Grade 1 listed Chute Lodge

Character of roads

30. No street furniture, lights, pavements etc
31. No kerbside parking
32. Sensitive street furniture – post box on the way to Biddesden
33. Responsible driving in Chute Forest

Design

34. Traditional materials – thatched, brick and flint
35. Good modern design where appropriate especially if eco-friendly
36. Thatched cottages
37. Roof line nestled into landscape
38. Wide range of houses
39. The softness of the vernacular – box hedging and thatch

Density

40. Houses - appropriate for their plot sizes resulting in scattered nature of settlements
41. Building visually subservient to natural surroundings
42. Modest sized properties on individual plots
43. Property is well spaced allowing views of open space setting

Boundary hedges/fences

44. Mixed hedges
45. Property boundaries of traditional hedging
46. Wildflower hedgerows
47. Traditional brick and flint boundary walls
48. Mixed hedge rows – lanes linking the settlements

Other

1. Sense of Community

Dislikes

Appearance of roads

1. Overhead cables
2. Street-lights (especially new halogen lights -very bright)
3. Street furniture
4. Urban pavements
5. Hard kerbs
6. Parking on road
7. Parking on village greens -especially commercial vehicle*
8. Litter in hedgerows
9. Concrete kerb on Cadley Green by pond
10. Damage to verges
11. Red sign in Upper Chute

Over-development

12. Over intensive infill
13. Over intensive development resulting in on street parking
14. Dominance of building by size/position
15. Over development of individual houses
16. Lowerhouse Farm – over development/loss of stables
17. Longview extensions – harms long views

Design

18. Pastiche design
19. “Salami” style extended houses (cumulative planning applications)
20. Redbrick/ poor quality concrete tiles
21. Building without consideration of natural surroundings
22. Uninterrupted red brick and tarmac -
23. “Cookie-cutter” repeat housing styles
24. Newbuild houses – Andover styles
25. Unsympathetic extensions
26. Concrete paving driveways
27. Poor quality detailing on buildings
28. Suburban detailing

Boundary Fences/Hedges

29. Cheshire Gates
30. Metal fences
31. Leylandii /laurel hedging
32. Timber fencing
33. Breezeblock boundary walls

Other

34. Construction access
35. Poor repair of Well at Chute Cadley
36. Cadley Pond (danger should be fenced)
37. Overgrown footpaths
38. Disused Cross Keys pub – no need for another pub - derelict, future uncertain
39. Abandoned farm machinery left to rot in fields
40. Noisy garden machinery – Silent Sundays
41. Overgrown/ poorly maintained trees
42. Historically popular walks being closed off
43. Extremely slow broadband in Chute Forest
44. Loss of traditional unlisted buildings (e.g.Thicket Cottage)
45. The Hunt
46. Loss of Thicket Cottage
47. Old Bus Shelter- Chute Forest
48. Messy equine paraphernalia/ temporary buildings

Review of Planning Applications

Between 2006 and 2021, other than applications for works to trees, there were 240 planning applications registered with Wiltshire Council in Chute Parish and 77 in Chute Forest. The outcomes were as follows:

	<u>Chute</u>	<u>Chute Forest</u>	<u>Totals</u>
Approved	200	65	265
Refused (no appeal)	17	6	23
Refused (after appeal)	4	1	5
Withdrawn	16	3	19
Other	<u>3</u>	<u>2</u>	<u>5</u>
Totals	240	77	317

Overall, only one in ten applications was refused with 84% approved and 6% withdrawn. It is apparent that the majority of planning applications are not controversial and have led to acceptable development in the community.

It is worth noting that amongst applications refused or withdrawn in Chute Parish 40% were submitted by one firm of architects, six times as many as by any other architect. In Chute Forest no architect accounted for more than one such application.

The most controversial applications have included the following:

Infill Dwellings

Two significant proposals for infill dwellings were subject to appeal decisions - adjacent Prospect Cottages (Upper Chute) and adjacent Chute Forest Cottage (Lower Chute). In each case the independent planning inspector considering an appeal against refusal found that the site was not a suitable infill plot. Both proposed dwellings were thus prevented from changing the character of the settlement. The latter had been recommended for approval by the Planning Officer level but was called in to Planning Committee and finally rejected following a community campaign. An appeal was dismissed.

New Housing

A community campaign also prevented the development of four new houses in Upper Chute. This was presented first as an outline application, but withdrawn, and then as a Permission in Principle application which was refused.

Less successfully there was a community campaign to prevent/alter the development of two adjacent sites in Lower Chute: Stable Cottage and the adjacent Stables.

Loss of Community Asset

The loss of one of the pubs in the Chutes has been controversial. This largely revolved around the loss of a community facility. Although the pub had been listed as a community asset, it was not able to operate successfully as a community venture and planning permission for a change of use back to a private dwelling was granted. The future of the site is still uncertain as a planning application for a replacement dwelling has been refused after an appeal.

Replacement Dwellings

Another key controversy has been the development of replacement dwellings. Several large houses that stand out in the landscape have been built since the 2005 VDS under the guise of replacement dwellings. Some of the replaced buildings were formerly relatively small and could have been regarded as part of the affordable housing stock. The loss of these smaller dwellings to significantly bigger ones means the stock of affordable dwellings is decreasing.

In two cases increases in the size of replacement dwellings have been sought via applications for extensions made after the successful application to replace the original dwelling. This has resulted in the new dwellings being several times the size of the original ones.

Research demonstrates that in the six applications where there was significant objection from the community about the potential harm to the area, only two were refused. In those cases the reason given was that the proposed developments would fail to preserve or enhance the character or appearance of the Conservation Area. The harm would be “less than substantial” to the Conservation Area but there were little or no public benefits to outweigh the harm. In all other cases objections based on the harm caused by the proposals were ignored. Accordingly this Village Design Guide seeks to clarify what would constitute harm in the Chutes.

Case Studies

<u>Ref no.</u>	<u>Address</u>	<u>Proposal</u>	<u>Decision</u>	<u>Parish Council Objection</u>	<u>Objection Letters</u>	<u>Support Letters</u>
18/04151/FUL	Lowerhouse Farm, Lower Chute	Conversion and extension of outbuildings and stables to form 3 dwellings	Refused	Y	33	0
19/01970/FUL	Lowerhouse Farm, Lower Chute	Conversion and extension of outbuildings and stables to form 2 no. dwellings with conversion of barn to self-contained annex for Lowerhouse Farm	Withdrawn	Y	33	0
19/02213/LBC	Lowerhouse Farm, Lower Chute	Conversion and extension of outbuildings and stables to form 2 no. dwellings with conversion of barn to self-contained annex for Lowerhouse Farm	Withdrawn	N	4	0
19/07460/FUL	Lowerhouse Farm, Lower Chute	Conversion and extension of outbuildings and stables to form 3 dwellings (amended scheme following refusal of 18/04151/FUL)	Approved at Committee	Y	43	0
19/07609/LBC	Lowerhouse Farm, Lower Chute	Conversion and extension of outbuilding and stables to form 2 no. dwellings (Plots 1 and 2	Approved	N	7	0
18/09811/FUL	Stables Cottage, Lower Chute	Demolition of Stables Cottage and the erection of two dwellings with access and parking	Approved	Y	44	0
19/06316/DOC	Stables Cottage, Lower Chute	Discharge of conditions 3 & 4 of planning application 18/09811/FUL	Approved	na	na	na
19/06114/DOC	Stables Cottage, Lower Chute	Discharge condition 5 of 18/09811/FUL - Demolition of Stables Cottage and the erection of two dwellings with access and parking.	Approved	na	na	na
19/06080/DOC	Stables Cottage, Lower Chute	Discharge condition 12 of 18/09811/FUL - Demolition of Stables Cottage and the erection of two dwellings with access and parking	Approved	na	na	na
19/01652/FUL	Thickett Cottage, Upper Chute	Demolition of existing dwelling and erection of replacement dwelling	Withdrawn	Y	10	0
19/06565/FUL	Thickett Cottage, Upper Chute	Demolition of existing dwelling and erection of replacement dwelling	Refused (won on appeal)	Y	3	0
20/01143/FUL	Thickett Cottage, Upper Chute	Demolition of existing dwelling and erection of replacement dwelling	Approved	N	2	0
20/04882/DOC	Thickett Cottage, Upper Chute	Discharge of condition	Approved	na	na	na

Listed Buildings

1. **II 66 Forest Lane**
Chute, Wiltshire, SP11
2. **II Cartshed at Dean Farm, and Kitchen Garden Walls**
Chute, Wiltshire, SP11
3. **II Church of St Nicholas**
Chute, Wiltshire, SP11
4. **II* Conholt Park**
Chute, Wiltshire, SP11
5. **II Dean Farmhouse**
Chute, Wiltshire, SP11
6. **II Gable End and No. 65**
Chute, Wiltshire, SP11
7. **II Granary at Standen Farmhouse**
Chute, Wiltshire, SP11
8. **II Hatchet Inn**
Chute, Wiltshire, SP11
9. **II Hyde Cottage**
Chute, Wiltshire, SP11
10. **II Jolly's Farmhouse**
Chute, Wiltshire, SP11
11. **II Kitchen Garden Walls at Standen House**
Chute, Wiltshire, SP11
12. **II Lower Farmhouse**
Chute, Wiltshire, SP11
13. **II Meadows Monuments in Churchyard, Approximately 10 Metres South of Chancel, Church of St Nicholas**
Chute, Wiltshire, SP11
14. **II Providence Cottage**
Chute, Wiltshire, SP11
15. **II South Lodge**
Chute, Wiltshire, SP11
16. **II Stable and Carriage House at Conholt Park**
Chute, Wiltshire, SP11

17. **II Standen House**
Chute, Wiltshire, SP11
18. **II The Dower House**
Chute, Wiltshire, SP11
19. **II The Old Cottage**
Chute, Wiltshire, SP11
20. **II The White House**
Chute, Wiltshire, SP11
21. **II Three Freeman Monuments in Angle of Chancel and Organ Chamber, Church of St Nicholas**
Chute, Wiltshire, SP11
22. **II Tolleys Cottages**
Chute, Wiltshire, SP11
23. **II Vallance Cottage**
Chute, Wiltshire, SP11
24. **II Vicarage Cottage**
Chute, Wiltshire, SP11
25. **II Village School and Masters House**
Chute, Wiltshire, SP11
26. **II Well Cottage and Cottage Attached at South Side**
Chute, Wiltshire, SP11
27. **II Well House**
Chute, Wiltshire, SP11
28. **II West Lodge to Standen House**
Chute, Wiltshire, SP11
29. **II Wing Wall and Stable Block at Standen House**
Chute, Wiltshire, SP11
30. **II Yew Tree Cottage**
Chute, Wiltshire, SP11

1. **II Barn at West End of Lane**
Chute Forest, Wiltshire, SP11
2. **II Cadley Farmhouse**
Chute Forest, Wiltshire, SP11
3. **II* Church of St Mary**
Chute Forest, Wiltshire, SP11
4. **II Chute and Chute Forest War Memorial**
Chute Forest, Wiltshire, SP11
5. **II Chute Forest Cottage**
Chute Forest, Wiltshire, SP11
6. **I Chute Lodge**
Chute Forest, Wiltshire, SP11
7. **II Hatchetts**
Chute Forest, Wiltshire, SP11
8. **II Hazel Cottage**
Chute Forest, Wiltshire, SP11
9. **II Parish Boundary Stone Approximately 50 Metres North East of Jolly's Farmhouse**
Chute Forest, Wiltshire, SP11
10. **II The Elms**
Chute Forest, Wiltshire, SP11





Scheduled Monuments



Appendix 6

Rights of Way

<u>Name</u>	<u>Length</u>	<u>Type</u>
CHUT20	582	Footpath
CHUT25	243	Bridleway
CHUT4	2,072	Bridleway
CHUT25	1,015	Bridleway
CHUT33	626	Bridleway
CHUT33	606	Bridleway
CHUT36	1,073	Bridleway
CHUT15	764	Footpath
CHUT21	381	Bridleway
CHUT26	629	Footpath
CHUT17	1,382	Footpath
CHUT16	215	Footpath
CHUT34	1,802	Byway
CHUT37	290	Bridleway
CHUT2	1,250	Bridleway
CHUT2	276	Bridleway
CHUT28	1,953	Footpath
CHUT2	707	Bridleway
CHUT21	38	Bridleway
CHUT18	266	Footpath
CHUT1	447	Footpath
CHUT36	440	Byway
CHUT1	479	Footpath
CHUT3	546	Bridleway
CHUT31	120	Bridleway
CHUT8	245	Footpath
CHUT35	1,586	Byway
CHUT32	2,138	Byway

Chute



Chute Forest



Analysis of Chute Dwellings

There are 161 dwellings recorded for Council Tax in Chute Parish and 68 in Chute Forest Parish. Based on Council Tax bands (where A is the lowest rated band and H is the highest), Chute Parish has a good mixture of types of housing. No band has less than 10% of the total dwellings and no band more than 20%. In Chute Forest Parish the dwellings are on average larger. Two thirds are in the three highest rated bands with only 7% in the three lowest rated bands.

<u>Council Tax Bands</u>	<u>Chute</u>		<u>Chute Forest</u>	
	Number	%	Number	%
A,B	26	16%	4	6%
C	29	18%	1	1%
D	32	20%	11	16%
E	22	14%	8	12%
F	20	12%	16	24%
G,H	<u>32</u>	<u>20%</u>	<u>28</u>	<u>41%</u>
Totals	161	100%	68	100%

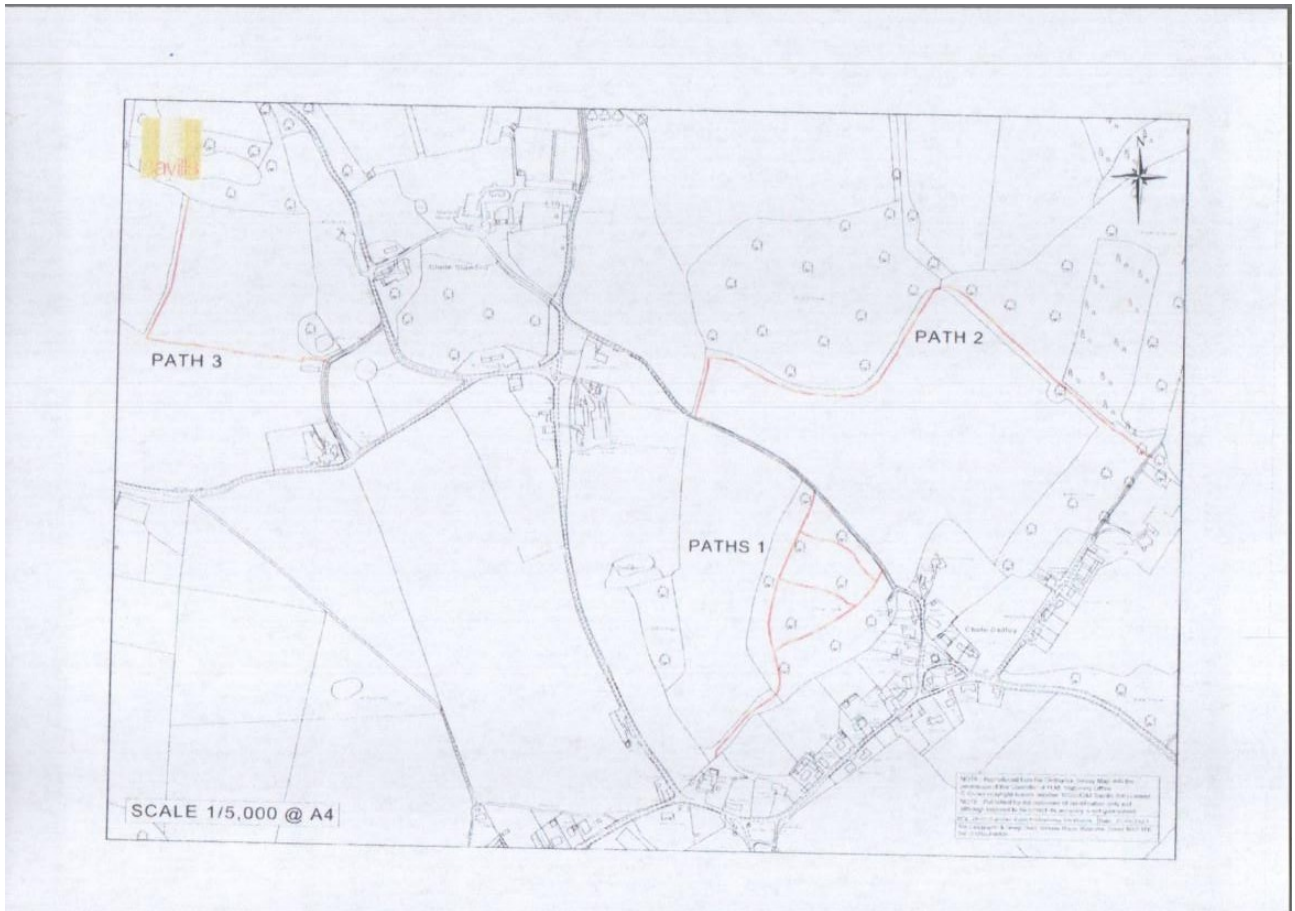
Source: Wiltshire Council

Several large houses that stand out unduly in the landscape have been constructed since the 2005 VDS, under the guise of replacement dwellings. Some of the replaced buildings were formerly relatively small and could have been regarded as part of the affordable housing stock. The loss of these smaller dwellings to significantly bigger ones means the stock of affordable dwellings is decreasing.

Compounding the problem is that the majority of dwellings are owner occupied (66% in Chute, 85% in Chute Forest) with the remainder rented. According to Rightmove only 53 properties have been sold in the Chutes in the last 10 years – an average of 5 per year.

The Chutes have “Small Village” status in Wiltshire Council’s Strategic Housing Market Assessment 2016-36. There is no target to build additional housing in Small Villages during this timeframe.

Permissive Footpaths





Lisa Jackson/Marianne Hopton
4 October 2022

STATEMENT COMMUNITY INVOLVEMENT

Chute Design Guide

I. Statement of Community Involvement

- 1.1 This short report ¹explains the approach to community involvement in the development of the Chute Design Guide developed by a small team of interested residents.

Background

Chute Village Design Statement (VDS) 2005

Local Issues

- 1.2 Within the Chutes it has become increasingly apparent that some development proposals were causing significant objection and complaints from residents. Residents had become particularly dismayed that the guidance within the 2005 VDS appeared to have little weight in the planning process and was rarely considered by those making the decisions either at Wiltshire or in some cases within the Planning Inspectorate.
- 1.3 Research into planning decisions made within the Chutes since the adoption of the first VDS in 2005 demonstrated that the most controversial proposals centred around a small number of sites where there were often repeated applications. In some cases, the applications were unsuccessful, but in others the repeated applications had over time resulted in developments that were seen as unsympathetic to the character of the Chutes.

Understanding the Problem

- 1.4 In order to understand where the main issues were there were three streams of work involving the community to highlight key considerations for the residents:
- Street surveys of each part of the Chutes as a detailed record of the character and attributes
 - A photo survey to identify key likes and dislikes within the parishes
 - Analysis of planning applications in Chute and Chute Forest since 2005 to create a database
- 1.5 These work streams are reported below.

Street Surveys

- 1.6 A series of detailed street surveys were completed by the residents in 2020 (see Appendix 1). This is a detailed proforma that records fine detail of the character of each sub area within the villages. The standard format enables a detailed record of street scale, building scale and materials scale so that all levels of character are recorded, including defined metrics when they are available to allow direct comparisons against new proposals.

¹ The report has been prepared by Lisa Jackson MA BSc MRTPI a chartered town planner and resident of the Chutes (20 years) who was the original author of the Village Design Statement and practices as a planning consultant based in Lower Chute.

2. Community Engagement

Early Consultation

Chute Chronicle

- 2.1 From the outset of the project involvement of the community has been encouraged. Request for help regularly set out in the Chute Chronicle. The Chute Chronicle is a monthly magazine supported by the parish and distributed to most households within the community. It is also available at the church and at the public house as reference copies.
- 2.2 Items on the development of the Village Design Statement/ Guide were reported in the Chute Chronicle magazine as follows:

2019 – May, August, December

2020 – January, February, April, June

2021 – March, May, July and October

2022 – February, March

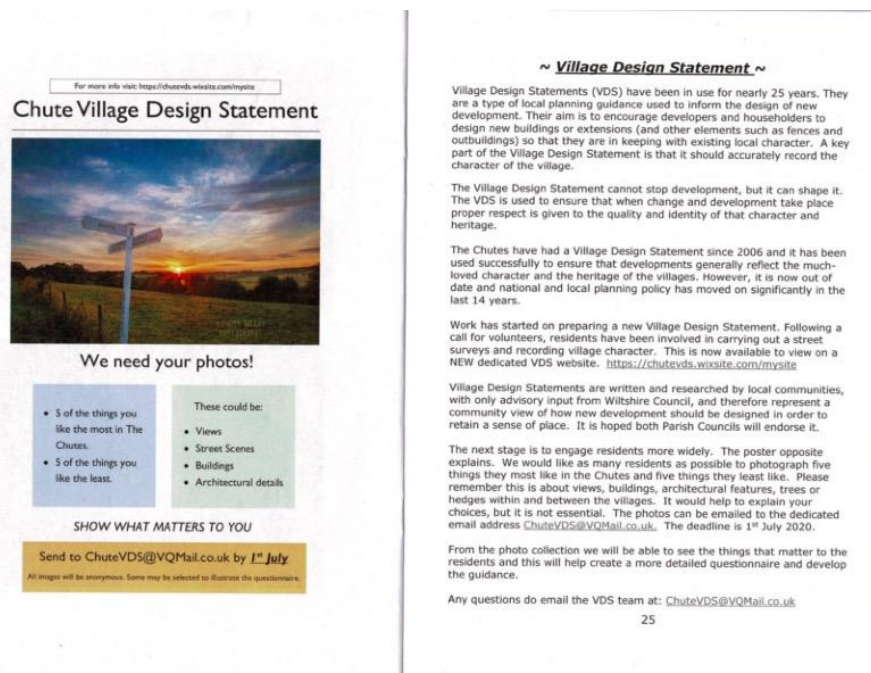
Parish Council

- 2.3 It was first reported in May 2019 that Chute Parish Council agreed to revisit the existing village design statement and consider updating this or producing a neighbourhood plan. From August 2019 it became a regular item on the parish council agenda. At that point the chairman of Chute Parish met the Chairman of Chute Forest Parish Council to begin the project in earnest.
- 2.4 Presentations were made to Chute and Chute Forest Parish Councils throughout the process by chartered town planner Lisa Jackson who had relevant professional experience having been commissioned to work with communities on Neighbourhood Development Plans (NDP) (Wisborough Green, East Meon and Westbourne) – these have all been ‘made’ and all allocated sites for development. Lisa Jackson’s advice was an NDP was not appropriate for the Chutes as there were no sites being allocated for development. The process was costly and cumbersome, and the process was disproportionate to the desired outcome.
- 2.5 Following a change to the National planning policy framework in July 2021, and with the adoption of the national model design code and design guide, it was recommended to the Parish Councils that they adopt a local design guide rather than update the Village Design Statement. Both Parish Councils supported this and resolved to produce a village design guide for formal adoption by Wiltshire Council.

Photo Survey

- 2.6 During 2020 a photographic survey was carried out asking residents to submit photographs of what they liked and disliked in The Chutes.

2.7 In order to secure community interest and understand issues the photo survey was advertised in a double page spread in the Chute Chronicle and on posters around the village. (Image



below)

2.8 The results revealed a high level of consistency about the characteristics which people liked. Those characteristics were:

- the rural environment of The Chutes,
- the heritage assets,
- the uncluttered character of the roads,
- the traditional design of many of the houses,
- the low density of housing and
- the quality of boundary walls and hedges.

2.9 Dislikes included the urban appearance of certain roads (pavements, street furniture, parking on the roadside), areas of over development, poor quality design and inappropriate boundary fencing and hedging.

Formal Consultation- Draft Document 5 February-5 March 2022

2.10 A dedicated community event was carried out on 5 February 2022 at a drop-in event held in the village hall.

2.11 The event was well advertised with a flyer delivered to all households within the parishes. Notice was placed on the Village Hall noticeboard. The event was also advertised in the January 2022 edition of the Chute Chronicle and the magazine contained a small editorial piece on the matter.

2.12 A copy of the advert is on the following page. The event had copies of the document available, street surveys were displayed for comment and authors of the document were available for

questions. Participants were asked to fill in a response form and to post sticky notes of any comments on the document or the street surveys.

Community
Consultation
Event
CHUTE VILLAGE
HALL
5 February 2022
10.30-12.30

**Please attend the
drop-in event on
5 Feb 2022 to play
your part in
shaping the Chute
Design Guide**

*Community support is
vital for Wiltshire to
adopt the guide to help
keep The Chutes special*

**Advance copies of
the consultation
document are
available on these
websites**

chuteparishcouncil.co.uk

thechutes.co.uk

chutevillagehall.co.uk

**Or request hard
copy by calling
Carolyn on 730758**

**Drop in event to introduce the draft Chute Design Guide
intended to replace the Chute Village Design Statement**

Your chance to review the Draft Design Guide

The first Village Design Statement for the Chutes was prepared by the community and adopted by the then Kennet District Council in 2005 it is now appropriate to revise and update it.



The purpose of the Chute Design Guide is to describe in detail the distinctive character and identity of the Chutes based on detailed baseline surveys and community views following the Government's National Design Guide and National Model Design Code. It aims to provide guidelines to all those involved in development in the villages to ensure it is truly characteristic of the Chutes.

It is intended the Design Guide will serve as a supplementary planning guideline to Wiltshire Council's Development Plan Documents, being formally adopted by them for planning decision making to give significant weight in the planning process.

Please attend the event and/ or respond to the consultation – your views count. Responses to the consultation by 5 March 2022 sent to Chute and Chute Forest Parish Council, Orchard House, Hatchet Hill, or by email to chute&chuteforestparishcouncils@hatchethill.plus.com

Results

2.13 The attendance at the event was excellent with 52 local residents attending the event. This represents about 17% of residents, or 22% of households. This is a good representative sample of the community.

2.14 Residents were asked to share their address to determine if the geographic extent of the event was well covered.

2.15 The number of participants is as follows:

- Lower Chute - 12
- Upper Chute - 18
- Chute Cadley - 9
- Chute Forest -5
- Chute Standen - 5
- Clanville - 2
- Ludgershall -1 (Local Councillor)

2.16 This shows a good geographic spread throughout the two parishes.

Local Comments

2.1 Attendees were asked to complete a questionnaire (see Appendix 1) or return it by post or email before the end of the consultation period.

2.2 The comments made at the event, and in response to the document and the response form are summarised in Tables A and B below.

2.3 Generally there was good support for the document. This was confirmed verbally at the event and the majority of forms completed confirmed support.

2.4 There was only one entirely negative response against the project, but when considered in detail there was inherent support for the aims of the design guide.

2.5 All the comments have been recorded, these have been considered and are addressed in Table A.

Document Revisions

2.6 The minor changes to address the comments made are reported in Table A.

2.7 Given the very minor changes to the document and overall positive response it was felt further consultation is unnecessary.

Formal Parish Council Consideration

- 2.8 Chute Parish Council and Chute Forest Parish Council were asked to endorse the village design guide document at the meetings on March 3rd and March 10th respectively.
- 2.9 A report to each Parish Council explained the outcome of the community engagement and the recommendations textual changes to the document to reflect community concerns.
- 2.10 Formal resolutions of the two Parish Councils were as follows:
- 2.11 The meeting of the Chute Parish Council on 3rd March debated the merits of the Design Guide and agreed to endorse it without a further round of consultation. It was agreed that policy 5 should include exceptions and that the effective date for the original dwelling should be from the 1st of April 2009 which represents when Wiltshire Council was formed. Wiltshire Councillor Chris Williams explained that the document would be considered at the Eastern Area Planning Committee before being endorsed as part of the Wiltshire Design Guide. He reported that he had positive discussions with the offices at Wiltshire Council and they were looking for it to be adopted as an exemplar of a local guide that would fit within the Wiltshire guide parameters.
- 2.12 Chute Forest Parish Council considered the consultation draft and the response to consultation at their meeting on 10th March. They considered the revised version of Policy 5 and a detailed explanation of how comments were taken into account to represent a more balanced response to the policy. The Parish Council resolved to support the Village Design Guide without further consultation. As at the meeting of Chute Parish Council the Wiltshire Councillor Chris Williams explained that the document would be considered at the Eastern area planning committee before being endorsed as part of the Wiltshire Design Guide. He reported that he had positive discussions with the offices at Wiltshire Council and they were looking for it to be adopted as an exemplar of a local guide that would fit within the Wiltshire guide parameters.

Professional Assessment -Wiltshire Council

- 2.13 The Council's Senior Urban Design Officer responded to the consultation draft by email as follows:
- 2.14 *Inserting, right at the beginning, a map or 2 of The Chutes in their environmental context of the AONB, maybe an aerial map, and maybe with public rights of way:*
- 2.15 *Uses – this section is locally specific and the inclusion of their own definition of 'small' being no larger than 100sqm is useful for sure. Some new builds are proposed as 3 times that size. (And No. of bedrooms is a poor indicator of house size too, esp executive style newbuilds with multiple reception rooms, studies and ensuites!)*

- 2.16 *Regarding size of rebuilds - What if someone wanted to extend backwards and it was not perceptible from the public realm, by retained a small modest frontage? What if their home was really small to begin with? For example this converting this small bungalow² to something more similar to the not-enormous home opposite would probably be an increase of over 30% yet your parameters would seem to prohibit that. If you are sure that's the intention, OK, but if not, some rewording may be helpful:*
- 2.17 *Could there be any more specific comments on form, tying back to the baseline studies? What about garages – are they to be included in the floor-area calcs as they are often desirables in new homes.*
- 2.18 *Policy 5 (3) (b) – there could be misinterpretation or disagreement as to the word 'overbearing'. Is there any more specific wording that can be said about height or form, esp. w.r.t. existing or adjacent buildings? I.e. go no higher, or only go x% higher?*
- 2.19 *Is it possible to elaborate a little more in the 'Lessons' section of each of the Baseline studies? Because I think its important that any reader/designer gets as much info as possible as to what conclusions are were drawn from all the description of the characteristics of each area; they should not be left unsure or presuming that your recognition of a particular trait necessarily equates to a mandate for it to be incorporated into a new design. Unless that is the intention? If it's the general intention but there are some exceptions, please do state the exceptions (Tibbs Meadow?)*
- 2.20 The response to this consultation is included in the table below Table A.
- 2.21 Comments made on baseline street surveys are included in Table B

Commentary and Proposed Changes

- 2.22 Policy 5 attracted the most negative comment. 5 of the 25 respondents did not support the policy as on he whole they felt it prevented the opportunity to develop. The concerns seem to focus on equality of opportunity and property values.
- 2.23 The discussion at the Parish Council also reflected some concern over the limit to extensions. However, when considered in context that this was an emerging policy constraint in the Wiltshire Council Local Plan Review and that it was widespread throughout the south of England in a number of planning authority areas, there was a better understanding that this was an appropriate step in order to protect the characteristics of the village and to protect the limited number of modest dwellings remaining in the community.
- 2.24 Views were expressed both in support that Policy 5 should be an absolute, or against that it should not exist at all. To better reflect the balanced position that the consultation has highlighted the policy has been revised to appeal overall to all parts of the community. This is set out in table A.

² Example given extends across a hedgerow (and outside the plot) to achieve the rear extension and is a good example of why a relatively modest % is necessary given most plots are small and would impact on the rural edges of the site.

- 2.25 The first change is to establish the point of the original dwelling at the date 1st of April 2009. This is consistent with the date of which Wiltshire Council was formed. This has a logical basis as it is Wiltshire Council who are the local planning authority determining applications within Chute. In addition, the availability of Planning History from 2009 can easily be obtained, and therefore establish what existed in 2009. This addresses the concern that going back 50 years was too restrictive.
- 2.26 The second change is to add a list of the exceptions to the policy, to be clear what those exceptions might consist of and how they are to be considered in the planning process. This addresses the point raised by respondents who felt that exceptions were necessary, and those who felt they needed defining to stop them being a panacea for all proposals to exceed the guideline.

Further Consultation and Changes

- 2.27 In June the Parish Councils received comments on the draft Chute Design Guide from Wiltshire Council's Neighbourhood Planning Manager and his team
- 2.28 A meeting was held on 18th July to discuss these comments which was attended by the local Councillor Chris Williams, Lisa Jackson (Planning Consultant), Marianne Hopton (Chute Parish Councillor) Michael Kilmister (Neighbourhood Manager at Wiltshire Council) and two Development Managers at Wiltshire Council.

2.28.1 Following this meeting changes were made to the draft Chute Design Guide as follows:

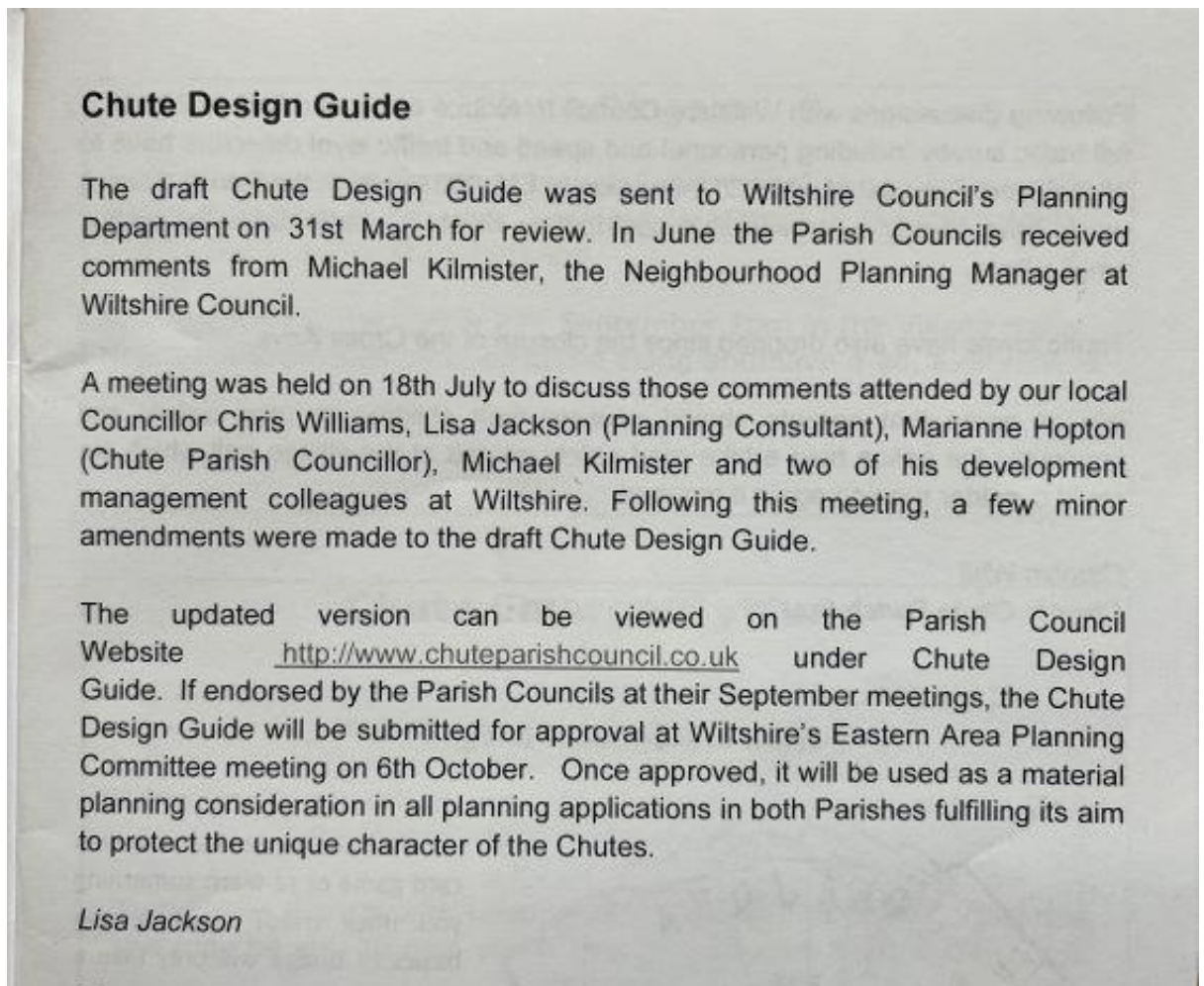
Page	Original (April 2022)	New (July 2022)
2	<p>Foreward</p> <p><i>It was adopted at Wiltshire Council's Eastern Area Planning Committee on [date] and contains locally derived design guidance for the Chutes. The Chute Design Guide will work alongside the Wiltshire Design Guide which is to be adopted as a supplementary planning document.</i></p>	<p>Foreward</p> <p><i>It is to be considered for approval as a material planning consideration at Wiltshire Council's Eastern Area Planning Committee on 3 November 2022 as locally derived design guidance for the Chutes. The Chute Design Guide will work alongside the Wiltshire Design Guide which will follow the National Design Guide.</i></p>
7	<p>1.11 <i>The Chute Design Guide, once approved, will be a 'material consideration' with significant weight in the planning process. This is set out in NPPF paragraph 134 which says that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. The</i></p>	<p>1.11 <i>The Chute Design Guide, once adopted, will be a 'material consideration' with significant weight in the planning process. This is set out in NPPF paragraph 134 which says that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. The NPPF will give the new local guide more weight in the planning process than the 2005 VDS. From</i></p>

	<p><i>NPPF will give the new local guide more weight in the planning process.</i></p>	<p><i>the research it was clear that residents were disappointed about how little weight was given to the 2005 VDS in previous decisions by the Local Planning Authority and Planning Inspectors. Residents were therefore determined to create a robust and meaningful design guide. The approved design guide should be taken into account by the Local Planning Authority (Wiltshire Council) and any appeal decision determined by a Planning Inspector. The Chute and Chute Forest Parish Councils will also refer to the Chute Design Guide when commenting on planning applications.</i></p>
<p>11</p>	<p>Policy 2</p> <p><i>Most critically in the Chutes the sense and presence of the natural environment and tranquillity predominate, and the scene is totally dominated by the natural rather than the built. New development must respect this balance.</i></p>	<p>Policy 2</p> <p><i>Most critically in the Chutes the sense and presence of the natural environment and tranquillity predominate, and the scene is totally dominated by the natural rather than the built. New development should respect this balance. Development proposals will be supported where they conserve and enhance the character of the Chutes by demonstrating that:</i></p> <p><i>a) They are informed by the character documented in the Chute Design Guide, reflecting the immediate context and type of village character in which the development is located (as recorded in the baseline surveys).</i></p> <p><i>b) The design, layout and scale of proposals should conserve and enhance existing landscape and village-scape character features which contribute to the distinctive character, pattern and evolution of the villages;</i></p> <p><i>c) Proposals should safeguard the experiential and amenity qualities of the Chutes; and</i></p> <p><i>d) Designs should be used so nature dominates over built form in a way that is consistent with local character (as recorded in the baseline surveys) and also enhances biodiversity, using native species, unless there are appropriate and justified reasons to select non-native species</i></p>

16	<p>Policy 3 – Built Form - Compliance with Baseline Survey</p> <p><i>All development will be subject to a detailed review against the relevant street survey. A setting and design checklist must be submitted with all planning applications in the Chute and Chute Forest Parishes. To be acceptable developments must be consistent with the parameters set out in order to demonstrate that the built form proposals are characteristic of the Chutes.</i></p> <p><i>a. The key parameters ensure that form, orientation, plot width, density, storey height, roof form, materials and details are consistent to ensure the high level of design cohesion found in the Chutes is maintained.</i></p> <p><i>b. Departing from the specific range expressed in the relevant street survey for plot width, depth, spaces, set back and storey height must be adequately justified (for example to meet a specific need under the public sector equality duty).</i></p> <p><i>c. Any loss of native hedgerows, especially yew and box hedging, which are highly characteristic of the Chutes, is avoided or if unavoidable, suitable compensatory replacement planting is secured by planning condition</i></p>	<p>Policy 3 – Built Form - Compliance with Baseline Survey</p> <p><i>All development proposals should be subject to a detailed review against the relevant baseline survey. A setting and design checklist should be submitted with all planning applications in the Chute and Chute Forest Parishes. To be consistent with the Chute Design Guide developments should be consistent with the parameters set out in order to demonstrate that the built form proposals are characteristic of the Chutes.</i></p> <p><i>a. The key parameters ensure that form, orientation, plot width, density, storey height, roof form, materials and details are consistent to the high level of design cohesion found in the Chutes and will therefore be maintained.</i></p> <p><i>b. It is recommended that where proposals depart from the specific range expressed in the relevant baseline street survey for plot width, depth, spaces, set back and storey height, this should be adequately justified (for example to meet a specific need under the public sector equality duty).</i></p> <p><i>c. Any loss of native hedgerows, especially yew and box hedging, which are highly characteristic of the Chutes should be avoided or if unavoidable, suitable compensatory replacement planting should be secured by planning condition.</i></p>
25		<p>Policy 5 – a definition of “Overbearing” has been included</p> <p><i>5) Overbearing is defined to mean when a proposal is so domineering in respect of its relationship to neighbours (in terms of scale and massing, increase in intensity of use or reduction of privacy) that it would adversely impact the amenity and enjoyment of the neighbouring property.</i></p>

2.29 The revised version of the draft Chute Design Guide incorporating the above amendments highlighted in green was uploaded on to the Parish Councils’ websites on 11th August 2022 so they could be reviewed by the residents of the Chutes who were alerted to its existence the same day via the Community WhatsApp group. As a result the comments in the “Lessons” box of the baseline Street Surveys for Tibbs Meadows and Chute Collis were slightly modified at the requests of local residents.

- 2.30 A notice was published in the September Chute Chronicle in order to draw the community's attention to the updated draft Design Guide:



- 2.31 The updated draft of the Chute Design Guide was an agenda item at the meeting of Chute Parish Council on 1st September and the Chute Forest Parish Council meeting on 8th September. Members of the community were given the opportunity to express their views at these meetings. The updated draft was approved unanimously by both Parish Councils. This is recorded in their minutes as follows:

Chute

Village Design Guide – Cllr Hopton

Cllr Hopton reported that on 18th July a meeting was held to discuss Wiltshire Council's comments on the draft Chute Design Guide. It was attended by our local Councillor Chris Williams, Lisa Jackson, Cllr Hopton, Michael Kilmister (Neighbourhood Planning Manager) and two of his team at Wiltshire Council. Following this meeting a few minor amendments were made to the draft Chute Design Guide. The updated version can be viewed on the PC website.

The Parish Council unanimously agreed to endorse the revised Village Design Guide. If it is also endorsed by Chute Forest Parish Council, it will be submitted for approval at Wiltshire's Eastern Area Planning Committee on 6th October. Once approved it will be used as a material planning consideration in all planning applications in both Parishes, fulfilling its aim to protect the unique character of the Chutes.

Chute Forest

Chute Village Design Guide

The amended document was unanimously supported by all councillors. Cllr Geraghty proposed to formally approve the Design Statement, seconded Cllr Mike Farrell. Carried.

3. Conclusion

- 3.1 This report confirms the engagement to understand local concerns and issues and demonstrates the extent of effort to engage the local community in the production of the Chute Design Guide. The various stages including the photo survey, the street surveys, the drop-in event to explain the document and the subsequent consultation gave ample opportunity for local engagement.
- 3.2 There were only two individuals who made a criticism or complaint that the efforts to engage the community were not adequate. In addition, one resident felt there was not long enough to respond, but that was due to a misunderstanding and comments were made on time by the individual.
- 3.3 The report confirms that the community engagement completed meets the requirements of the Council's Statement of Community Involvement in terms of the steps required to involve the local community.
- 3.4 The report sets out the changes made to the document, where it was possible to address concerns raised, prior to submission for formal adoption. The engagement confirms overall local community support for the Chute Design Guide. Following completion of the consultation and endorsement by both Parish Councils, the draft Chute Design Guide has been forwarded to Wiltshire Council for approval.

Table A - Analysis of All Comments Made through formal consultation

Number	Issues	Response	Changes to Document
1	<p>1.The adoption of a 30% limit to extensions or replacement dwellings seems arbitrary. The rest of the document is (correctly) couched in qualitative or statistical terms. These allow applicants to demonstrate compliance and Planners to apply professional judgement when considering the merits and nuances that always pertain. In contrast, the ‘quantitative’ 30% policy doesn’t appear to be backed up by any objective evidence and might be seen as rather petty. Indeed it might be seen by applicants as a rule made by those who’ve benefited from ‘+30%’ development (most of the larger houses in the Chutes) to the disadvantage of those who are following. I think it would be fairer and wiser to use the comprehensive qualitative criteria to guide the approval of increased floor area. Further, this smacks of one rule for Chute with another (set by National Policy) for a different postcode. I suggest the 30% bit is toned down to ‘guide’ thinking, not to regulate it.</p> <p>2. PLANNING. In my time here (29 years) the problems with planning have largely been down to poor decision-making by the Planning Authority (refusing development that was patently good, and approving some that clearly was not). So I wonder if this admirable DG could be supported by a closer PC liaison with the planners? So with contentious applications, rather than 44 similar letters of objection (that are ignored), the DG is used by the PCs to provide the ‘voice’ that objectors are seeking in a single powerful submission?</p> <p>3. VILLAGE GROWTH. Finally, I’m sure you’ve all heard my rather hackneyed saying: “I live in Lower Chute, not Lower Aspice”. The story of the Chutes is identical to the story of myriad villages nationwide. They start small and get bigger. Each in-comer to Chute is blessed. The feeling is pretty universal and marks us out (think of Sundowners and other community forums as an expression of this). It follows that no group, at one particular time, ought to be seen as the ones pulling up the drawbridge. I detect a slight whiff of this locally and hope that the DG will help get sensible additional</p>	<p>1. It is important that to remember that this is a guide. The Chute Design Guide is not a development plan policy. It should be noted however, that the Wiltshire Local Plan Review is contemplating a similar restriction – this is part of evidential basis and emerging local plan policy as described in Wiltshire’s Regulation 18 Local Plan Consultation.</p> <p>30% is not arbitrary it represents the policy restriction adopted in the South Downs National Park that has the same landscape status (AONB is equivalent landscape protection to NP – Article 2(3) land. This is not therefore different for postcodes it is based on an equivalence in planning policy terms. Cranborne Chase AONB have a 40% rule. However, Cranborne Chase is a much more wider scale open landscape that generally lacks the intimacy of the North Wessex Downs or the South Downs.</p> <p>In terms of ‘fairness’ – the response has arisen from analysis that shows widespread and significant discontent with large replacement dwellings and extensions, and the ineffectiveness of the current VDS. The specific metric is in response to the appeal decision that pointed to a lack of any clear justification for size restrictions. See APP/Y3940/W/19/3239783. It therefore appears to be ‘fair’ to address the community concerns now rather than ignore them and run the risk of further damage to the character of the Chutes through planning applications or appeal decisions.</p> <p>2. The DG will provide a tool for residents, the Parish Councils and planning officers giving them a detailed objective assessment of the character of Chute to better inform decision making. If adopted as Supplementary Planning Document the planning officers can give more weight to the Chute Design guidance in decision making (see National Planning Policy Framework paragraphs 130-134).</p> <p>3. The design guide is not a tool to prevent development. This is expressed clearly in the document. The development</p>	<p>Additional wording added to explain that there will be some legitimate departures from the guide where this is justified in terms of the size of extensions/ replacements.</p> <p>Alter ‘Policy’ to ‘Guideline’</p>

	housing and not be a tool to stop it. This plays, I think, to my second point above: some development ought to be actively encouraged. Especially if it leads to young families joining our community.	strategy is set by the Wiltshire Local Plan. Chute is deemed a small village where only minor proposals are likely to be acceptable. The DG does encourage development that accords with the distinct character of the Chutes. In addition, the DG should prevent many dwellings become so enlarged that they become entirely unaffordable for families with modest budgets. The guide on size restraint will help retain the existing stock of smaller dwellings in the community.	
2	Supports the DG for explaining clearly what is expected for design, supports the DG for explaining characteristic of Chutes, agrees with baseline surveys, supports the identity checklist. Thinks it is a very good document	Noted – typos identified	Thank you for identifying typos
3	Supports the DG for explaining clearly what is expected for design, supports the DG for explaining characteristic of Chutes, agrees with baseline surveys, supports the identity checklist. Hopes intentions are taken into account by planners	Noted	
4	Supports the DG for explaining clearly what is expected for design, supports the DG for explaining characteristic of Chutes.	Noted	
5	Some development has not been consistent with this latest design guide. New development towards Upper Chute in particular has created precedent to size and ugly design. Supports the DG for explaining characteristic of Chutes, agrees with baseline surveys, supports the identity checklist. Street lighting in Upper Chute out of character. Emphasise the community support for the design guide.	DG intends to ensure Chute retains its identity by ensuring new development is consistent with prevailing character and rural / natural dominance.	Add community support in the aims
6	Supports the DG for explaining clearly what is expected for design, supports the DG for explaining characteristic of Chutes, agrees with baseline surveys, supports the identity checklist. Thanks for your hard work on the DG	Noted	

7	The draft DG does not sufficiently reflect the characteristics of Chute Forest with particular reference to the history of Chute Lodge and its parkland	Additional narrative description added to the Chute Forest baseline survey	See Table B
8	Support the DG but the size limit on buildings should only refer to dwellings. Whilst few and far between the non-dwelling opportunities should not be limited by this policy as they may provide good brownfield development opportunities.	This suggestion is sensible and given the partial reason for the policy is to retain the stock of modest dwellings that is a sensible precaution	Remove the word 'building' form Chute Design Policy 5
9	<p>Answered 'YES and NO' – to question do you support the DG aims?</p> <p>Answered 'WRONG question' about representing the character of Chutes</p> <p>Answered 'NO' -to the question does the baseline survey the record the character of each area in detail? Then goes on to say it does not say that it does record the views of the village that have been overridden in three specific examples.</p> <p>Insufficient time to respond</p> <p>Criticism of jargon, too many pictures, lack of index, colour choices</p> <p>Criticism that the document has editorial defects and would benefit from review by a professional editor</p> <p>The Chute design guide should say that the reader should read the national design guide first.</p>	<p>The detailed written response would suggest that the resident does support the aims but would have produced a different document</p> <p>Given the detailed response says the CDG is a good place to find out what is and what is not allowed in a planning application – appears to suggest the resident does believe it represents the character of the Chutes – no criticism of the baseline survey is made.</p> <p>This response refers to the planning decisions at the Wesleyan Chapel, Lower House Farm Stables and Thicket Cottage as examples of development that shouldn't have happened. None of these projects were completed at the time of the baseline surveys. Given the divisive nature of these projects and the potential to impact the new residents of these properties this is not appropriate to show them as poor examples. The guide illustrates acceptable solutions.</p> <p>The respondent misunderstood that the consultation ran for a month.</p> <p>The 'jargon' refers to language commonly used in planning documents. The document was produced as a draft at speed for consultation purposes. The intention is that once the final text is agreed the document will be published by a professional graphic/ web designer. The colour coding reflects the National Design Guide.</p> <p>Despite numerous requests for assistance no one stepped forward to assist with editing or document formatting.</p>	<p>Make direct reference to National Design Guide.</p> <p>Add GIA definition</p>

	<p>A definition of Gross Internal Area is required</p> <p>Document should be reduced in size and more accessible and hard hitting</p>	<p>This is included in the text, but this could be made more explicit in the final version.</p> <p>Noted – this will be added</p> <p>The detail of the baseline survey is necessary to support the decision making in the distinct. The baseline survey has been provided in a shorthand format and it is difficult to envisage how it could be more succinct. The final document will be desk top published with appropriate photos. The document is only a guide, it cannot be planning policy as the Councils chose not pursue an NDP.</p>	
<p>10</p>	<p>The issue about the AONB and therefore the impact of developments upon some of the significant views is very important as much of the housing stock, though well loved, is not architecturally valuable. Would it be helpful to identify some of the views that are crucial - for example down from the Causeway and the corner near New Barn looking down to Upper Chute, the view up from the road from Biddesden towards Forest House, the view across from the footpath behind the houses on Hatchet Hill looking towards Chute Standen etc.</p> <p>I don't have an immediate alternative suggestion to the restriction of 30% based on the 1972 layout of each dwelling. This feels like an attempt to close a door after the horse has bolted and may restrict some perfectly legitimate development. Would it be feasible to have a time period of ownership of a property before which a significant development could be planned?</p> <p>I agree with the comment about ensuring future developments include sufficient curtilage to allow for parking on site but I am concerned about the amount of parking on verges and greens.</p>	<p>The DG team considered identifying views- but there are so many that it is difficult to single out key views;</p> <p>Not possible to impose a time restriction on ownership of a property- would not be reasonable -not all property is owned. Anyone can make a planning application even if you don't own the property.</p> <p>The point of the size restriction is two-fold to ensure development meets the characteristics of Chute but also to keep some of the modest stock from becoming over extended. The size restriction is a guide and where a legitimate reason (for example to cater for a disabled person) this would be taken into account.</p> <p>The guide should assist in making sure there is adequate parking for all new proposals.</p> <p>These ideas go beyond the scope of the design guide.</p>	<p>Views added to street surveys</p>

	<p>I believe that as a nation we need to progress more rapidly towards renewable energy, but that comes at some cost in terms of land usage and visible infrastructure (wind or solar, even small scale, but also the large units required for air and ground source heating). There are few houses in our villages, I would say, that could have south facing roof mounted solar panels that are not visible to neighbours. Is there a solution which encourages neighbours to come together to share these resources, including car charging, to minimise the impact but maximise the benefit?</p> <p>Impressive piece of work -should allow to move forward as a community with fewer contentious issues over planning</p>		
11	<p>Inserting, right at the beginning, a map or 2 of The Chutes in their environmental context of the AONB, maybe an aerial map, and maybe with public rights of way:</p> <p>Uses – this section is locally specific and the inclusion of their own definition of 'small' being no larger than 100sqm is useful for sure. Some new builds are proposed as 3 times that size. (And No. of bedrooms is a poor indicator of house size too, esp executive style newbuilds with multiple reception rooms, studies and ensuites!)</p> <p>Regarding size of rebuilds - What if someone wanted to extend backwards and it was not perceptible from the public realm, by retained a small modest frontage? What if their home was really small to begin with? For example this converting this small bungalow³ to something more similar to the not-enormous home opposite would probably be an increase of over 30% yet your parameters would seem to prohibit that. If</p>	<p>Map of the Chutes would assist those non-residents to navigate the various parts of the Chutes. Public Rights of Way are included in Appendix 6</p> <p>This is the intention in order to retain modest size dwellings within the village and ensure that the natural dominates the built, which is clearly harmed in the worked example. The document is a 'guide', additional text required to explain this.</p> <p>Need to consider outbuildings as part of the guide</p>	<p>Add map</p> <p>Additional text to explain that exceptions to the guide are possible</p> <p>Revise wording to consider outbuildings</p>

³ Example given extends across a hedgerow (and outside the plot) to achieve the rear extension and is a good example of why a relatively modest % is necessary given most plots are small and would impact on the rural edges of the site.

	<p>you are sure that's the intention, OK, but if not, some rewording may be helpful:</p> <p>Could there be any more specific comments on form, tying back to the baseline studies? What about garages – are they to be included in the floor-area calcs as they are often desirables in new homes.</p> <p>Policy 5 (3) (b) – there could be misinterpretation or disagreement as to the word 'overbearing'. Is there any more specific wording that can be said about height or form, esp. w.r.t. existing or adjacent buildings? I.e. go no higher, or only go x% higher?</p> <p>Is it possible to elaborate a little more in the 'Lessons' section of each of the Baseline studies? Because I think its important that any reader/designer gets as much info as possible as to what conclusions are were drawn from all the description of the characteristics of each area; they should not be left unsure or presuming that your recognition of a particular trait necessarily equates to a mandate for it to be incorporated into a new design. Unless that is the intention? If it's the general intention but there are some exceptions, please do state the exceptions (Tibbs Meadow?)</p>		<p>Overbearing is a well understood planning term. It is where the proposal will harm the amenity of the neighbour. Difficult to add a specific metric to this term, it is a matter of judgment.</p> <p>Review all the lessons in the baseline surveys.</p>
12	<p>Policy Statements</p> <p>Policy Statements in coloured boxes are generally saying no Chute specific action is needed. The exception is under the "Uses" title where there is a lot of detail regarding size and style of alterations. Frankly this seems to respond to particular applications rather than a holistic design statement applicable to all aspects of the environment of the Chutes. To my mind this section also needs to refer explicitly to appropriate density of housing ensuring there is sufficient space between dwellings and also consideration of impact on infrastructure as a whole. The current wording says it's shouldn't be detrimental in terms of light and privacy , but this is a very subjective measure . I think there needs to be consideration of development adding to local population numbers and the increased activity on roads etc this brings</p>	<p>The policy statements can only respond to those issues that the design guide can influence. The document is holistic in the sense that it looks at every area in the detailed street surveys.</p> <p>The street surveys give specific advice about density and space between dwellings.</p> <p>The design guide is not the appropriate document to consider infrastructure, that is dealt with in the Wiltshire Local Plan.</p> <p>Harm to amenity in terms of light and privacy are not subjective (BRE standards for example). The Wiltshire Local Plan sets out policy considerations in this regard.</p> <p>The design guide is not the appropriate document to consider additional traffic movements this is dealt with by the NPPF and Wiltshire Local Plan.</p>	<p>Not required – dealt with in Wiltshire Local Plan and the NPPF</p>

<p>Whilst few residents of Chute work now in agriculture, the environment of Chute is extremely rural dominated by and agricultural and forestry landscape typified by open fields, ancient woodlands and pastoral activities.</p> <p>I'm wondering if we are missing a trick here to beef up statements under other Policy sections so as to give better guidance in these areas. Recent dialogue on many aspects of the environment show there is keen interest here by many members of the community, namely footpaths and public spaces.</p> <p>Movement</p> <p>No mention of need to retain footpaths and other non vehicular rights of way and maintain them in a manner that allows their use by the community .I realise this is a landowner responsibility , but this is no different to everyone's responsibility to look after their land in a way conducive to the overall preservation of the beautiful environment we are lucky to live in.</p> <p>Nature</p> <p>Again no Chute Specific policy is specified, but I do wonder if there are any habitats that do warrant particular reference to support biodiversity or species specific habitat regeneration ? I also have no clue how existing policies are enforced.</p> <p>Public Spaces.</p> <p>These are have the subject of much debate over the years when there is tree work to be done ,parking to be deterred ir in the case of the Village Hall, change of use prevented. Therefore it seems a more detailed statement would be appropriate to preserve these in order to avoid future conflicts brewing .</p> <p>I also note there is no mention of Chute Club individually as a village amenity or resource . I believe this is an important physical space being a sizeable area on Hatchet hill and should therefore be uniquely referenced in some way.</p>	<p>This is recognised in the Design Guide – but the chief protection comes from NPPF ,AONB policies in Wiltshire Local Plan and Wessex AONB Management Plan.</p> <p>No suggestion what policies are required for footpaths and open spaces- difficult to know what design guidance is required for footpaths and public spaces. The design guide cannot change the status of the footpaths.</p> <p>This is not the appropriate policy document for PROW issues– this is a DESIGN GUIDE</p> <p>Maintenance is not an issue for the design guide</p> <p>Habitats and Species are protected by law under the Wildlife and Countryside Act 1981 and the Environment Act 2021. This is not the role of the Chute Design Guide</p> <p>The Design Guide is not a land use policy document and cannot prevent change. It will not be adopted by Wiltshire if it strays beyond the design guidance.</p> <p>The Chute Club is privately owned so it would not be appropriate to include it in public facilities. It is available to its private members. It is protected by Wiltshire Local Plan policies that prevent the loss of community facilities, this is not appropriate to the Design Guide.</p>	
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	<p>Resources</p> <p>There is mention of the low risk of flooding in Chutes due to elevation and geology , but the should still be consideration of water supply. Historically this has always been an issue to Chute and could well return as climate change accelerates . We should look to research where our pressure points are as a community in this regard.</p> <p>Similarly what can be done re securing green energy sources. We all use oil which is clearly not a long term option.</p> <p>For the question asked in the consultation response form:</p> <p>Section 1 Characteristics of Chute .</p> <p>I think more work needs to be done to Policy Statements as detailed above to represent the full character of the Chutes.</p> <p>Section 2 Baseline Street Survey.</p> <p>I can only comment on those areas adjacent to where we live at Hazel Cottage</p> <p>Lower Chute looks good.</p> <p>Hatchet Hill, Chute Club is mentioned , but should be pulled out as key feature .</p> <p>Section 3 VDG Checklist – Look good</p>	<p>The majority of the Chutes are located in Flood Zone 1 – where there is no identified threat of flooding even with climate change.</p> <p>Surface water flooding issues need to be identified in specific planning applications as advised by NPPF and not in the Design Guide.</p> <p>The Design Guide includes general advice in Section 10 and specific design advice as it relates to the Chutes.</p> <p>The respondent appears to have misunderstood the purpose of the Design Guide.</p> <p>Noted</p> <p>See above.</p> <p>Noted</p>	
13	<p>Agree with the aims of the Guide. Gives developers well-constructed steer to the Chute philosophy.</p> <p>Community Section – think there is a wider variety of materials than the guide suggests.</p> <p>Not enough emphasis on energy efficiency of new builds – thermal insulation, solar and heat pumps.</p> <p>Inset solar panels only is too restrictive</p>	<p>Noted</p> <p>No specific examples given – refer to Street Surveys for detailed advice on materials</p> <p>The regulations for thermal efficiency are governed by the Building Regulations and cannot be set out specifically in the design guide.</p>	

	<p>Forest Lane -views on developments is personal</p> <p>Checklist -support as useful tool for Parish Council</p> <p>Asks for Hamish McKays name to be removed from front cover as it appears that he authored the document.</p> <p>Asks whether Lisa Jackson has been paid for the work on the Design Guide</p> <p>Requests that all authors are named</p>	<p>The design guide does not prohibit solar panels that are on - roof. The advice is non-specific and the supporting text uses the word 'can'.</p> <p>The street survey accurately records what exists it is not a personal view</p> <p>Noted</p> <p>Different cover photo can be used to avoid this confusion</p> <p>No – the work by Jackson Planning has been entirely voluntary. Lisa Jackson was the author of the original VDS with one other Chute resident. The current design guide has been prepared on a similar basis. Lisa Jackson has 34 years' experience as a Chartered Town Planner and has used her expertise to help prepare a document that is capable of formal adoption by Wiltshire Council.</p> <p>There is no need to identify the authors as the hope is that through consultation it has widespread community support.</p>	
<p>14</p>	<p>Agree with aims of guide but feels Aim 3 is confused.</p> <p>Supports that the Guide represents the characteristics of the Chutes</p> <p>Supports baseline surveys –</p> <p>Concerned that it does not significantly address affordable housing in Chutes</p> <p>Careful editing required – offered proof reading assistance</p>	<p>Revised wording for Aim 3 as follows “To serve as a be adopted as supplementary planning guide cancel line to by Wiltshire Council's for use Development Plan Documents being formally adopted by them⁴ for in planning decision making to give significant weight in the planning process”</p> <p>Noted</p> <p>Noted</p> <p>This is a design guide not a land use policy document so it CANNOT make policy on affordable housing. The guidance on ensuring extensions and replacements are limited will assist in preventing all smaller houses becoming very large and falling into the top Council Tax bands</p> <p>Very grateful for the offer of help.</p>	<p>Revise wording of third aim</p>

⁴ Insert Date of Adoption by Wiltshire Council

15	<p>Supports aims of Design Guide</p> <p>The design guide represents the character of the Chutes</p> <p>Supports baseline surveys</p> <p>A very comprehensive study of the village</p>	Noted	
16	<p>Respondent could not download the Design Guide</p> <p>Existing buildings are not a good guide to future buildings</p>	<p>Hard copies have been circulated to aid review</p> <p>The National Design Guide requires that design guidance is based on a study of the existing context. This is the only appropriate way to guide new development that is compliant with National Policy.</p>	
17	<p>General The Consultation Draft was beautifully presented and printed and the hard work that has been put into this is no mean feat and appreciated. It was very interesting to read but did take some time. I still have much of the NPPF, NMDC and National Design Guide to read.</p> <p>I hope the following comments will come across as constructive and a genuine desire to provide additional input to the draft.</p> <p>The whole document does need punctuation, spelling and grammar checking before it has another review. It could do with font and space standardising throughout.</p> <p>It would also be good to have a date and version number included in the next issue.</p> <p>Most importantly it does needs para numbering for referencing purposes.</p> <p>Page 2 Summary Aims It would be preferable to use the word Objective as that is measurable whereby <i>an aim is a</i></p>	<p>The more thorough the document the more it will be considered as material and be given weight by planning officers and planning Inspectors.</p> <p>Agreed proof reading required.</p> <p>The final document will have a date of adoption.</p> <p>The final document will have paragraph referencing.</p> <p>Aims is appropriate. Objective refers to an aim.</p>	<p>Proof reading</p> <p>Add adoption date</p> <p>Add paragraph references</p>

<p><i>statement of purpose.</i> I realise that the NPPF uses the word Aims so probably have to stick with that.</p> <p>The first two points are measurable while the third is not entirely clear.</p> <p>Page 3 Well Designed Places Wheel is difficult to read as wording is out of focus and against a coloured background. Maybe use black font for wording in wheel.</p> <p>Page 9 - Role of Chute Design Guide in the Planning Process</p> <p><u>1st para</u> "This is set out in the National Planning Policy Framework paragraph 134 which says that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes"</p> <p>This should also include" and/or b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."</p> <p><u>3rd Para</u></p> <p>The Parish Councils should also refer to the Chute Design Guide when commenting on planning applications before them for comment. They therefore do need a clear structure document with reference numbers</p> <p><u>5th Para</u></p> <p>Insert a 'The' before "Chute Design Guide".</p> <p><u>Design Guide First Draft</u> without photos but with para reference numbers</p> <p>The content of Page 9 has not been included in the Consultation Draft</p>	<p>See reference to rewording in response 14 above, will be redrafted for clarity.</p> <p>This is a screenshot from the National Design Guide. It can be redrawn when the professional graphic designer completes the final version of the document.</p> <p>This is the purpose of the design guide to fulfil the requirement in NPPF134.</p> <p>This is National Guidance for all development everywhere and there is no need to repeat generic national guidance. The purpose of the guide is to show in detail what is required to fit with the local context.</p> <p>Yes-see above document will have paragraph numbering.</p>	<p>Reword third aim</p> <p>Graphic changes in final version</p> <p>Add paragraph numbers</p>
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<p><u>Section 1</u></p> <p><u>3 Context</u> <i>Location, Local character and built heritage.</i></p> <p><u>4 Built Form</u> <i>Pattern or Arrangement of buildings with open spaces</i></p> <p><u>5 Movement</u> <i>Design of street network</i></p> <p>5.8 Rights of Way</p> <p>More importance should be given to these as a means of walking from A to B for use in preference to the narrow lanes. Much safer to use for pedestrians, Also horse riders and cyclists use of bridleways.</p> <p>5.10 needs to have more specific wording. What reasons would allow a designated highway or right of way to be closed.</p> <p>5.11 Suggested electric vehicle charging points. Maybe where there is a suitable place for PV panels. Chute Club car park, Village Hall field.</p> <p><u>6 Nature</u></p> <p><u>7 Public Spaces</u></p> <p>7.5 The school and master's house were built in 1857-58. Subsequently in 1891 Mary Catherine Scroggs gave the adjacent meadow to the Salisbury Diocese.???? Carolyn</p> <p>7.9 Green Triangles no mention of Chute Standen green. Needs more clarity.</p> <p><u>8 Uses</u></p> <p>8.1 Include private stabling. Should any new stabling be built in permanent building materials or should it be wooden. Planning once given for this type of structure could result in it being more easily converted into living accommodation. Build a stable/barn, later convert to housing would lead to an ever increasing build cycle.</p>	<p>This is a design guide not a neighbourhood plan so cannot dictate transport choices.</p> <p>Not appropriate for a design guide. Any formal changes to rights of way are determined by Wiltshire Council as highway authority.</p> <p>Electric Charging point locations will need to be researched in detail – not within the scope of the design guide.</p> <p>PV arrays need relate to DNO connectivity – limited scope other than a domestic scale installation at Chute Club or Village Hall. Not within the scope of the design guide.</p> <p>Add Chute Standen greens</p> <p>Why would a brick and flint stable be unacceptable? Not a design matter, this is a planning policy matter controlled by Wiltshire Local Plan.</p> <p>Yes – May 2020 confirmed no one on housing waiting list for Chute Forest or Chute. Remove reference to building- dwellings only.</p> <p>This misses the point of trying to keep a stock of modest houses in the village. The Wesleyan/ Stable Cottage would have had a different outcome with the design guide based on</p>	<p>Add Standen Greens</p> <p>Remove reference to buildings refer to dwellings in policy 5</p>
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	<p>8.6 is this statement really true? Should this be rechecked?</p> <p>8.9 needs discussion and agreement. Chute Design Policy 5 Limits to Build</p> <p>i) 30% on a plot that has 10 times as much garden could support a larger increase. By restricting this increase without including density of the plot could lead to what happened at Wesleyan/Stables cottage being tried again. E.g. knock down, split plot and rebuild resulting in more density without the infrastructure to support it.</p> <p>9 Homes and Buildings <i>are functional, accessible and sustainable.</i></p> <p>10 Resources <i>buildings conserve natural resources including land, water, energy and materials. Should nitrates in waste pollution not be considered here? New sewage treatment plants that are put in place to combat this can lead to noise pollution and increase in power consumption.</i></p> <p>The locations of these should be considered as part of planning. Noise vibrations are increased in specific geology structures and geographical places e.g. Valleys capture noise and cannot escape, reverberates. Certain rock structures increase the transmission.</p> <p>Any increase in noise is more noticeable in the quieter rural areas.</p> <p>Air source heat pumps have been considered noisy and therefore planning conditions have in the past been applied here.</p> <p>Biomass boilers are these subject to planning and should they have any planning restrictions or considerations.</p> <p>11 Lifespan <i>well-designed places sustain their beauty over the long term.</i></p> <p>Section 2 Baseline Street Surveys</p>	<p>the street surveys. This could have helped to control the detail and may have had a different outcome.</p> <p>Nitrate Neutrality is considered as part of Appropriate Assessment under the Habitat Regulations rather than through a design guide. Building regulations and environment agency licences control PTP.</p> <p>PTP do not emit noise to the extent it would harm amenity. The design guide is not the appropriate tool to control noise, this is through the planning development control process.</p> <p>Not design guide issues- ASHP can be permitted development</p> <p>No – not always development that requires planning – design guide not the document to control this</p> <p>Graphic designer will ensure final quality of document.</p> <p>Do not want to name and shame this is divisive. The guide is to show good examples.</p>	<p>Ensure graphics quality</p> <p>Add footpath numbers to street surveys</p>
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<p>The font colour and sizing inconsistent and in some cases difficult to read.</p> <p>With the delay of COVID etc., some Baseline Surveys are now out of date and need revisiting.</p> <p>New builds in Lower Chute, have had overbearing negative impacts in the narrow lanes.</p> <p>On the other hand, there have been extensions and improvements that have improved the looks of existing buildings. Changing the look of an old established building does not always mean it is bad. E.g. Chute Collis cottage.</p> <p>In the Townscape/Spatial Analysis sections. It is important to include and note the specific actual footpaths that provide the necessary links between the different areas of The Chutes. They are not there solely for the purpose of recreation. They exist as a means to communicate throughout the Chutes and provide an alternative means of transport.</p> <p>Page 51 Lower Chute CFOR3 and CFOR4 provides pedestrian link to Chute Forest.</p> <p>Page 47 Hatchet Hill CFOR2 provides pedestrian link to Chute Forest.</p> <p>Page 49 Chute Cadley is not predominately thatched. 15 tiled/slatted and 7 thatched</p> <p>Page 52 New Buildings</p> <p>CHUT28 provides link from Conholt House to the rest of the Chutes</p> <p>Page 58 Upper Chute Farms</p> <p>Only CHUT15 mentioned which provides link between Standen House and Church. CHUT17 and CHUT18 also exist on perimeter of this area. CHUT17 provides link to Cowdown</p>	<p>Footpaths numbers can be added</p> <p>This should be corrected to say that “ Number of thatched cottages survive”</p>	<p>Revise Chute Cadley Street Survey</p> <p>Add footpath numbers</p> <p>Add CHUT5 to Appendix 6</p>
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	<p>and New Zealand Farm. CHUT18 provides pedestrian link between farms and avoiding narrow lane.</p> <p>APPENDIX 6 Footpaths</p> <p>CHUT5 appears to be missing</p>		
18	<p>Excellent well presented guide with a few observations.</p> <p>Would a full index at the front make it more readable</p> <p>Number the pages</p> <p>Page 3 Para 4 not sure if this makes sense.</p> <p>Conservation Areas – Suggest an outline map as this is often bought up</p> <p>Views - Include views from the KGF South and views from Hatchet Hill South and North from the footpath.</p> <p>Hedgerows – Avoidance of Laurels, Leylandii and Eucalyptus on Arable land.</p> <p>Affordable Housing – I do not recall a survey being done by either Parish Council.</p> <p>Listed Buildings – Delete the School and change to Village Hall.</p> <p>Thank you for all of the hard work put into this.</p>	<p>Noted</p> <p>Content page – at front to be inserted</p> <p>Add page numbers</p> <p>See comments in relation to comment 14 above.</p> <p>Good idea to have conservation maps in the document as appendices.</p> <p>Add views on the street surveys.</p> <p>Guide is positive, avoiding negative criticism.</p> <p>Yes – Investigated by last CPC chairman following application by Debenhams. May 2020 confirmed no one on housing waiting list for Chute Forest or Chute.</p> <p>The formal listing describes it as “Village School and Master's House”</p> <p>Noted</p>	<p>Add contents page</p> <p>Add page numbers</p> <p>Add conservation area maps to Appendices</p> <p>Add views on street surveys</p>
19	<p>Supports aims of Design Guide</p> <p>The design guide represents the character of the Chutes</p> <p>Supports baseline surveys</p> <p>Will be a useful guide/ material consideration</p>	<p>Noted</p>	

	<p>Include a contents list, paragraph and page numbers</p> <p>Include a summary and all policies</p> <p>Is policy 5 to arrest decline of affordable houses</p>	<p>Agreed</p> <p>If time/space allows summary could be added</p> <p>No, the definition of affordable housing is defined clearly in the NPPF. The purpose of policy 5 is to preserve the rurality of the Chutes and one way of doing that is to stop the significant increase in dwelling size. A design guide policy that reflects this approach taken in AONBs and National Parks. It should mean that more modest houses are not lost to huge extensions but it will not make them affordable in terms of NPPF. They would not be available to someone who is in housing need. Note no one in housing need on waiting list in Chute and Chute Forest.</p>	<p>Add contents page</p> <p>Add page and paragraph numbers</p>
20	<p>Supports aims of Design Guide apart from Aim 3 – which does not make sense</p> <p>Summary would be useful.</p>	<p>Agreed -</p>	<p>See response to 14 – wording to be revised</p>
21	<p>Support aims –</p> <p>Should include “What is not wanted” in a direct format</p> <p>Negative points could be illustrated in the visual guide -poor infill, uncharacteristic driveways, overly modern extensions</p> <p>Longview is considered ‘dominating’. Not sure this is true as it stands on a very large plot and is not overlooked. Do we consider Conholt House, Chute Manor dominating?</p>	<p>Divisive to show poor examples. Planning guidance should be positive</p> <p>Divisive to pick out examples</p> <p>This comment taken out of context and misinterpreted. The quote is ‘Longview now dominates the skyline within Upper Chute from various vantage points’. The size of plot and lack of overlooking is not the relevant to the point here.</p> <p>Chute Manor and Conholt House both historic planned grand houses within formal grounds. Longview is a very extended vernacular style. These are different typologies.</p> <p>The lesson here is that Longview was not visible from public footpaths – now highly visible. Changed character of AONB</p>	<p>Remove reference to Longview but note general point to explain skyline and view impacts from significant redevelopments</p>

	<p>Supports identity checklist</p> <p>Needs proof reading</p>	<p>and rurality of Upper Chute and redevelopment should have been guided VDS.</p> <p>Noted</p>	<p>Final document will be proof read.</p>
22	<p>In relation to policy 3, I didn't really follow how a checklist would work against the baseline survey. The baseline survey seems very detailed, so I wasn't sure how you would produce a checklist against it and what people would be comparing their planning application to in that context. It seems to impose quite a bureaucratic burden on people making applications.</p> <p>In relation to policy 5, it seems to me quite restrictive. 30% is not all that much either for an extension or a replacement dwelling in some circumstances – e.g. if people have a small bungalow or small dwelling on a site which they might want to enlarge. There are some very sensitive sites in the villages, but there are equally some places which are not all that sensitive and where a more liberal policy might not do any harm.</p> <p>Also, there are some features of this policy in the footnotes which make it even more restrictive; for example the one that says that for the purposes of assessing the 30% you go back to when the AONB was created in 1972. 50 years seems an awful long way to look back. Even if there were examples where other people have chosen to do that, I don't feel it's all that reasonable. For example, there may be quite a lot of buildings in the villages that have been extended since then and where we might find that this policy prevented us from approving any sort of extension or development if they have already used up some or all of the 30% allowance since 1972. It might actually affect the resale value of houses or bungalows if this policy</p>	<p>Checklists are commonly used with design guides and encouraged by the national model design code -guidance notes. ADC has 43 checklists in its design code. A single page is not onerous. Given the vast amount of technical information for a planning application this is a short hand way of considering detailed contextual design and is a good discipline for designers.</p> <p>The rationale for 30% has good evidence. Cranborne Chase AONB limit to 40% this AONB has much wider open landscape and villages are less nucleated – they spread out in linear fashion. The intimate landscape in Wessex Downs AONB is therefore appropriate to have a lower %. It is the same as the South Downs – a somewhat similar landscape of nucleated villages and chalk downland.</p> <p>All sites in Chutes have sensitivity to keep the balance of rural over built. In addition, this misses the point that the proposal in part is to reflect Wiltshire Council's desire to prevent the over enlargement and suburbanisation of the countryside in emerging Local Plan Review. Keep the stock of modest houses to allow a mixed community and keep some cheaper housing stock in the village.</p> <p>The 1972 date has provenance in terms of approach by SDNPA which used the designation date of the National Park. There is a planning precedent. The other alternative would be to use the 'original' date from planning legislation 1947. Another alternative would be 1st April 2009.</p> <p>Property value is not a planning consideration.</p>	<p>No change</p> <p>Recommend that policy is reworded to say 'apart from in exceptional circumstances'</p> <p>Date revised to start of Wiltshire Council 1st April 2009</p>

	<p>meant that there was literally no ability to extend. So I think we should think carefully about that.</p> <p>For these reasons, I don't particularly like the reference to "in no circumstances" in the policy, because I think that leaves us with no discretion to allow developments which we think are otherwise inoffensive. I feel the key thing is that developments should be appropriate to their plot, environmental surroundings and infrastructure. I would prefer it if this was a policy directed at protecting the AONB so that these rules should be followed "unless there was a result which was not harmful to the AONB" or some other similar caveat so that developments that caused no harm could still be approved. I am nervous about putting ourselves in a straitjacket and then being criticised locally where we start refusing things because we have to if they don't comply with this policy.</p>	<p>The respondent misunderstands that this does not give power to Chute to determine applications. This remains with Wiltshire.</p> <p>Agree there needs to be exceptions and they would exist in any event as there are other material considerations that -see suggested alternative wording.</p> <p>This protection of AONB exists already – but the design guide helps to codify that and provides a robust metric that Planning Officers and Inspectors can respond to as a significant material consideration.</p> <p>Again this responder assumes a responsibility for planning decisions that will not exist as a result of the design guide.</p>	
23	<p>Chute Design Guide : Comment Please accept my thanks for the production of such a professional, detailed and well laid out document, the time and work involved is clear and appreciated.</p> <p>I have a couple of general comments that I would just like to raise, though I realise they are outside of the remit of the Design Guide, they are relevant to the whole process of planning application consultation.</p> <p>i) During the process of recent demolition and development of Stables Cottage, Lower Chute, various frustrations with the planning processes were exposed, highlighting failures of both the parish and the county council's imposition of legislative and planning policy regulation.</p> <p>i) The Chutes are subject to nitrate mitigation regulation and therefore applications need to be compliant, this means that</p>	<p>Noted</p> <p>As suggested not Design Guide Issues</p>	

	<p>details of the foul water treatment system need to be supplied, and ticking a box on the application form is not sufficient information for genuine appraisal.</p> <p>ii) The Parish council advised objectors to resist pressurising them to object to applications in order for the parish council to retain a professional respect with the Planning department. Recent conversation with a planning professional has identified staff shortages within planning departments has resulted in the importance of community vigilance to alert planning officers to issues relevant to the specific application.</p> <p>In light of the gameplaying by planning agents it is important for residents and the Parish Council to alert the planning department to every aspect of an application that requires specification, i.e. foul water system, nitrate mitigation, highways, non compliance with conditions and variations from the planning permission as granted.</p> <p>ii) Nowhere in the Chutes is there roadside parking. The Parish councils' are well aware of the issues arising from cars parking on the communal areas, it is therefore relevant that any development provide for an area dedicated to parking for the appropriate number of vehicles. The Chutes have a higher ratio of cars per adult than average and this has to be a factor in consideration of any development.</p> <p>iii) In the hope that the process of building will consider the environment at some point and, in the context that any property in the Chutes is a premium cost development, a statement of consideration of zero emission principle should be requested by the developer - it is time the true cost of what we do is to be paid!</p> <p>Design Guide comment My comments are biased to the areas I am most familiar with, I.e. lower chute!</p> <p>i) page 16 Lower Chute is described as ribbon development this, for me, describes urban development. I think "sporadic individual property development along the lane running south west-north east" is a better descriptive. The properties lie</p>	<p>See policy 5 regarding on -plot parking</p> <p>The Chute Design Guide cannot legislate on zero carbon development</p> <p>The term ribbon- development is appropriate, but set in speech marks – but could be expanded to better reflect the sporadic nature of the plots The views to woodland are to the north -these are glimpsed between dwellings</p> <p>Agree – views of the woodland backdrop are characteristic of Lower Chute</p>	<p>Revise wording to reflect comments</p> <p>Add description of views</p>
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	<p>predominantly to the north of the lane providing open views to woodland.</p> <p>ii) page 20-Views A view is not solely panoramic, though the views from Upper Chute are dramatic there are views essential to Lower Chute also. The views of the woodland surrounding the north/northeast are essential to the character of the valley of Lower Chute settlement. The landscape rising above this area of the settlement. From the perspective of any resident of Lower Chute, from the Hatchett Inn to New buildings, the visibility of grove copse/round copse/fishers hanger is a vitally important contribution to the aesthetic value of this area of the Chutes. It would change the area detrimentally if development of the stables, currently part of Providence cottage, were to effect the dominance of the woodland to Lower Chute/Chute Cadley. Height and size of any potential development would need to ensure subservience to the ancient woodland.</p> <p>iii) page 37 Uses I wonder if the term “residential” could be “domestic”. There are stables and workshops serving residents, there are very few commercial premises with the exception of the club/ inn/agricultural.</p> <p>iii) page 38/39 Uses</p> <p>I fully support a limitation on the increase in size of any development of an existing property and would hope that “30% net increase of the floor space/ net gross internal area is a clear definition and cannot be manipulated, I.e. gross floor space cannot be interpreted as purely footprint. Extension to accommodation should include appropriate provision for vehicular parking.</p> <p>I know, from what I saw at community meeting, that you will have received comment on every typo.</p>	<p>Given the scale of woodland and scale parameters from the street survey no development that would dominate the woodland would meet the scale parameters and would fail the checklist approach.</p> <p>Residential uses is clearly understood as part of planning use class. Domestic is not a well understood term.</p> <p>A definition of gross internal area should be added to make this clear</p>	<p>Add definition of GIA</p> <p>Typos identified. Proof reading essential</p>
24	<p>I have read the design statement and I have a fundamental issue with the limitations which the draft consultation seeks to place on what homeowners are</p>	<p>The Town and Country Planning System has placed limitations on what homeowners can do with their properties without the need for planning consent. The design guide does not change this basic premise. The purpose of the consultation was to identify any specific representations and</p>	

	<p>entitled to do with their own properties. The proposals are inherently unfair.</p> <p>The 30% stipulated is taken from 1972, some 50 years ago, when the village was substantially different ie a sizeable number of houses have been built since that date. If any limitation is to be applied, and I fail to see the need for any such restriction, this should be from the date on which the design statement comes into effect. Home owners will have brought properties on the basis of the information available at the time of that purchase and should not be subjected to retrospective limitations.</p> <p>A sizeable number of owners in recent years have extended their homes and such extensions have been considerably in excess of the 30 % being stipulated. Examples include Shepherd's Cottage and Long View in Upper Chute, Fox Cottage in Lower Chute, Chute Cadley Farmhouse and 2 New Buildings in Chute Cadley. The owners of these properties have undertaken this work for the benefit of their families and their lifestyle. In the process they have been in a position to maximise the potential of their properties with some making considerable financial gains. All of these developments were subject to the normal planning processes and were approved taking into account the specific issues for those properties and any objections that the community may have had. The 30% stipulated will prevent other homeowners from having the same opportunities as those who have already completed development works with is inherently unfair. For example: 1 New Buildings is a semi-detached house. No 2 has been extended by 50% and accommodates a growing family which is a clear positive for a village with an aging population. With a 30% ban such development would not be possible for No 1. There are very clearly other examples in the village.</p>	<p>respond appropriately. The consultation exercise has led to changes that respond to local representations.</p> <p>Following consideration at the Chute parish council meetings and in response to other comments it was agreed 1972 was not appropriate date as a cut-off for the 30% guideline. It was agreed that the 1st of April 2009 was more appropriate as this is the date at which Wiltshire Council was formed, current development planning policy is led by Wiltshire council and records of approvals since 2009 are readily available in Wiltshire's records. Both national and local policy will impact both land and property, in this case national policy change has led to the development of a locally derived guide.</p> <p>The rationale for the limit to the size of extensions and replacement dwellings has come largely from the significant concerns raised in planning applications since the adoption of the village design statement. This was one of the key drivers for the production of the village design guide.</p> <p>Wiltshire Council are proposing to introduce a limit to extensions in rural areas as they are increasingly finding difficulty and by resisting significant extensions to property that means that no modest dwellings are left in villages.</p> <p>Size restrictions on extensions have been imposed in recent years on large swathes; for example in 2009 in the South Downs National Park, The New Forest has operated this restriction since the late 90s. Winchester City Council has operated a limited size extension/ replacement since at least 2006.</p> <p>Note 30% is not a ban- it is a guideline. Agree that a semi-detached property that has already had an extension in excess of 30% would be a reasonable exception to the guideline to allow the other half to be extended in a similar fashion.</p>	<p>Change the original date at which the 30% guide applies to 1st April 2009</p> <p>Revise wording to prevent the guide being considered a ban.</p> <p>Add exception category for equity for semi detached properties.</p>
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	<p>There are already substantial divisions within the Chutes and the 30% stipulated will very clearly create yet further division in the villages between those who have been able to develop their properties (who are more likely to simply accept the design statement as it will not adversely impact them) and those who would be unable to undertake any development under the current proposals.</p> <p>The 30% stipulated takes away any discretion of the planning process which takes into account a multitude of factors when determining whether permission should be granted eg the size of the existing property, size of plot, whether it is listed, proximity of neighbours and right to light issues, circumstances of the owners and the rationale for the development sought eg to accommodate elderly relatives or a member of the family with a disability.</p> <p>The 30% stipulated would only be applicable to the Chutes and would potentially make a property, that could otherwise be developed, less marketable compared to properties in other local villages. This is inherently unfair. The determination of any proposed development at local authority level seeks to apply a consistent approach across the county so preventing this.</p> <p>There are areas in the villages where I, and others, would welcome development to provide a more attractive and cared for environment. For example, the bungalows on the right handside of the road travelling from the war memorial to Chute Cadley. The 30% stipulated would mean substantial restrictions for redeveloping that site to provide aesthetic housing.</p>	<p>This is not a valid reason to not introduce guidance.</p> <p>The rationale has to be based on the protection of the unique character of the Chutes, as set out in the National Design Guide and National Planning Policy Framework, if this has overall support from residents.</p> <p>The majority of those who have responded support the policy to restrict extensions and replacements.</p> <p>The guideline, is only a local guideline as set out in the Design Guide and does not superseded the many material considerations that the Local Planning Authority (Wiltshire Council) are required by law to consider. The Wiltshire Local Plan has primacy that considers all the merits of the proposal.</p> <p>An exceptions clause should be added for disabled persons/ elderly relatives as an example of special circumstances.</p> <p>The value of a persons' home is not a valid planning consideration. There is no evidence to support that property marketability is adversely affected. Wiltshire Council already have a 40% limit in the Cranborne Chase AONB area and are seeking to introduce a limit in the Local Plan Review. This is therefore the consistent approach emerging across Wiltshire.</p> <p>The bungalows given as an example have a low spreading form that almost fills the plots. If the properties were redeveloped with a +30% increase they could have a more traditional compact form (reduced ground floor with rooms in steeper pitch roof) that would increase the space around the dwelling and would be more thermally efficient.</p> <p>The purpose of the design guide is to assist the Local Planning Authority and Planning Inspectors making more consistent decisions by having a detailed study of context and a checklist that allows the designer and the planning officer to understand where a proposal is outside the characteristic parameters. The Design Guide will not stop an independent</p>	<p>Add exceptions criteria to guideline.</p>
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	<p>I fully acknowledge that there have been developments in the village to which there has been strong opposition. However, in the majority of those cases, this has been due to animosity between the different factions in the village. The purpose of the council planning process is to rise above that and allow an independent assessment of the merits of a proposed development. While people in the village may not like the newer buildings that have been built, they have in the main bought families with young children into the village eg Wesley Cottage is now occupied by a young couple with a baby.</p> <p>My personal view is that a village cannot stagnate and live in the past. It should be allowed to develop in accordance with the planning laws and should not be stifled by restrictions which are being imposed by unelected members of the community, especially where they themselves have already benefitted from developing their properties and will be unaffected by the restrictions they seek to impose on others.</p>	<p>professional assessment by either Wiltshire or the planning Inspectorate, it will help make the assessment more informed.</p> <p>National Planning Policy see paragraph 129 sets out policy with regard to design guides</p> <p><i>Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.</i></p> <p><i>and</i> <i>Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code.</i></p> <p><i>And at paragraph 134</i></p> <p><i>Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design52, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:</i></p> <p><i>a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes</i></p> <p>The Chute Design Guide has been prepared by members of the community. It is not the imposition of unelected members of the community, but a properly evidenced and detailed assessment of character as set out in the National Design Guide and Model Design Codes. It is the result of extensive community engagement at all stages and reflects the majority of those in the community who responded and therefore has community support. Where possible comments have been taken into account to reflect a more balanced view from the</p>	
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	<p>Finally, I would note that I was not provided with a copy of the design statement, I was not aware of the consultation process or of the meeting at the village hall to discuss the design statement. In addition. I have not been sent a form to fill in to provide comments although I understand some villagers have been sent such forms. I am concerned that there may well be others within the village in a similar position who are not aware of the proposals or the impact that it may have on them either in seeking to realise the most money they can for their most substantial asset or to develop it to ensure it works for their lifestyle. I would also note that I was advised by a fellow villager to send this email.</p>	<p>community. It has been endorsed by two elected Parish Councils and will be consider by Wiltshire's elected representatives at Eastern Area Planning Committee.</p> <p>The event was well advertised with a flyer to every address, emails to many residents, and posters. The event was included in the Parish Magazine as a full page advert and circulated on the What's App Group. Given the attendance at the event was by over 50 people including from all parts of the community it seems appropriate to conclude that the consultation was well advertised.</p>	
25	<p>I do not believe that a "design guide" has the right to restrict what people can do with their own houses - we have a planning committee and 2 parish councils that building and planning applications need to go through - lets keep planning as not personal and independent - I would ask that the 30% gets removed from the guide entirely. I do not think its appropriate or belongs in a design guide such as this</p> <p>I also think retrospective dating back to 1972 is unfair people have purchased houses in the last 50 years based on certain circumstances and back dating is unacceptable.</p> <p>I believe a fairer way would to suggest that planning and building on is more based on size of land, neighbouring properties and the area - rather than stating any figure.</p> <p>Looking around in the last 50 years many a property has been extended way over the 30% already - some good and</p>	<p>The new Chute document is a guide only, and planning applications will still be determined by Wiltshire Council. See comments on 30% guide in response above. The 30% guide is appropriate if locally derived and locally supported. The majority of respondents support it. It has impact on both character and the aim to keep Chute a mixed community rather than all houses being extended beyond the reach but all but the most wealthy.</p> <p>Note response to point 24. Revised to 1st April 2009 the cut-off.</p> <p>This would be ineffective – Longview for example is in a large plot. The significant extensions to this rebuilt property have changed it from a house you could not see, to one that has impact on the AONB. The Chute Design Guide would help reduce impact on the AONB.</p>	

<p>beneficial some maybe not - but who are we to say that someone cannot repeat what a neighbour has done?? This design guide as it stands is doing exactly that</p> <p>2. we are not a national park - why should rules that apply to a national park apply to the chutes?</p> <p>Surely we want new people to move into the chutes we want to move with the times - this design guide seems to want to keep the village exactly how it is now forever - surely the village will end up getting forgotten no one will want to move here and the village will stagnate and become lost. We want new people new families - like the mobile library and bus route - use it or lose it - if its not an attractive idea to move here people won't. Houses won't sell, houses will stay empty and fall into disrepair - which is already happening - making things worse not better.</p> <p>3. telephone mast (I am sure I read about it in guide but I cannot find the page number) - its 2022 and I think not having mobile signal within the villages (certainly cadley and lower chute) can be a real problem for a lot of people - yes you can use wifi calling but when the power goes out - so does the wifi - for security and safety reasons I would like to consider looking at a mast in the area - maybe within a forest so that its surrounded by trees - or push for the church steeple route as mentioned.</p> <p>If someone breaks down in the village or workman come or even delivery drivers they cannot call to locate you - as no signal, we often have workers and delivery men walking around Cadley looking for signal. I had to offer when someone's car broke down passing through to call someone for them</p> <p>What if someone hurt themselves whilst out walking - I think we need to consider this and make it easier for people to communicate rather than harder</p> <p>4. As graphic design is my business I have also listed out a few errors spotted and general layout thoughts too - hope that this is ok ?</p>	<p>See response to 24 above.</p> <p>The AONB has exactly the same landscape protection status as a national park.</p> <p>The whole point of the Guide is to keep the characteristics of Chute but to encourage modest proposals that are in keeping and to prevent all houses becoming too over extended and having no modest houses left. The Chute Design Guide will help retain a mixed community of dwellings of different sizes. New families are unlikely to be able to afford overextended dwellings.</p> <p>Telephone signal is not an issue for the Design Guide.</p> <p>The document was produced by volunteers. It was never intended as the final document, it was to allow residents to see what type of document was possible and it is acknowledged that it does need work. Typographical changes will be amended and document will be proofread. It is intended that it</p>	
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	<p>A document that has the potential to effect every household in the village surely needs to be accessible for everyone to read and comment on. Those that maybe don't have email or even a PC, or own property in the village but don't live here, have they also been considered? For something that could have a massive impact to everyone I think its really very important that its inclusive as possible and covers everyone - personal issues aside.</p>		
26	<p>The aims are commendable but doubt expressed as to whether the non-directive process built on guidelines rather than rules can be effective. Suggest that there should be step by step narrative for development to engage with the process and an overall summary of the major points they should consider.</p> <p>The guide does its best to distil characteristics from the plethora of styles in ages. Agree with the baseline studies but some of the comments regarding Chute Collis may not be objective. With only two recording the baseline studies personal bias is likely to be a problem</p> <p>There needs to be contents list and page numbers. The baseline surveys need to be in a logical order</p>	<p>See section on 'How to use the Chute Design Guide' this is already covered.</p> <p>A summary checklist is included in the Chute checklist.</p> <p>The baseline surveys are factual based on a rigorous pro forma allowing individual responses too accurately record the findings.</p> <p>This is addressed in the final version. Agreed – this will be organised in final version</p>	
27	<p>Agree with the aims of the design guide and agree that it represents the character of the Chutes. Support the identity check checklist draft visual guide.</p> <p>It would be useful if the dimensions were also defined as Imperial measures in parenthesis.</p>	<p>The planning system only operates in metric no coming applications can be made with imperial measurements, it would therefore, be inappropriate to put imperial measures in a planning document.</p>	

Table B
Comments on Baseline Surveys

Survey	Comment	Response	Changes Made
No street survey for Clanville	A small part of Chute falls within Clanville	Additional street surveys required for Clanville and Conholt	Additional Baseline surveys required
Chute Forest x 2	Needs to better reflect the history of the Chute Lodge	Additional detail added to Chute Forest	Update survey sheets

All	Make area names bigger – not clear where surveys are taken	Layout Changed + mapping to help identify	Update survey sheets
Cadley Pond	Why is there no street survey for Chute Cadley	There are two sheets for Chute Cadley – needs to reflect the different character in each part	No change
Forest Lane Corner	Ref to three storey house Is this really understated?	Revise the wording	Update survey sheets
Cadley Pond	Some UPVC windows	Revise	Update survey sheets
Cadley Pond	Needs money to maintain pond	Not an issue for baseline survey	None
Cadley Pond	“enclosed” – can mean restricted access to traffic	Think this is an over interpretation given the context	None
Lower Chute	Does not include Stable Cottage Example	Baseline surveys completed before this - not helpful to include divisive examples	Refer to date of baseline survey in Design guide
Lower Chute	Views are of woodland setting	Agreed	Update survey sheet
New Buildings	Typology considered subjective	Agreed	Update survey sheet
Chute Lodge	Narrative needs to explain role of Chute Lodge	Agreed	Update survey sheet
Upper Chute	Red sign should be removed as not in keeping (two comments)	Not an issue for DG -but an item for PC to consider	None
West of Forest Lane	Should also include village green	Agreed	Update survey sheet
West of Forest Lane	This area would be best defined as Village Green area west of Forest Lane. It is described as being on the edge of village and yet in the previous page of the guide opportunity is described as having to centre to the church and village green this area would be better describe the surrounding or leading to the village green. Baseline also describe the location still the 20 century it misses a prospect cottages parts of the former Cross Keys therefore it could be changed to 18 th -20 th Century	Agreed	Update survey sheet

Appendix 1- Questionnaire Response Form

CHUTE DESIGN GUIDE **Draft Chute Design Guide Consultation** Response Form 2022

If is not essential to fill in your details in the box below, but it helps to gauge if the response is representative of all of the Chutes

Your details:

Title	
Name	
Address	
Postcode	
Email	
Telephone	

Your personal details will not be retained and will not be included in any digital record. All responses will be generalised and will not be attributed to any individual.

Responses should be sent to:

Email: chute&chuteforestparishcouncils@hatchethill.plus.com

Post: Orchard House, Hatchet Hill, Lower Chute SP11 9DU

Closing Date for the consultation is 5th March 2022.

Your comments:

Please comment on any aspect of the draft design guide. The following questions are suggested as a guide:

AIMS Do you agree with the aims of the Design Guide? Does it clearly explain what is expected for design of development within the Chutes.
SECTION I – Characteristics of Chute – Does the design guide clearly represent the character of the Chutes?

Village Design Statement Protocol November 2012

1.0 Introduction

- 1.1 In 1996 the Countryside Commission (now Natural England) launched the 'Design in the Countryside' initiative and produced advisory packs to help villages understand the concept, process and method of producing a Village Design Statement (VDS).
- 1.2 The purpose of VDSs is to manage change, whether that change is major new development or just cumulative, small-scale additions and alterations. They are not about whether development should take place but about how planned development should be carried out, so that it is in harmony with its setting and contributes to the conservation and, where possible, enhancement, of the local environment.
- 1.3 VDSs are prepared by local communities. They offer a framework for engaging local people in constructive debate about defining the special character of their village, as a basis for ensuring that new development in their area fits its surroundings and is in keeping with that character. The VDS can help everyone involved in a development to understand local views and perceptions at the outset of the design process. This helps new buildings to be designed in a way that is more likely to gain local support, rather than generate opposition. VDSs provide a tool to help manage long-term change, not prevent it.
- 1.4 Some development in villages is both healthy and desirable to maintain thriving village communities. A VDS offers a positive way for local people to ensure that the nature and quality of development makes a natural progression from village past into village future. In particular, the VDS helps to manage change and demonstrate how new and locally distinctive design can add to the visual quality of the village.
- 1.5 A VDS contains a descriptive analysis of the relationship between landscape, settlement patterns and buildings and describes the qualities and characteristics that people value in their village and its surroundings. From the survey analysis the VDS identifies principles to be applied to new developments, such as the design of buildings and the spaces between them. The document should benefit local people, developers, new occupants and planners.
- 1.6 An effective VDS:
- is developed, researched, written and edited by local people;
 - is representative of the views of the village as a whole;
 - has involved a wide section of the village community in its production;
 - describes the visual character of the village;
 - demonstrates how local character and distinctiveness can be protected and enhanced in new development;
 - is compatible with the statutory planning system and the local planning context;
 - is applicable to all forms and scale of development;

- is about managing change in the village, not preventing it.

2.0 **What status should be given to a VDS?**

- 2.1 Many communities across Wiltshire have already prepared VDSs which have had formal recognition and acknowledgement from the Council.
- 2.2 The Planning and Compulsory Purchase Act 2004 has changed the way VDSs can be adopted by local planning authorities. Previously, they could be adopted as Supplementary Planning Guidance (as referred to in the Countryside Commission's guidance). However, this has been replaced by Supplementary Planning Documents which have more stringent and onerous requirements.
- 2.3 Currently, VDSs can either be approved by a local planning authority as a material planning consideration or adopted as Supplementary Planning Documents. Both 'material considerations' and 'Supplementary Planning Documents' must be considered for all planning applications along with all the other relevant planning guidance.
- 2.4 However, for a VDS to achieve status as a Supplementary Planning Document, the document must fulfil statutory requirements for public consultation and undergo rigorous consultation, and hence the process can be time consuming. It is therefore considered more appropriate to approve VDSs as material planning considerations, rather than adopting as Supplementary Planning Documents.
- 2.5 The wording of the Council Constitution allows for this, advising that one of the roles of the area committees is:
- “To consider matters of local importance within the area such as:
- Village design statements and parish plans where Council approval is required for them to be considered as material considerations in dealing with planning applications.”
- 2.6 Approving VDSs as material planning considerations is a much faster and simplified way forward. Their approval by Committee, following an Officer appraisal of the VDS including an assessment of the robustness of the consultation undertaken to inform its preparation, gives the documents weight in decision making. The Council in approving VDSs as a material consideration will ensure that these are taken into account in determining planning applications.
- 2.7 It is also important to note that by approving VDSs as material planning considerations, the VDSs will also always be owned by the village or parish that undertakes the work.
- 2.8 If approved as a material planning consideration, the VDSs will assist in making decisions upon planning applications, through the Development Management process. VDSs have also been given weight by Planning Inspectors in individual planning appeal cases.

3.0 **VDS Validation Checklist**

- 3.1 It would be unrealistic to expect the Council to approve a VDS as a material consideration if the VDS did not fulfil the remit of a VDS, for example, if it conflicted with the Council's own planning policies. The information contained within a VDS will need to be used by planners, designers and developers and should be straight

forward, clear and unambiguous. To achieve this, the production of the VDS has to be structured and well organised. Whilst the document belongs to the local community, it is necessary to assess how they interpret relevant existing planning policies. They must be robust enough for planning officers to put them into active use in decisions on applications.

3.2 The VDSs will therefore need to be assessed against a validation checklist. This checklist is based on the former Countryside Commission's VDS guidance, and seeks to ensure that the VDSs are fit for purpose:

(i) **Does the VDS describe the distinctive character of the village and the surrounding countryside?**

For example, to meet this objective, the VDS could include:

- A brief description of geographical and historic background.
- A short description of the village as it is today.
- The people, economics and future prospects.
- Any special considerations that affect development pressures in the village, such as tourism or mineral extraction, etc.

(ii) **Does the VDS show how character can be identified at three levels?**

- The landscape setting of the village.
- The shape of the settlement.
- The nature of the buildings themselves.

The character of the landscape setting

- The visual character of the surrounding countryside.
- The relationship between the surrounding countryside and the village edges.
- The relationship between the village and any special landscape features, such as ancient monuments, woodlands or nature reserves.
- Buildings seen in the landscape, e.g., farm buildings.

Settlement pattern character

- Overall pattern of village, distinct zones and layouts.
- Character of streets and routes through the village.
- Character and pattern of open spaces in the village and connections with the wider countryside.
- The relationship between buildings and spaces.

Buildings and spaces in the village

- The character of distinct areas of building types in the village.
- The height, scale and density of buildings.
- The mixture of sizes, styles and types of buildings.
- Hedges, walls and fences.
- Distinctive village features, materials or building details.

(iii) **Does the VDS draw up design principles based on the distinctive local character?**

Are the design principles locally specific, rather than just repeating good practice/design principles?

(iv) **Does the VDS work in the context of existing local planning policy and influence future policies?**

The scope and content of the VDS must be both relevant and complementary to the local planning context.

The importance of compatibility between the VDS and the statutory planning process cannot be overestimated. A good working partnership with the local planning authority will be of particular value when the VDS is used in the planning process.

(v) **Has the VDS been developed, researched, written and edited by local people? Is it representative of the views of the village as a whole? Has the process involved a wide section of the village community in its production?**

It is important to ensure the Council does not influence a VDS to the extent that it does not accurately represent the views of the community. The more people who are involved and contribute to the production of the VDS the better. It must not just represent the view of a single interest group, it has to be seen to be a shared and representative view of the village as a whole.

Consultation needs to be undertaken from the outset of the project and the programme of action and range of methods used should be well documented.

- Always try to stress that the VDS is the view of the village and not that of the local planning authority.

3.3 A template summarising these validation criteria will be used to assess each VDS to ensure it is fit for purpose.

VILLAGE DESIGN STATEMENT VALIDATION CHECKLIST TEMPLATE

<p>Chute Design Guide DRAFT April 2022 Village Design Statement Validation Checklist Checklist done by Wiltshire Council Urban Design Officer on 28.6.2022</p>	
Village Design Statement for:	The Chutes
(i) Does the VDS describe the distinctive character of the village and the surrounding countryside?	<p>i) Yes:</p> <p>Sections 2 – 7 describe the distinctive character of the village and the surrounding countryside in terms of its context, identity, built form, movement, nature and public spaces.</p> <p>The Street Surveys in section 12 describe, within a pro-forma, the characteristics of 17 distinct streets and areas within the villages.</p>
<p>(ii) Does the VDS show how character can be identified at three levels:</p> <ul style="list-style-type: none"> • The landscape setting of the village • The shape of the settlement • The nature of the buildings themselves 	<p>ii) Yes:</p> <p>Sections 2 (Context) and Appendix 1 (History of the Chutes) describe the landscape setting of the village.</p> <p>Section 5 (Movement) and Appendix 1 describe how the settlements' shape has been influenced by historical roads, rights of way, royal forests and, agricultural systems.</p> <p>Section 12 (Street Surveys), Appendix 1 and Appendix 4 (Conservation Areas and Listed Buildings) show how character can be identified in the nature of the buildings themselves</p>

Chute Design Guide DRAFT April 2022 Village Design Statement Validation Checklist Checklist done by Wiltshire Council Urban Design Officer on 28.6.2022	
Village Design Statement for:	The Chutes
(iii) Does the VDS draw up design principles based on the distinctive local character?	(iii) Yes: Design 'Policies' and 'Advice', summarised in coloured boxes within sections 2-5 & 10 provide broad design principles which are based on the local context. Section 8's Design Policy 5 (Limits to Development of Dwellings) includes prescriptive design principles, which ostensibly seek to regulate the scale and mass of any new development within a plot in order to preserve more closely the existing built form / character of the area. The justification for doing this appears to be provided in the Introduction, at paragraph 1.6 and 1.11, with an important caveat in paragraph 1.14. Section 12 includes a checklist for assessment of compliance of proposals' character with existing local character. This is based on numerous design parameters and lessons identified as a result of the Street Survey.

<p>(iv) Does the VDS work in partnership with the local planning authority in the context of existing local planning policy and influence future policies.</p>	<p>iv) Wiltshire Core Policy 58 (Ensuring the conservation of the historic environment)</p> <p>The VDS aligns with this LPA policy.</p> <p>Core Policy 57 (Ensuring high Quality Design and Place Shaping)</p> <p>The VDS's policies and advice align with CP57 parts i – v & vii.</p> <p>It does not show explicit regard to CP57 parts vi & viii – xiv, but neither would it appear to necessarily conflict with or undermine those parts of the Policy.</p> <p>Note: I have only assessed the VDS against these two LPA policies of the Core Strategy.</p>
<p>(v) Has the VDS been developed, researched, written and edited by local people? Is it representative of the views of the village as a whole? Has the process involved a wide section of the village community in its production?</p>	<p>v) Yes - see Statement community involvement (4th October 2022) regarding the community engagement of the Chute design guide.</p>

Chute Design Guide DRAFT April 2022 Village Design Statement Validation Checklist Checklist done by Wiltshire Council Urban Design Officer on 28.6.2022	
Village Design Statement for:	The Chutes
Other Comments:	none
Overall Conclusions:	The VDS is considered to meet the objectives set out in the validation checklist parts i-iv. Part v remains to be assessed.
Recommendation:	No recommendation is made by this officer

WILTSHIRE COUNCIL

EASTERN AREA PLANNING COMMITTEE

1 DECEMBER 2022

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE WILTSHIRE COUNCIL NORTH TIDWORTH PATH NO.11
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2022**

Purpose of Report

1. To:
 - (i) Consider three objections to The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022 made under Section 53 of the Wildlife and Countryside Act 1981 (See **Appendix 1** for a copy of the Order).
 - (ii) Recommend that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (**SoSEFRA**) with a recommendation from Wiltshire Council that the Order is confirmed as made.

Relevance to the Council's Business Plan

2. Working with the local community to provide a rights of way network which is fit for purpose, making Wiltshire an even better place to live, work and visit.

Background

3. Wiltshire Council has statutory duties to maintain the record of public rights of way in Wiltshire (excluding the Borough of Swindon), to maintain the rights of way shown therein, and to assert and protect them for the use and enjoyment of the public. These duties are not discretionary.
4. The definitive map and statement is the legal record of public rights and is conclusive in law as to what it shows but this is without prejudice to the existence of a more extensive public right (s.56 of the 1981 Act). The Council has a duty to keep it under continual review and make orders to modify it when evidence shows it is in error.
5. Members of the public may apply to the Council to modify the definitive map and statement and they do so under the provisions of Schedule 14 to the 1981 Act and the Council must determine these applications by investigating all available relevant evidence and by making a modification order where it is considered it is shown on the balance of probability (i.e., it is more likely than not) that a change in the map and statement is required.

6. Wiltshire Council received an application dated 31 March 2004 for an Order to upgrade footpath North Tidworth 11 (NTID11) to a byway open to all traffic (BOAT) from its junction on the A3026 Ludgershall Road at OS Grid Reference SU 2389 4933 leading in a generally northerly direction to its junction with bridleway Collingbourne Ducis 21 (CDUC21) at SU 2446 5128. The application also applied to add a new section of BOAT from SU 2446 5128, the northerly junction of NTID11, leading north, northeast across Sunnyhill Down and the A342 to its junction with BOAT CDUC19 at SU 2459 5184. See full application route at page 3 of Decision Report at **Appendix 2**.
7. In 2006 an Act of Parliament extinguished any public mechanically propelled vehicular (MPV) right that existed (s.67 Natural Environment and Rural Communities Act 2006) and that the highest public right that could exist is that of a restricted byway. A restricted byway is a route over which the public may pass and re-pass on foot, on or leading a horse, on a cycle or with a horse drawn cart or carriage. It is an offence prosecutable by the police for the public to use an MPV over one.
8. A significant amount of evidence was submitted by the applicant and has been investigated, the report attached at **Appendix 2** explores this in detail. In considering historic public rights it is essential that the common law principal of 'once a highway, always a highway' is applied. In short, if a public right of way can be shown, on the balance of probability, to have existed in the past, no amount of disuse or neglect will extinguish that right. Only a defined legal event can stop up that right.
9. The application was considered in two sections, one to upgrade the route of footpath NTID11 to a BOAT and one to add a section of unrecorded BOAT north of footpath NTID11 leading into the parish of Collingbourne Ducis across the A342 and meet byway CDUC19. As per paragraph 7, the highest status capable of being recorded is now a restricted byway.
10. When considering historic documentary evidence officers categorise evidence based on its evidential weight and have drawn up a categorisation system. This system of categorisation has been devised by officers with regard to The Planning Inspectorate's Consistency Guidelines (last revised April 2016) and Chapter 6 of the book 'Rights of Way A Guide to Law and Practice – Fourth Edition' by John Riddall and John Trevelyan. Evidence is graded A through F, with documents in category A holding the most weight down through F. Examples of category A evidence are Inclosure Acts and awards, Acts for railways, waterways or roads and orders creating, extinguishing, or diverting highways as these documents document a legal creation, extinguishment, or diversion of a public highway. Other documents may demonstrate the reputation of a way or the physical existence of a way, but the purpose of that document may not have been to show the legal status of a highway or have any powers to do so. For example, although a way may appear on many commercial maps it does not necessarily carry as much evidential weight as if the way is shown in two publicly consulted documents or created, say, as the result of an Act of Parliament. (See section 8 of **Appendix 2**, from page 55).

11. The applicant adduced documents to demonstrate the route of NTID11 should be upgraded to a restricted byway. None of these documents fell within category A, one fell within category B, with most documents adduced being commercial maps which fall within category E. The category B evidence affecting NTID11 is the 1844 North Tidworth Tithe map which shows the route of NTID11 as un-tithable land, which may indicate it was considered a public road but not necessarily so. The purpose of the tithe map is to show which land was tithable, as the Planning Inspectorate guidelines state at 8.2.13 "*both public and private roads had the capacity to diminish the productiveness of land for the assessment of tithe*" and at 8.2.14 "*They may not necessarily be good evidence either of public rights or the nature of any public right that may exist*". The route is annotated with a location at its northern end "*to collingbourne*" which may be indicative of a public highway; however, the map includes other routes with annotations which are not excluded from tithable land and are not recorded public rights of way at this time. The map also depicts other un-tithable tracks which are not currently recorded as public highways. The 1844 North Tidworth map is described as having "*an amateurish appearance*" in the book *The Tithe Maps of England and Wales* by Roger J.P Kain and Richard Oliver on page 560. Roger Kain being a professor specialising in Historical Geography and Map History and a fellow of the British Academy. The track shown on the North Tidworth Tithe map of 1844 should naturally continue into the parish of Ludgershall; however, no track is shown on the Ludgershall Tithe Map of 1841 at all. Overall, the only category B evidence in this case can be described as wholly inconclusive as to the rights over the track in question and in the words of Professor Roger Kain in reference to the 1844 North Tidworth map, "*amateurish*".
12. The vast majority of evidence in this case in support of the application are commercial maps which fall into category E. The Planning Inspectorate Guidelines state at 14.2.43 in reference to commercial maps "*They may not necessarily be good evidence either of public rights or the nature of any public right that may exist*" and at 14.2.46 "*Most maps are potentially helpful evidence of the physical existence of routes, especially if consistently shown. However, they are less helpful in terms of determining the status of the routes shown, and all mapping evidence is more helpful in conjunction with other evidence.*" Officers acknowledge there are a number of commercial maps showing the route in question as a road of various descriptions; however, it is clear commercial maps are not good evidence of the status of a way, rather the physical existence of a route, which is not in question. They may be used as supporting evidence in conjunction with other evidence, which in this case is lacking or where there is some evidence it is of weak or low evidential weight.
13. The '*amateurish*' grade B evidence, snippets of references to the route as an "old road" in parish council minutes and swathe of grade E evidence clearly shows a physical way has existed for many years in the general vicinity of the current recorded footpath. However, to amend the definitive map and status of the way the decision must be made on the balance of probabilities that the evidence is sufficient to justify such a change. The definitive map process in the early 1950s and subsequent inquiry into the route's status, which included the landowner and Parish Council, agreed that the way should be recorded as a footpath in 1956. The Finance Act 1910 maps, which can be considered category B evidence, do not indicate the way was recorded as a public highway.

The Pewsey Rural District Council Takeover Map c.1930 does not show the way as a public road at that time. Officers appreciate there is a balance of evidence in this matter and several documents may support the higher status of the route but the weight of those documents, in terms of evidential value, officers consider, is not heavy enough to tip the scales of the balance of probabilities for the reasons summarised in this report and fully explored in the decision report at **Appendix 2**.

14. Footpath NTID11 did not have a recorded width in the definitive statement and as a result of the thorough investigation officers undertook into the route it was clear a width could be recorded from the evidence of the physical appearance of the way. As such an Order was made, which is subject to this report, to record a width for the way. This also gives the applicant and any other parties the opportunity to object to the decision not to upgrade the status of the way, by objection to this Order, as is their right.
15. A separate Order was made to record a new section of restricted byway north of footpath NTID11 in the parish of Collingbourne Ducis, as a result of the same DMMO application. Higher evidentially weighted documents were found for that section of the route, hence the different decision in comparison to the route subject to this Order. That order to record a new section of restricted byway (also diverted to a more practical route) was made and confirmed without objection, that order is not subject to this process or report.
16. The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022 was duly advertised, and attracted three duly made objections, one objection not duly made (made outside of the statutory objection period) and one representation. A copy of the Order is appended at **Appendix 1**.
17. Where objections are received to a Definitive Map Modification Order Wiltshire Council may not confirm or abandon the Order and must forward it to SoSEFRA for determination. However, it must first consider the representations and objections to the Order and make a recommendation to SoSEFRA regarding the determination of the Order.

Main Considerations for the Council

18. Section 53(2) of the Wildlife and Countryside Act 1981 places a duty upon the Surveying Authority to keep the definitive map and statement of public rights of way under continuous review.
19. The Order is made under Section 53(3)(c) of the Wildlife and Countryside Act 1981, based on:

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows-

(iii)that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.”

20. Evidence is the key and therefore objections to the making of the Order must, to be valid, challenge the evidence available to the Surveying Authority. The Authority is not able to consider other considerations, such as the suitability of the way for use by the public, the proximity of any other paths or facilities, environmental impacts and any need or desire for the claimed route.

21. **Objections and Representations:**

(1) Mr Bill Riley (applicant) – Objection

The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022

I object to the order.

Background: As you are aware, I applied for the order on 31 March 2004. As submitted, the application sought inter alia to upgrade North Tidworth Path No.11. On 27 January 2022 I was informed by the Council that the upgrade was refused, and subsequently, that I had no right of appeal, but that when the order was made and advertised, I would have the opportunity to make representations.

My objection is made on the grounds that the Council has discovered no evidence that the way was only ever a footpath historically, and cogent historical evidence (much of it in the Council's own archives) shows clearly that the way is an ancient public road for all traffic. Consequently, the order should be modified to record North Tidworth Path No.11 as a restricted byway.

(2) Mr Alan Kind – Objection

Dear Sir

The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022

Reference your order of 14 June 2022, to add a width to the definitive statement, I object on the following grounds.

You have made this order consequent on an application to modify the status of the way from footpath to restricted byway. You rejected that application, choosing instead to make this order.

I have seen the evidence in support of the application and have carried out some additional map research of my own. Based on all that evidence, and (importantly) on a proper construction of the view of the courts (which has barely been touched on in your report to committee), the correct status of the way is restricted byway, and the order should be modified accordingly.

(3) Michelle Haley – Objection

Dear Mr Harlow

North Tidworth 11 Definitive Map and Statement Modification Order 2022

I write to object to this order.

As you are aware a DMMO application was made in 2004 to upgrade this path and add a width.

Historical evidence clearly shows that the way is an ancient public road for all traffic and no evidence has been produced by Wilts Council to show that it was ever historically a footpath.

The order should be modified to record North Tidworth Path 11 as a restricted byway.

(4) Norman Beardsley (on behalf of Wiltshire Bridleways Association) - Objection made outside of statutory period

Dear Mr Harlow.

I write on behalf of f Wiltshire Bridleways Association to register the committee's OBJECTION to the Order as made on 14 June 2022, dated as being published on 23 June 2022.

The available sections of the Wiltshire Council Decision Report relating to the Definitive Map Modification Order, application number 2004/09 appears, without any written or documented explanation, to give little regard to the volume of historical evidence supporting the existence of a Byway Open To All Traffic.

North Tidworth Path number 11 would, if upgraded in accordance with the evidence presented, open a route for equine use of approximately 2000mtrs, (1250yds) to connect with Collingbourne Ducis bridleway 21, also subject to a Definitive Map Modification Order under application number 2005/061.

This will lead on and connect to other Public Rights of Way, thus assisting the quest to provide additional, much needed safe off-road riding.

(5) Peter Gallagher (Ramblers) – Representation

Dear Craig

We have no objection to these orders

Comments on the objections

22. All three objections made in the statutory period from Mr Riley, Mr Kind and Ms Haley are of a very similar nature (as is the main body of the non-statutory objection from Mr Beardsley on behalf of Wiltshire Bridleways Association). The reasons for making the Order set out in paragraphs 10-13 of this report and fully in the decision report at **Appendix 2**. Those being summarily, and in response to the objections, that the evidence is delicately balanced, but officers believe the weight of the evidence is not sufficient to make and confirm an order to upgrade the status of this route on the balance of probabilities. The point raised by Mr Beardsley regarding the benefit to off road users cannot be taken into consideration. The objectors have not raised any additional points to consider to those that were considered at the order making stage. An independent inspector appointed by The Planning Inspectorate on behalf of the Secretary of State will

determine the order and officers are content to be guided by that judgement on such an evidentially balanced case.

Overview and Scrutiny Engagement

23. Overview and Scrutiny Engagement is not required in this case. The Council must follow the statutory process which is set out under Section 53 of the Wildlife and Countryside Act 1981.

Safeguarding Considerations

24. Considerations relating to safeguarding anyone affected by the making of the Order under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Order must be made and determined based on the relevant evidence alone.

Public Health Implications

25. Any public health implications arising from the making of an Order under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Order must be made and determined based on the relevant evidence alone.

Corporate Procurement Implications

26. In the event this Order is forwarded to SoSEFRA there are several opportunities for expenditure that may occur, and these are covered in paragraphs 30 to 33 of this report.

Environmental and Climate Change Impact of the Proposal

27. Any environmental or climate change considerations arising from the making of an Order under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Order must be made and determined based on the relevant evidence alone.

Equalities Impact of the Proposal

28. Matters relating to the equalities impact of the proposal are not relevant considerations in Section 53 of the Wildlife and Countryside Act 1981.

Risk Assessment

29. Wiltshire Council has a duty to keep the definitive map and statement of public rights of way under continuous review and therefore there is no risk associated with the Council pursuing this duty correctly. Evidence has been brought to the Council's attention that there is an error in the definitive map and statement of public rights of way which ought to be investigated and it would be unreasonable for the Council not to seek to address this fact. If the Council fails to pursue its duty it is liable to complaints being submitted through the Council's complaints procedure, potentially leading to complaints to the Ombudsman. A request for

judicial review could be made with significant costs against the Council where it is found to have acted unlawfully.

Financial Implications

30. The making and determination of Orders under the Wildlife and Countryside Act 1981 is a statutory duty for Wiltshire Council for which financial provision has been made.
31. Where there are outstanding objections to the making of the Order it must be determined by the Secretary of State. The outcome of the Order will then be determined by written representations, local hearing, or local public inquiry, all of which have a financial implication for the Council. If the case is determined by written representations the cost to the Council is £200 to £300; however, where a local hearing is held the costs to the Council are estimated at £300 to £500. A one-day public inquiry could cost between £1,500 and £3,000 if Wiltshire Council continues to support the making of the Order (i.e., where legal representation is required by the Council) and around £300 to £500 where Wiltshire Council no longer supports the making of the Order (i.e. where no legal representation is required by the Council and the case is presented by the applicant).
32. Where the Council objects to the Order, the Order must still be forwarded to the SoSEFRA for determination. As in the case of a supported Order, the possible processes and costs range from £200 to £3,000 as detailed at paragraph 31 above.
33. As the case is considering documentary evidence, with no witness evidence to cross examine, officers will request the Order to be resolved by written representations. However, this is subject to other parties' requests and SoSEFRAs decision on how to determine the Order.

Legal Implications

34. Where the Council does not support the Order, clear reasons for this must be given and must relate to the evidence available. The applicant may seek judicial review of the Council's decision if he sees it as incorrect or unjust by them. The cost for this may be up to £50,000.

Options Considered

35. Members should now consider the objections received and the evidence to determine whether Wiltshire Council continues to support the making and confirmation of the Order. The making of the Order has been objected to; therefore, the Order must now be submitted to the SoSEFRA for determination and members of the committee may determine the recommendation (which should be based upon the evidence) to be attached to the Order when it is forwarded to the SoSEFRA as follows:
 - (i) The Order be confirmed without modification
 - (ii) The Order be confirmed with modification
 - (iii) Take a neutral stance on the determination of the Order.

- (iv) The Order should not be confirmed

Reason for Proposal

36. Unless the objections and representations are withdrawn the Order must be forwarded to the SoSEFRA for determination.
37. No new evidence has been presented in the objectors' submissions that has not been considered fully by officers during the initial investigation and decision process and subsequent decision report (**Appendix 2**).
38. The documentary evidence in officers' opinion failed to meet the balance of probabilities test to upgrade the status of the route, as discussed in detail at 10-13 of this report and at **Appendix 2**. The evidence did show that, where the route had no recorded width, a width could be taken from the documentary evidence and recorded, hence the making of this Order.
39. The Council's duty remains with supporting the Order based on the evidence it has before it.

Proposal

40. That The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022 is forwarded to the SoSEFRA with the recommendation that it is confirmed as made.

Samantha Howell

Director – Highways and Transport

Report Author:

Craig Harlow

Definitive Map Officer

Appendices:

Appendix 1 - "The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022"

Appendix 2 - Decision Report

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WILDLIFE AND COUNTRYSIDE ACT 1981

THE DEFINITIVE MAP AND STATEMENT FOR THE PEWSEY RURAL DISTRICT COUNCIL AREA DATED 1952 AS MODIFIED UNDER THE PROVISIONS OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022

This order is made by Wiltshire Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement for the Pewsey Rural District Council Area Definitive Map and Statement dated 1952 as modified under the provisions of the Wildlife and Countryside Act 1981 require modification in consequence of the occurrence of events specified in section 53(3)(c)(iii) of the Act, namely the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows: -

- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The Authority has consulted with every local authority whose area includes the land to which the order relates.


The Wiltshire Council hereby order that:

1. For the purposes of this Order the relevant date is 14th June 2022
2. The Definitive Map and Statement for the Pewsey Rural District Council Area Definitive Map and Statement dated 1952 as modified under the provisions of the Wildlife and Countryside Act 1981 shall be modified as described in Part I of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as The Wiltshire Council North Tidworth Path No.11 Definitive Map and Statement Modification Order 2022.

**THE COMMON SEAL of
WILTSHIRE COUNCIL was
hereunto affixed this
14th day of June 2022
in the presence of:**

}
}
}
}
}

In the Presence of:


(F. C. CAIN)
Head of Legal Services



11888

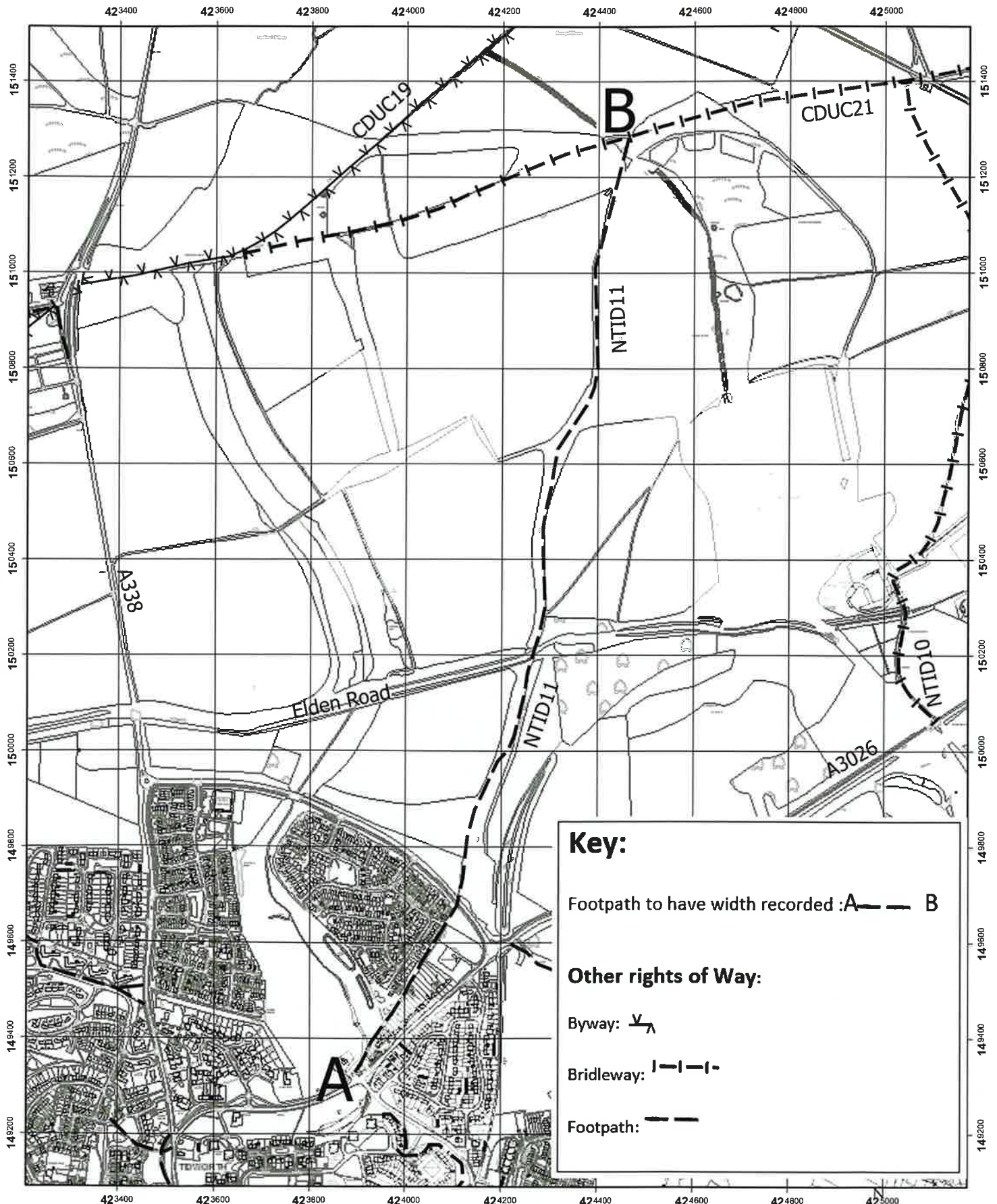
SCHEDULE

PART I

MODIFICATION OF THE DEFINITIVE STATEMENT

Parish	Path No	Description of restricted byway to be added	Modified under Section 53(3) as specified
Tidworth	11	<p>FOOTPATH From the Ludgershall road, A.3026, east of North Manor House, leading North-north-east over Windmill Hill to Collingbourne Ducis Parish boundary on Sunnyhill Down.</p> <p>Width of 3- 8 metres (from OS sheets 48.15,48.11 and 48.7 ,1:2500, 1900 edition)</p> <p>Approximate length 2.414km</p>	53(3)(c)(iii)

The Wiltshire Council Parish of Tidworth, Path No.11 Definitive Map and Statement Modification Order 2022.



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WILDLIFE AND COUNTRYSIDE ACT 1981 S.53

DECISION REPORT

Application to upgrade footpath North Tidworth 11 to a Byway Open To All Traffic and add a new section of Byway Open To All Traffic in the parish of Collingbourne Ducis

1. **The Application**

Application number: 2004/09

Date of application: 31st March 2004

Applicant: Bill Riley
141 Bath Road
Bradford on Avon
Wiltshire
BA15 1SS

Application for: *An Order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by upgrading to a byway open to all traffic the footpath No.11 North Tidworth, Oxford Road. From the Ludgershall Road, A3026, east of North Manor Farm, leading north north-east over Windmill Hill to the Collingbourne Ducis Parish boundary on Sunnyhill Down. Approximate length 2.06km. Approximate width ranging from 4.5 to 9 metres.*

And adding the byway open to all traffic in Collingbourne Ducis Parish, Oxford Road. From then northern end of right of way No.11 , North Tidworth , at the Parish boundary, leading north north-east across Sunnyhill Down and the Devizes Road, A342 , to its junction with right of way no.19. Approximate length 600m. Approximate width 9 metres south of A.342 , and 75 metres north of A.342.

Application comprises: Schedule 7 form of application for modification order.

Schedule 8 form of notice of application for modification order served upon the landowner Defence Estates , Training Estate, Land Agents Office, Westdown Camp, Tilshead, Salisbury, Wiltshire, SP3 4RS.

Schedule 9 certificate of notice of application for a modification.

Map showing the claimed route highlighted in pink.

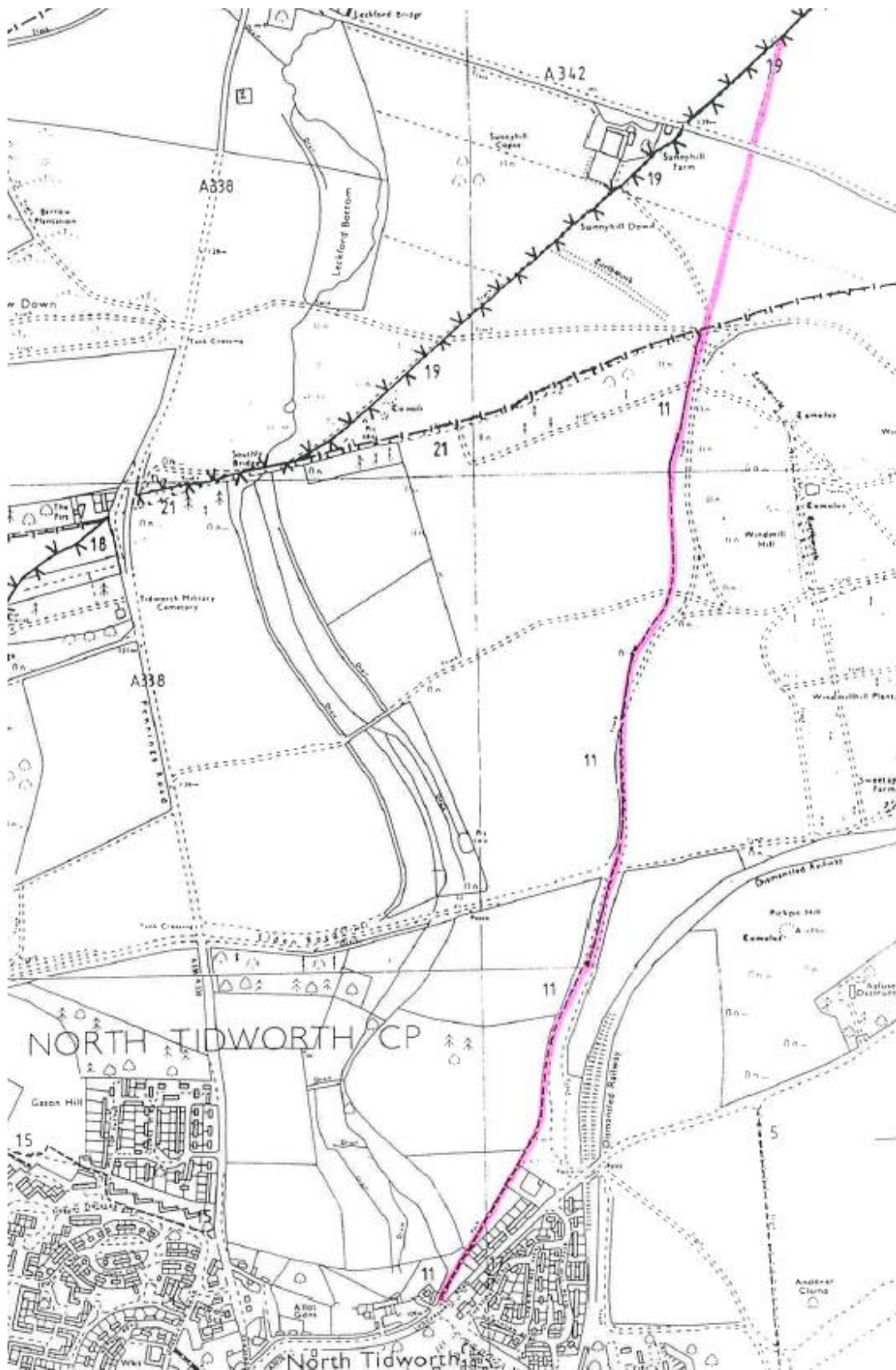
Summary of Historical Evidence.

2 Background

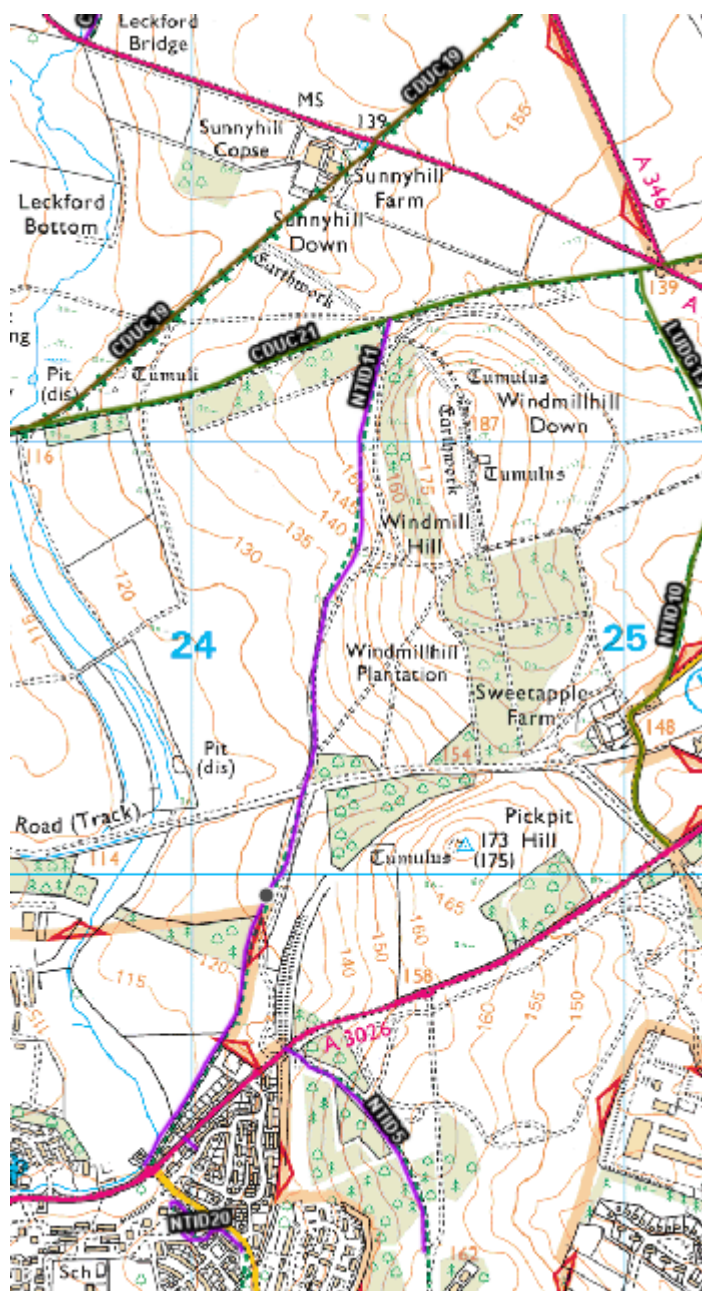
- 2.1 Wiltshire Council received an application on 31st March 2004 to upgrade footpath North Tidworth 11 (NTID1) to a byway open to all traffic (BOAT) from its junction on the A3026 Ludgershall Road OS Grid Reference SU 2389 4933 leading in a generally northerly direction to its junction with bridleway Collingbourne Ducis 21 (CDUC21) at SU 2446 5128. The application also applies for a new section of BOAT from SU 2446 5128 leading north – north-east across Sunnyhill Down and the A.342 to its junction with BOAT Collingbourne Ducis 19 (CDUC19) at SU 2459 5184.

Some evidence, as will be seen later in the report , indicates part of the route crosses for a small length into the parish of Ludgershall at the North Tidworth/ Collingbourne Ducis parish boundary, as such Ludgershall Parish Council have been consulted, but for most references it is considered the claimed route is within the two parishes of North Tidworth and Collingbourne Ducis.

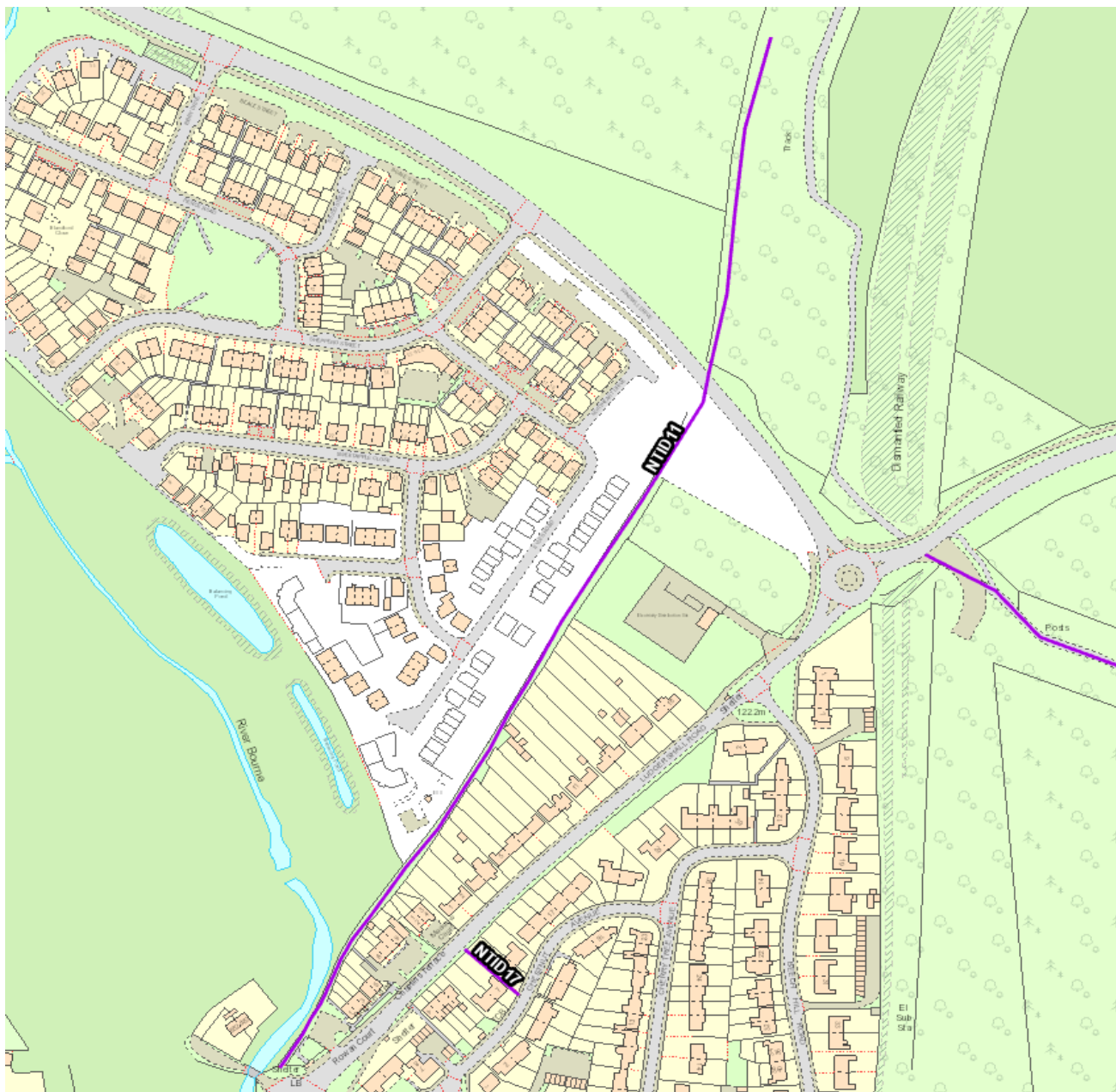
2.2 The application was accompanied by a map with the application route highlighted in pink. This is shown below.



2.3 The current working copy of the definitive map for the area is shown below for context.



2.4 At the southern end of the footpath a new housing estate has been recently built immediately to the west of the path and can be seen in the below map extract. The footpath also now crosses a newly constructed road, named Windmill Drive, to the north of the housing estate, this is currently unadopted.

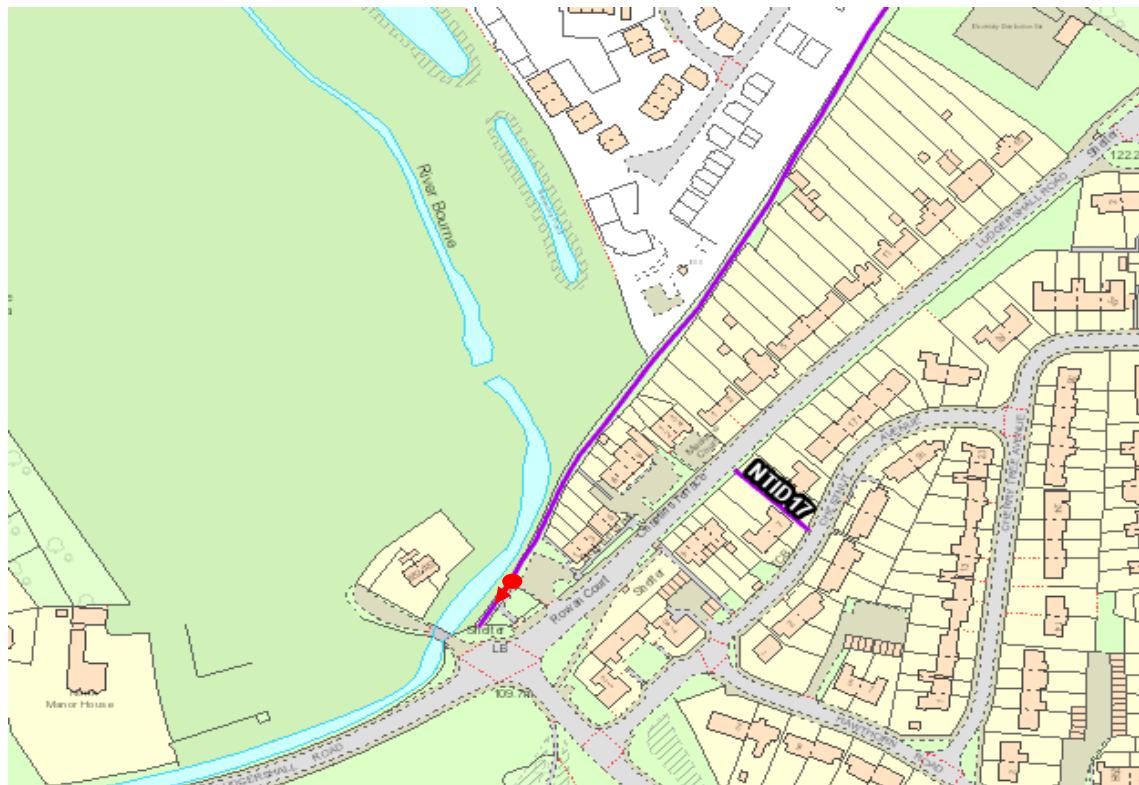


3.0 Photos of the site

The following photos were taken of the application route taken in July 2020. Beginning at the southern end of footpath NTID11 from Ludgershall Road. The map extract accompanying each photo will show the location and direction each photo is taken from; this is indicated by a red arrow on the map.







3.4



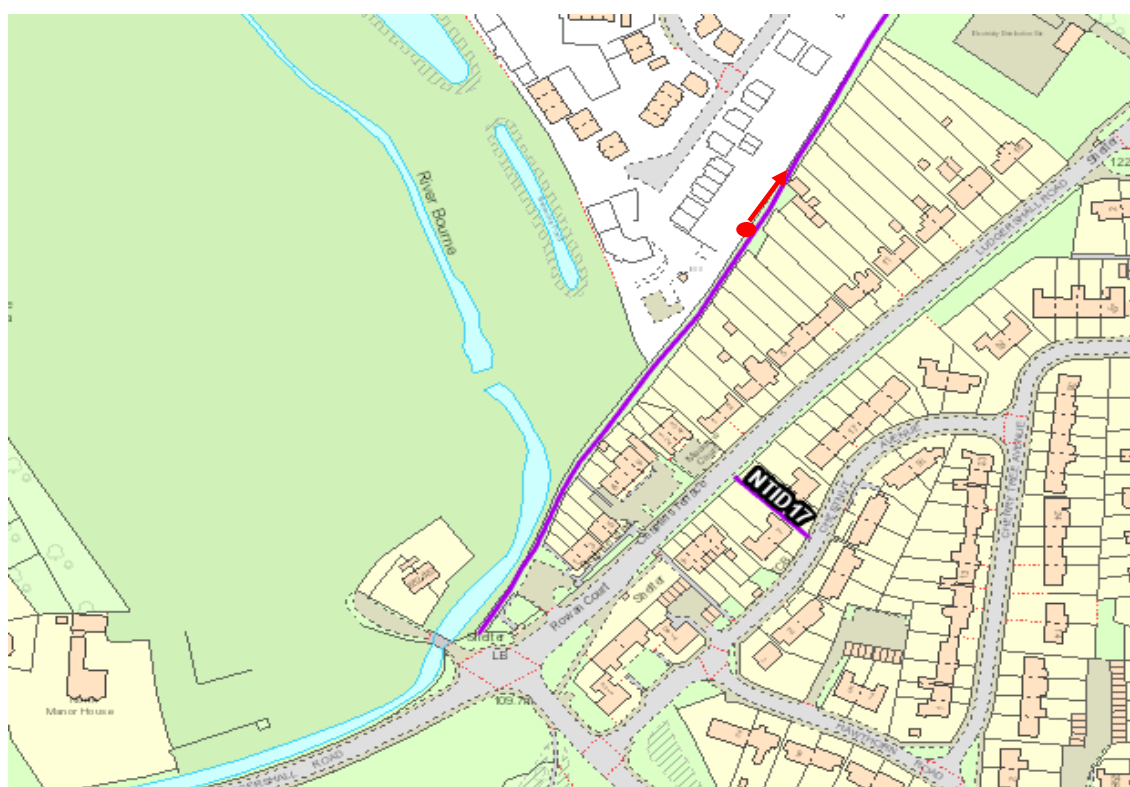
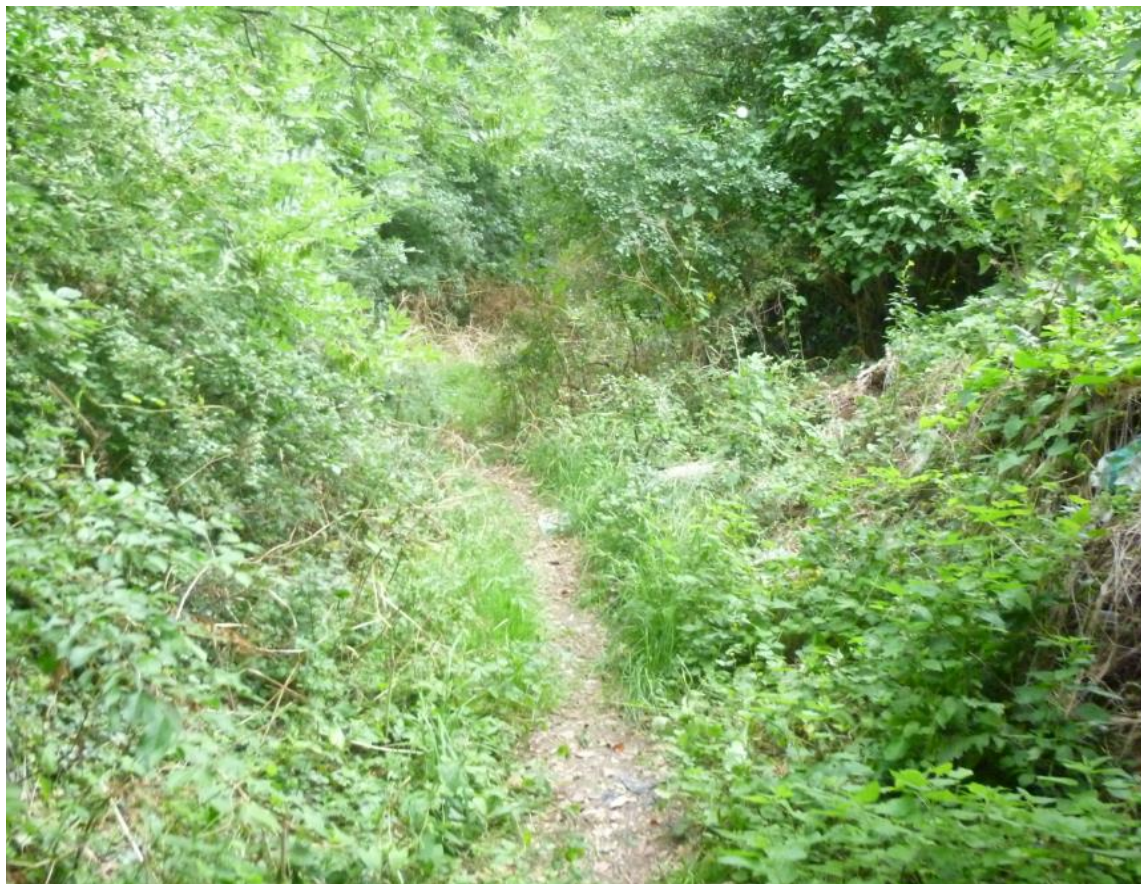
3.5

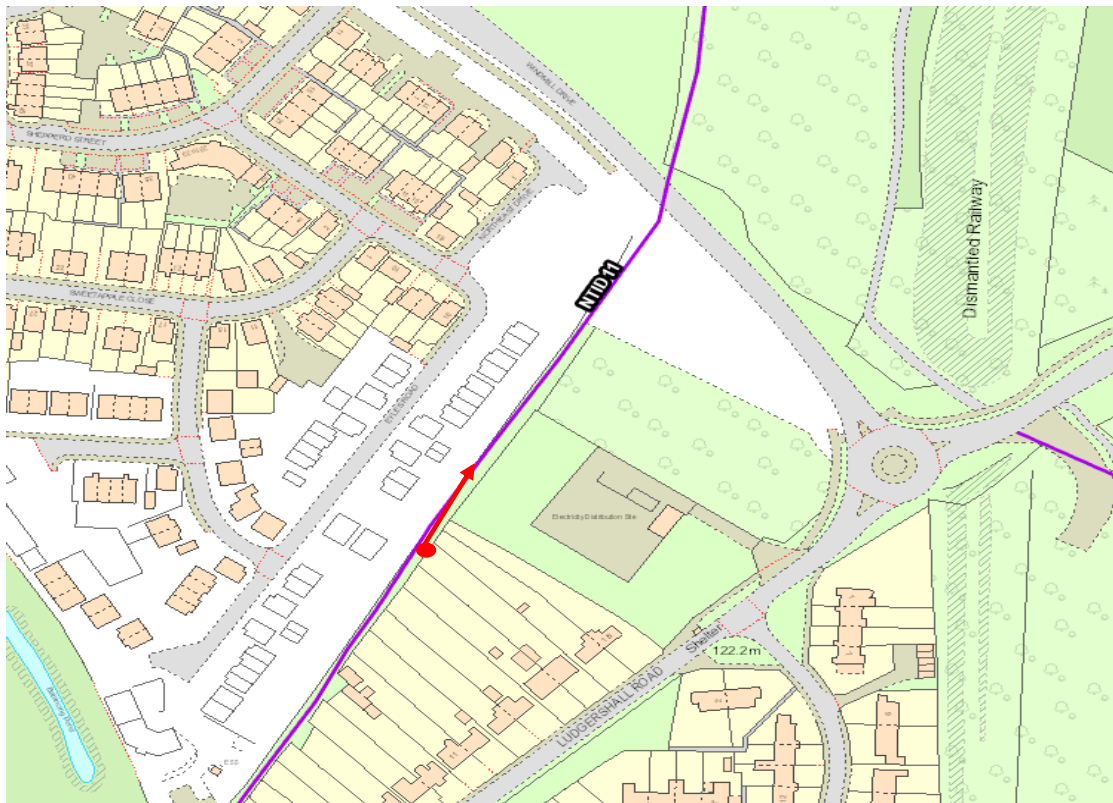


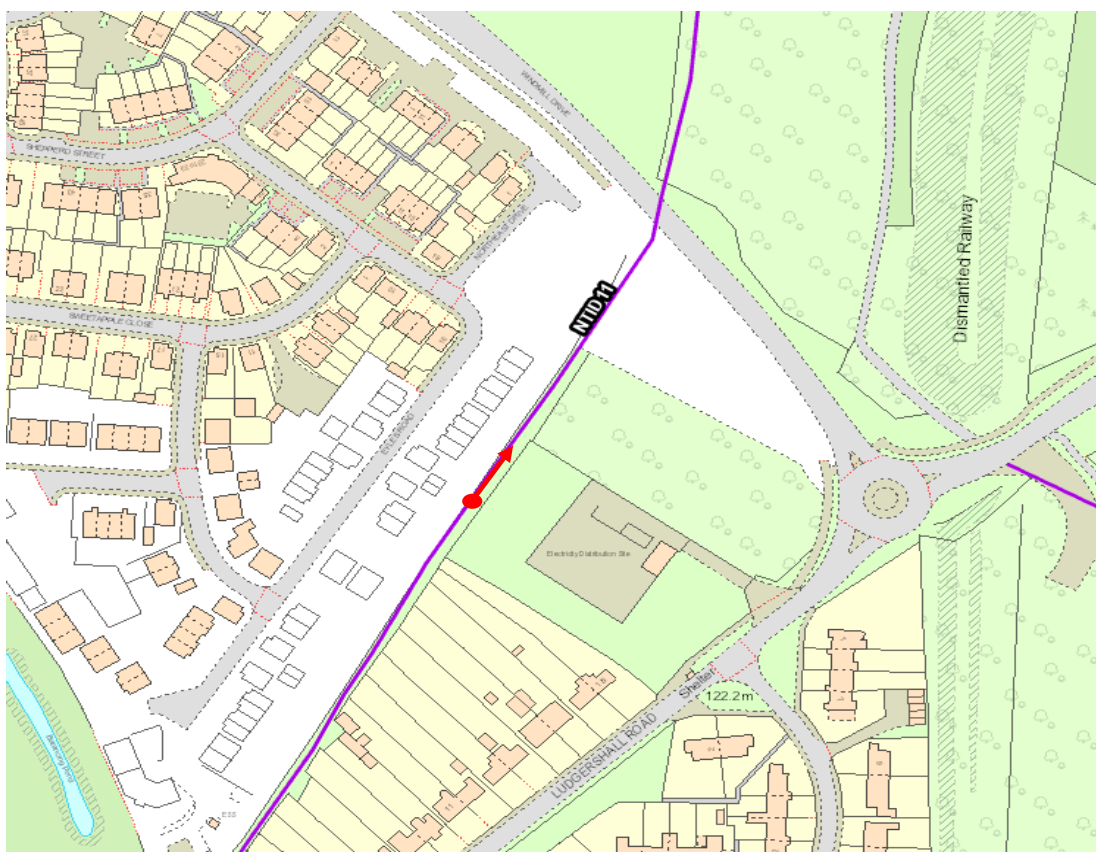
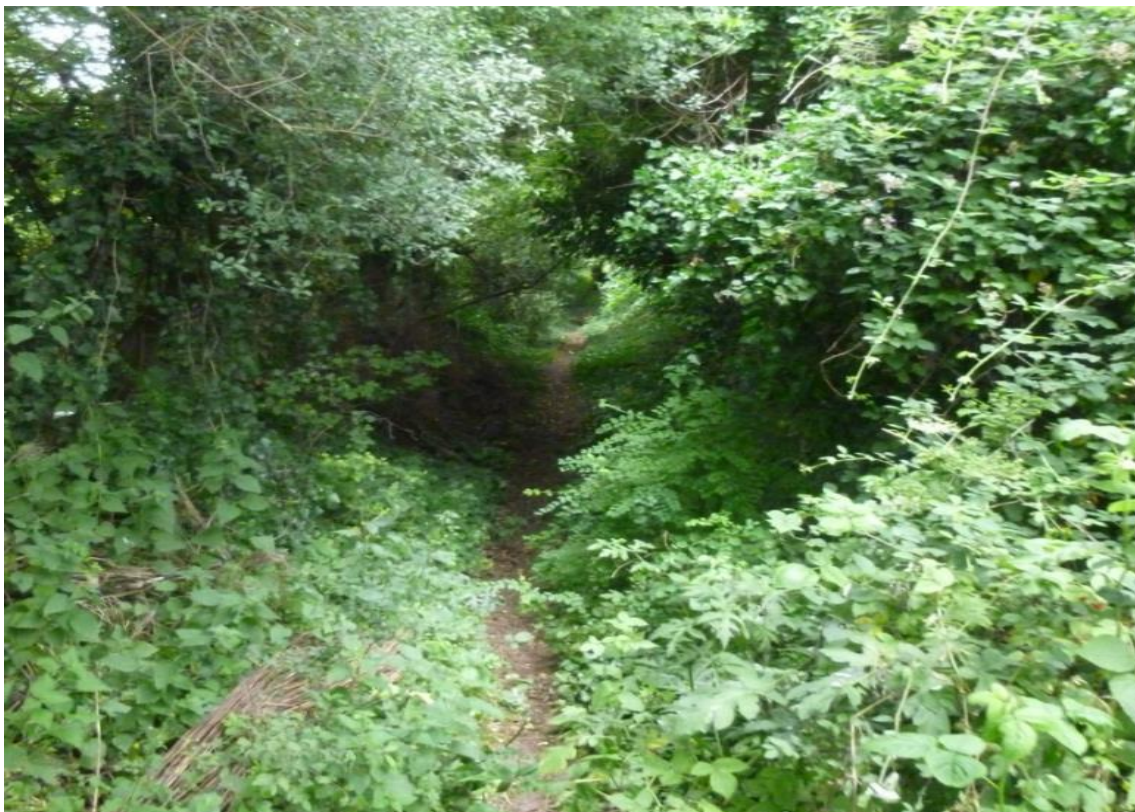


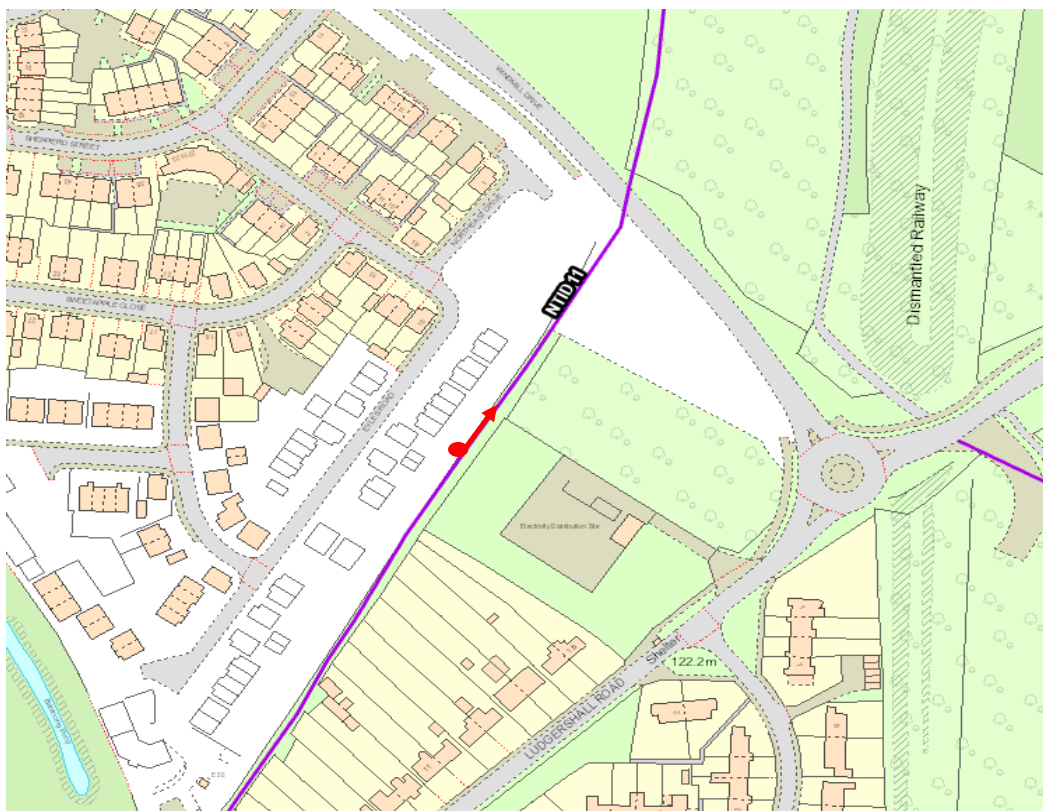
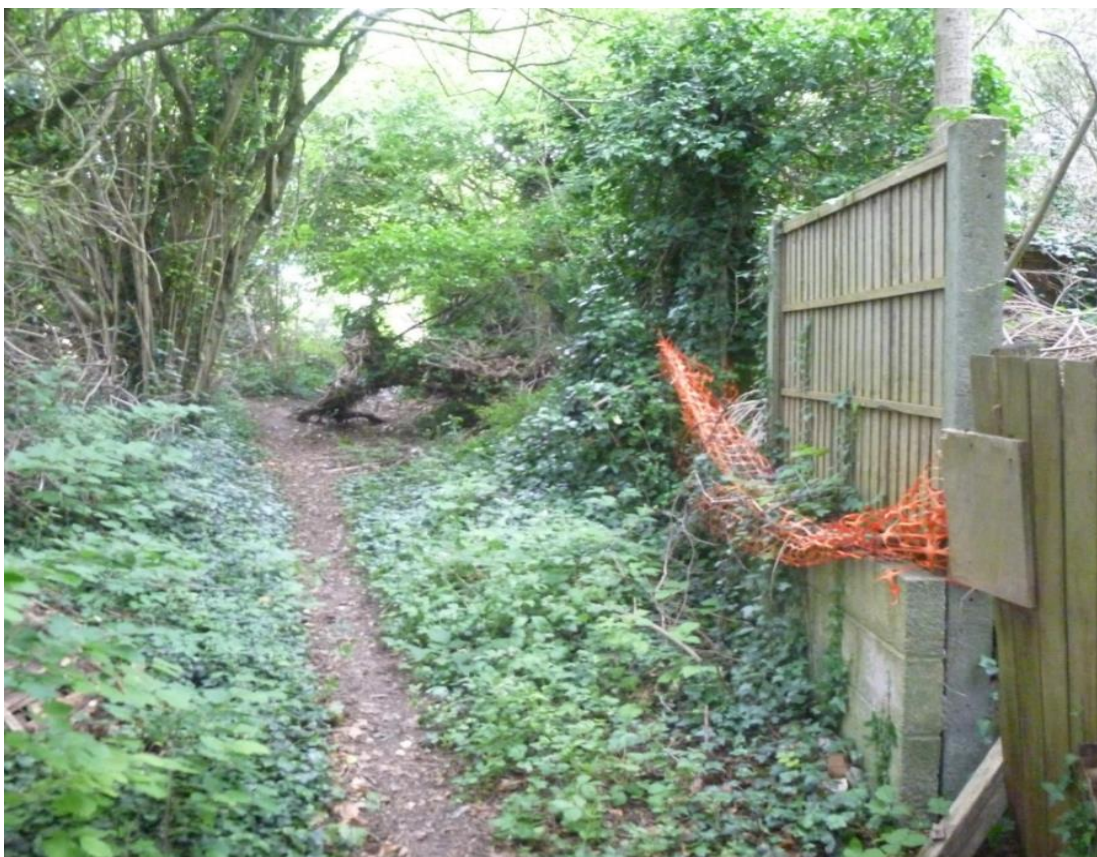


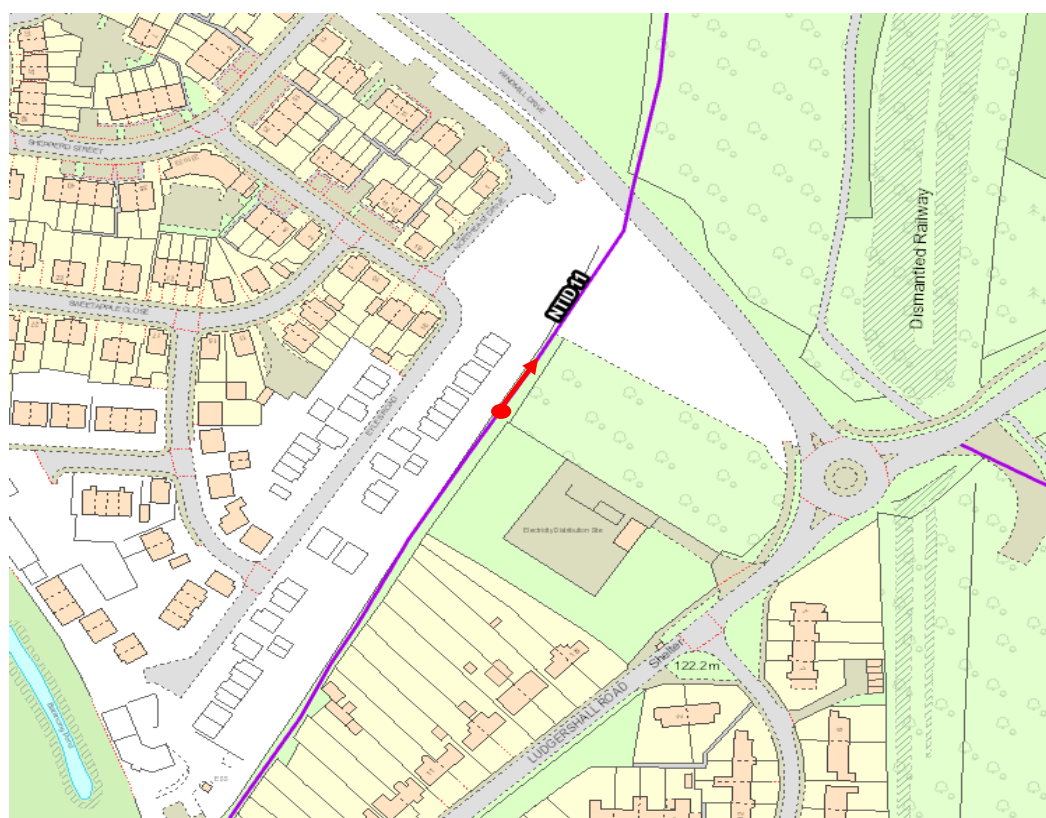


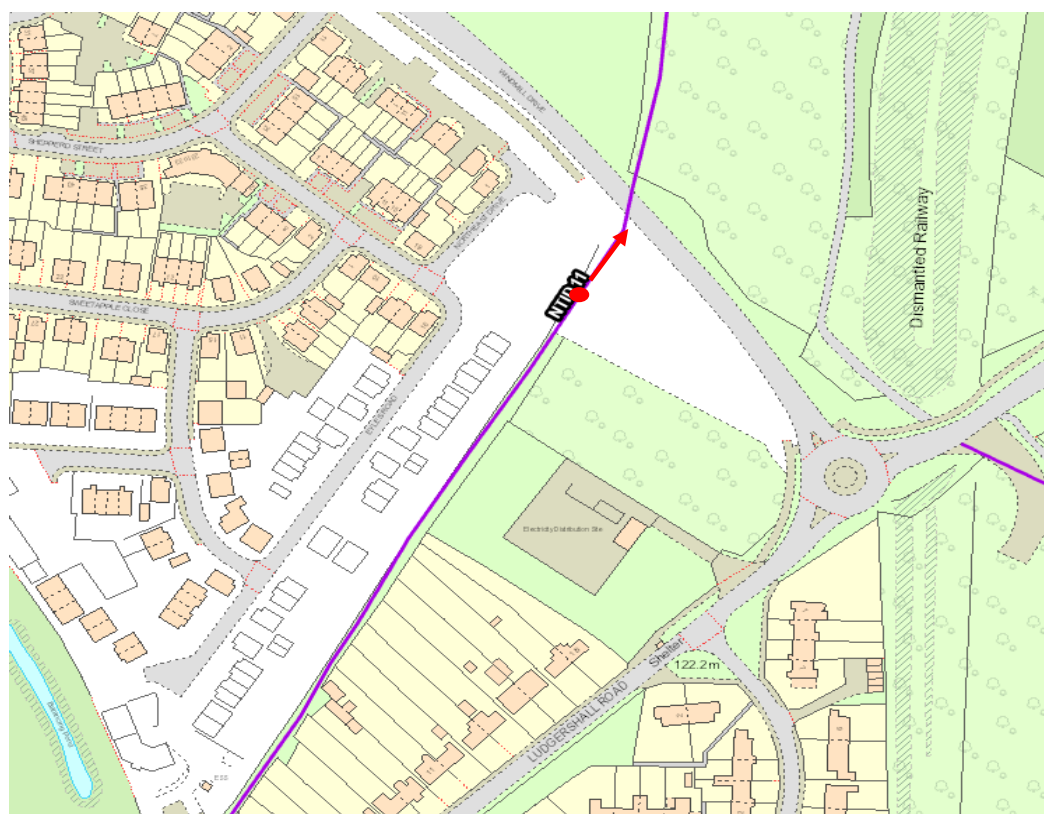


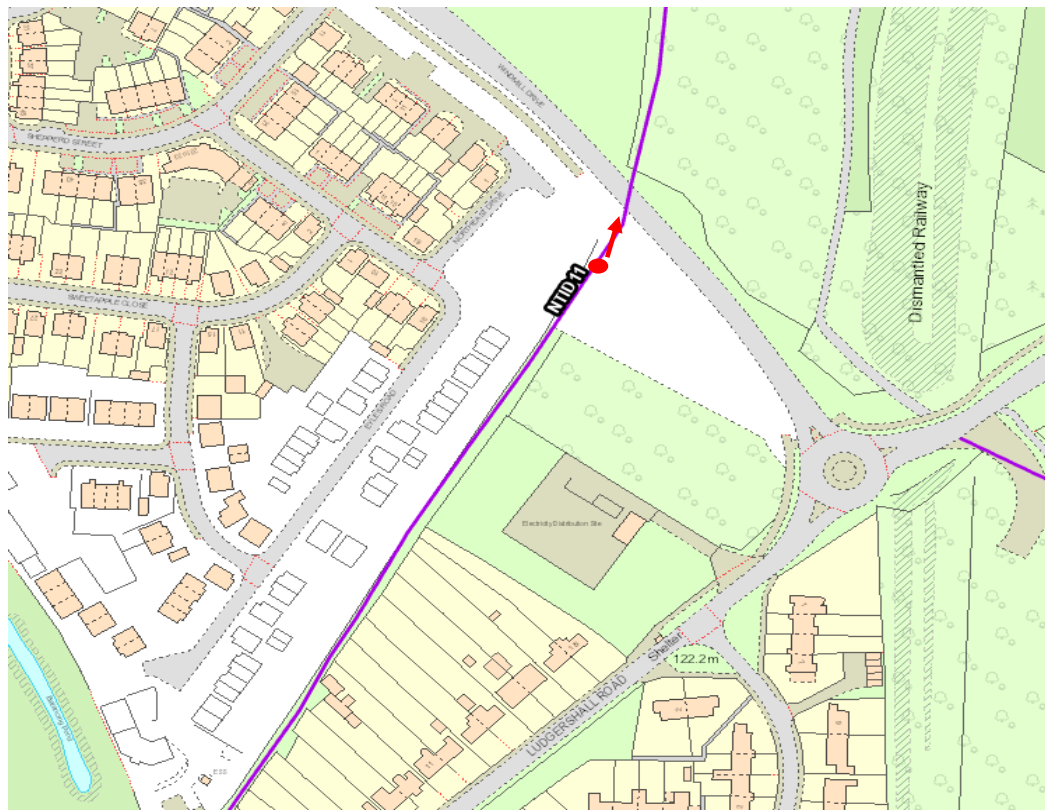


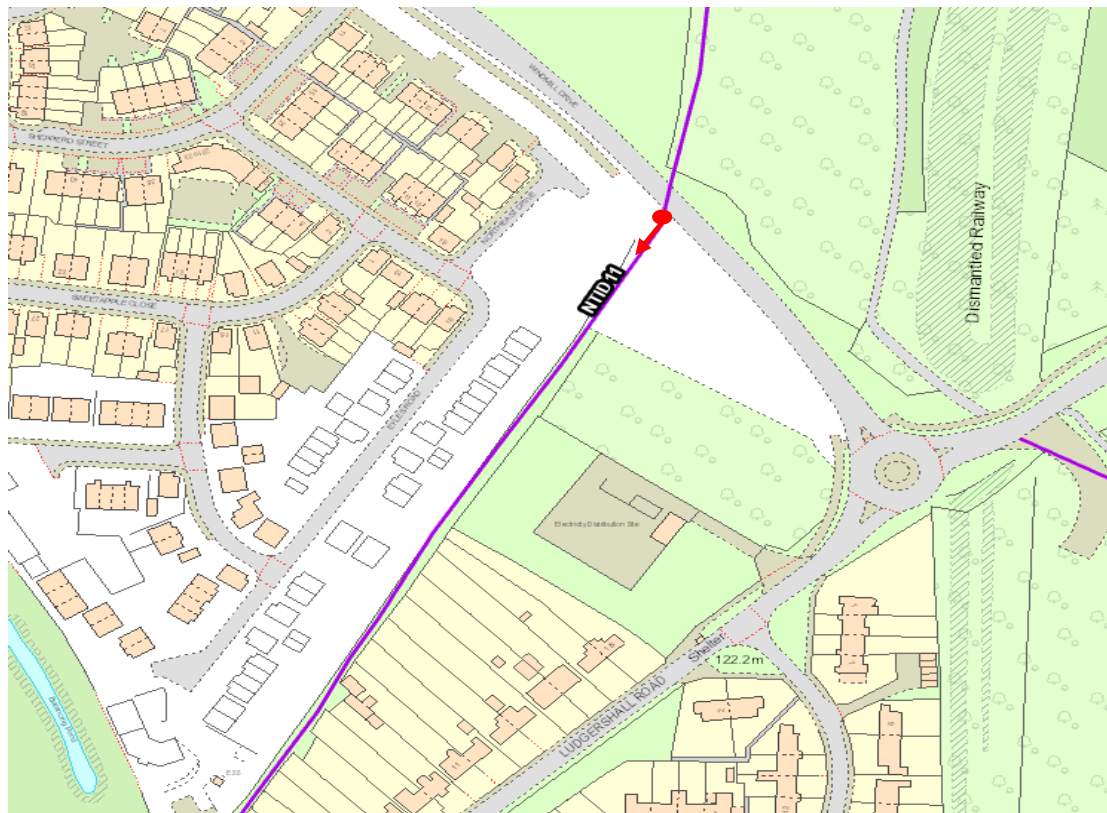




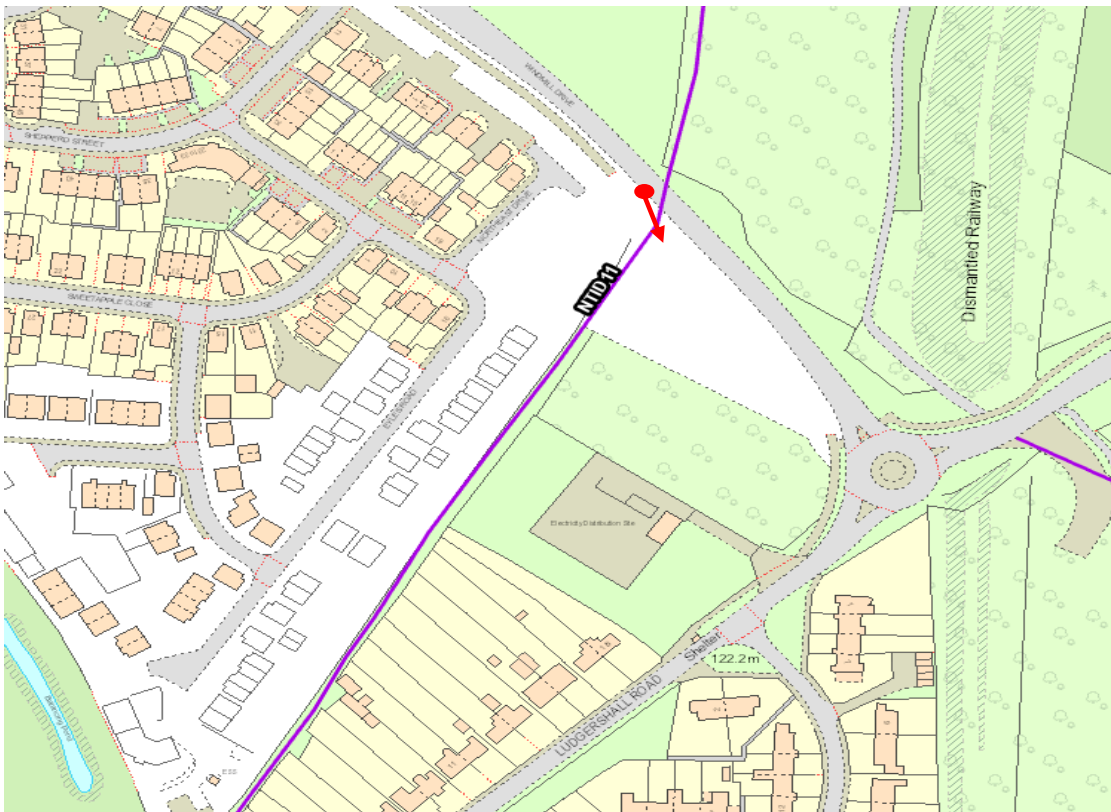


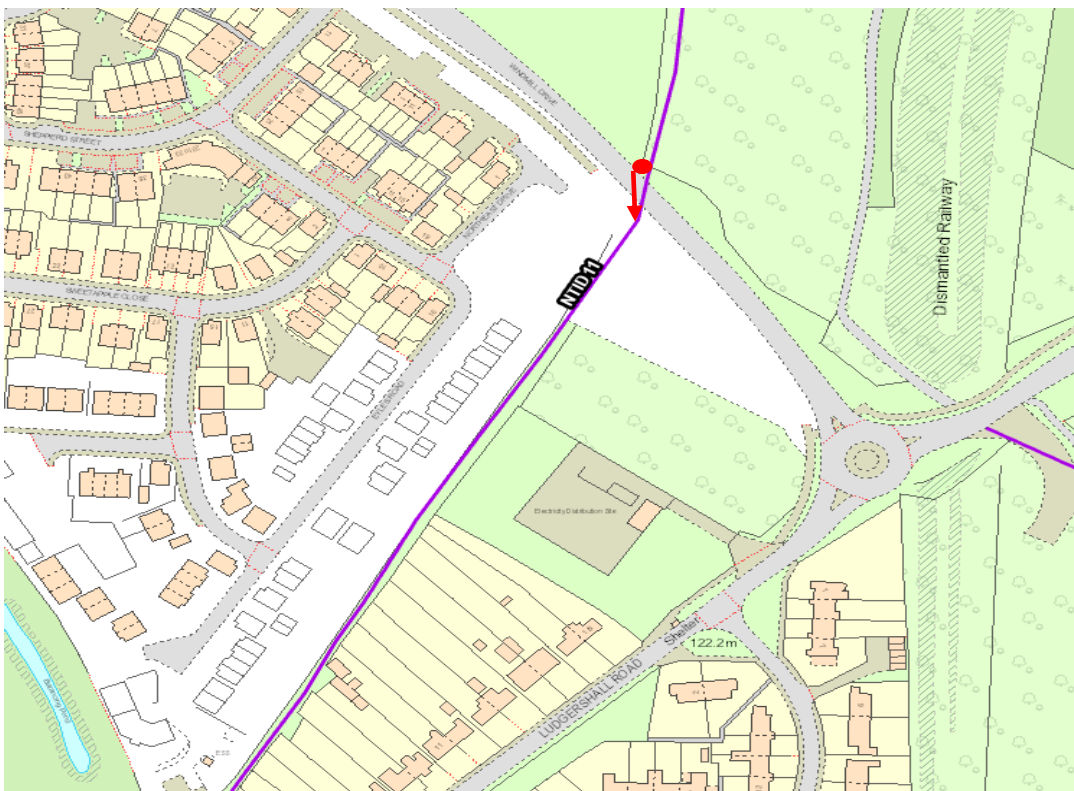


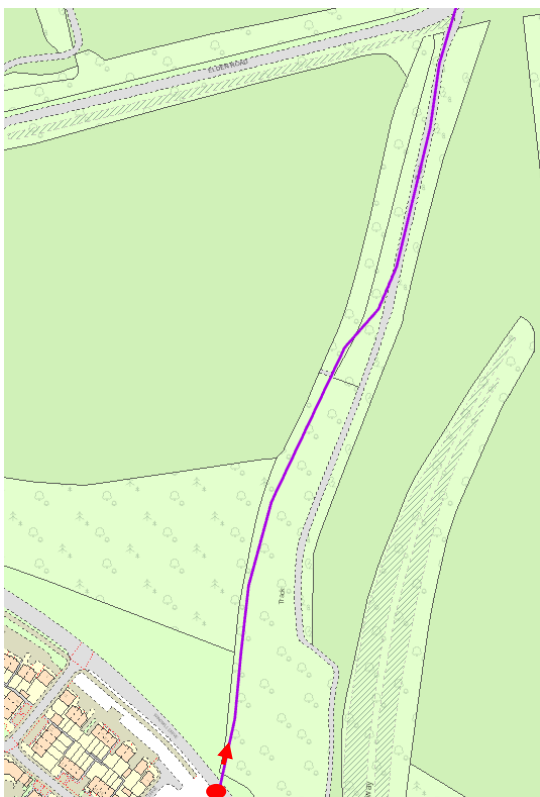


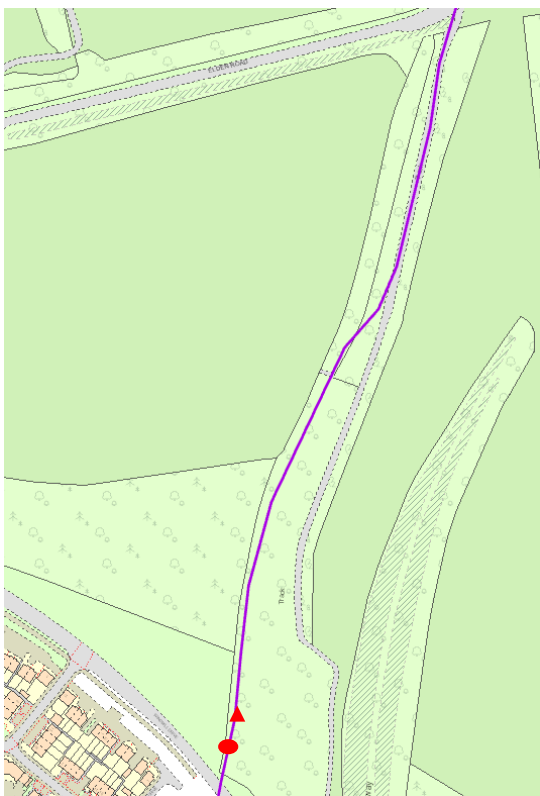


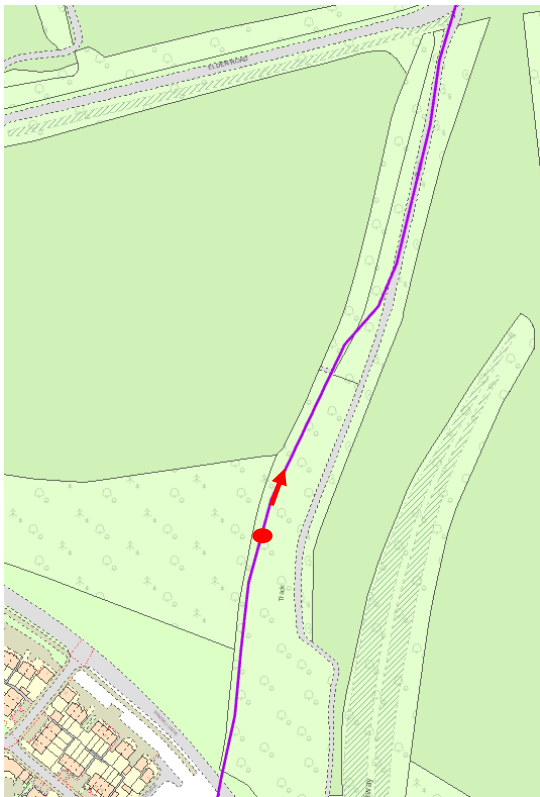
3.17

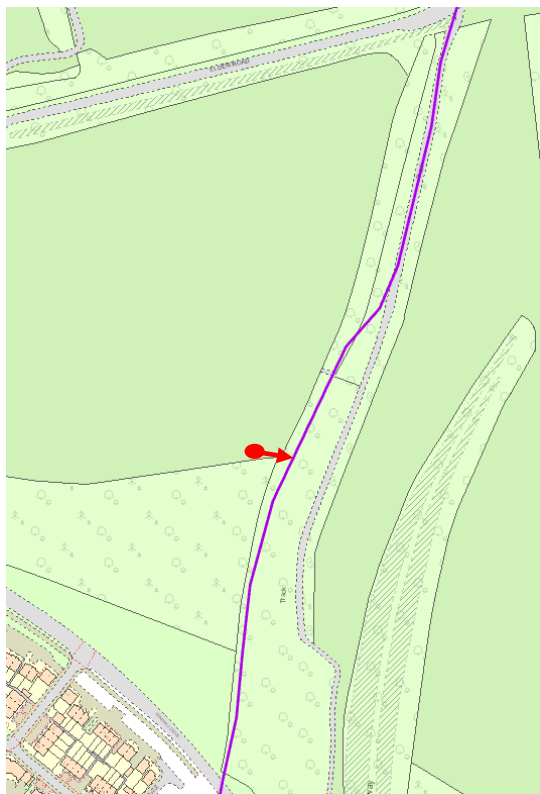


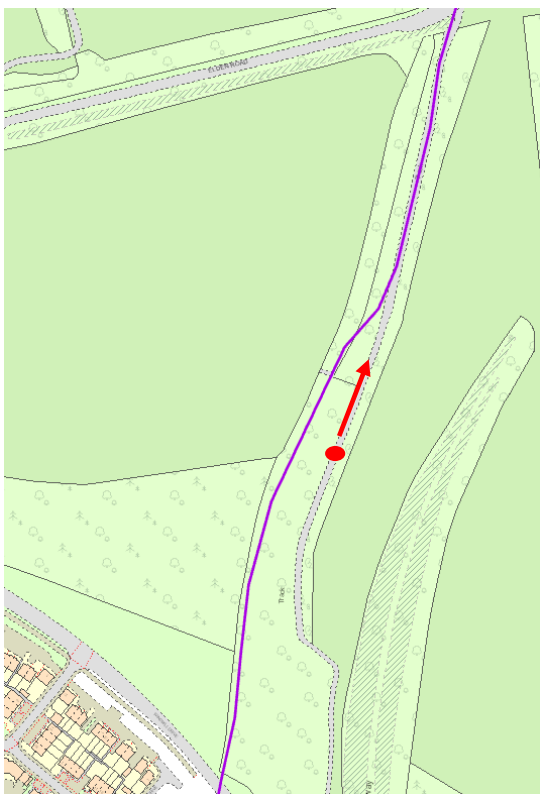


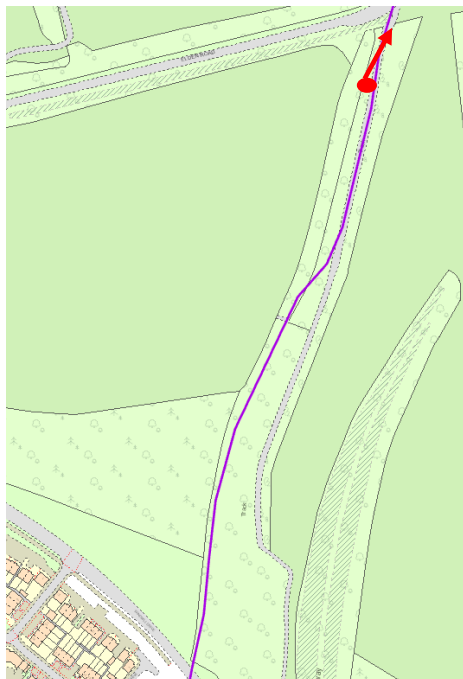


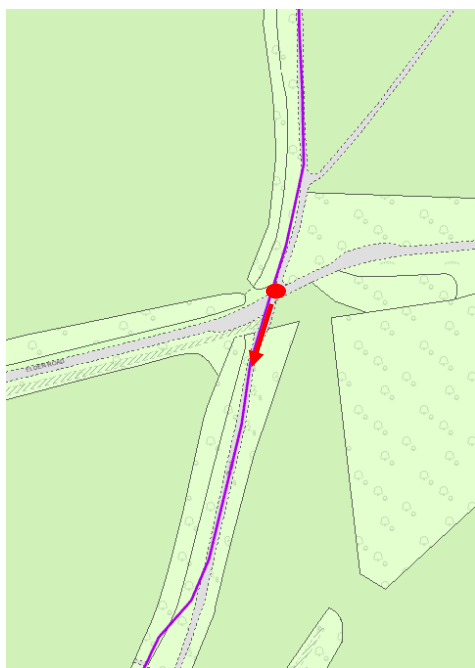


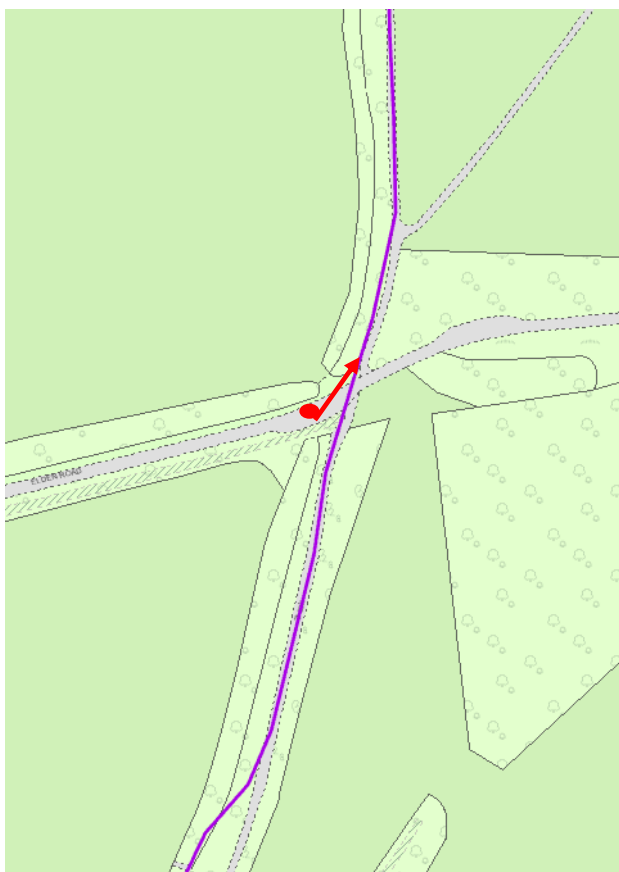


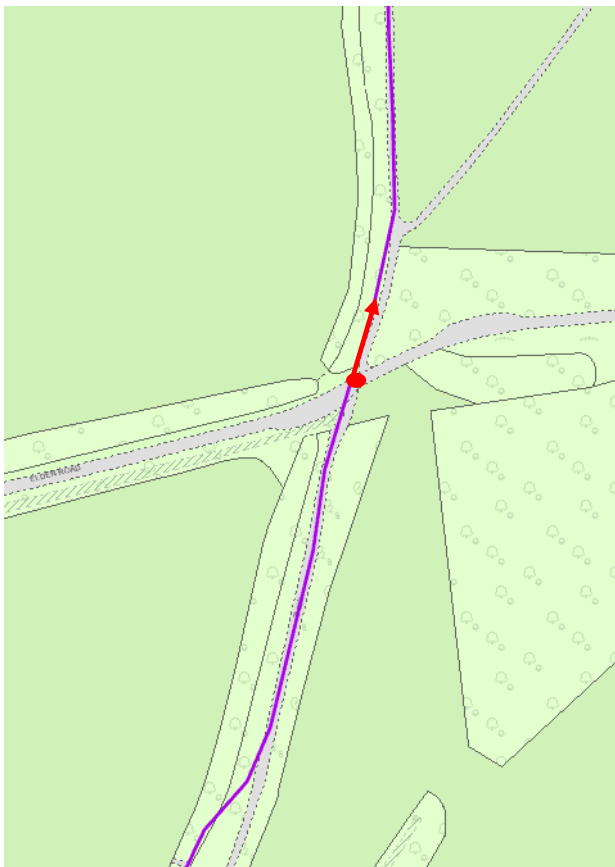


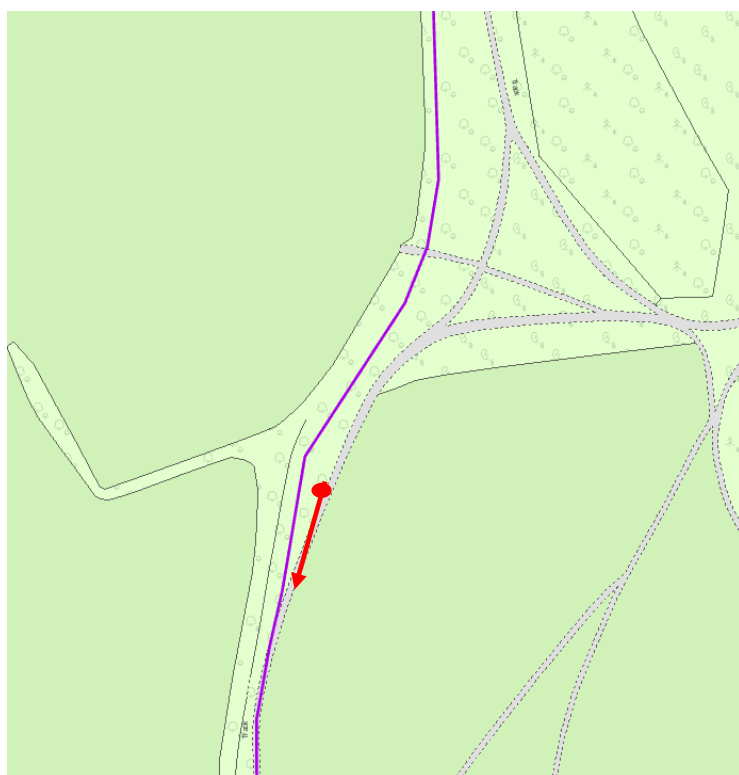








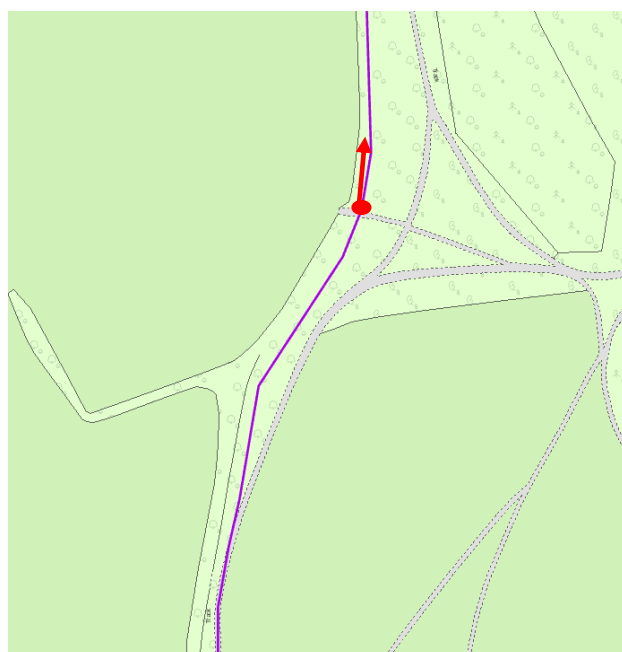






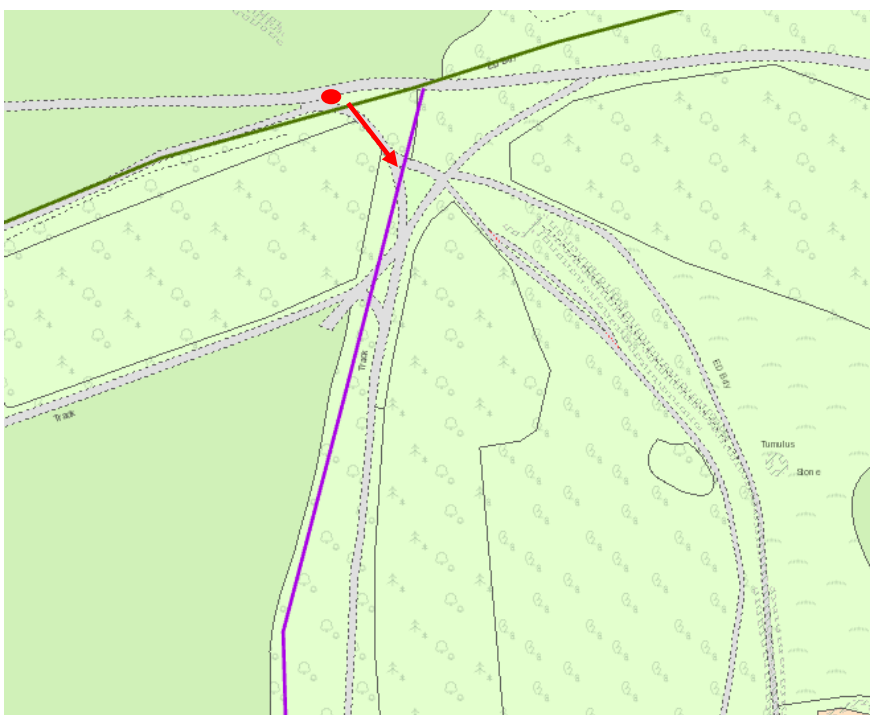
3.30

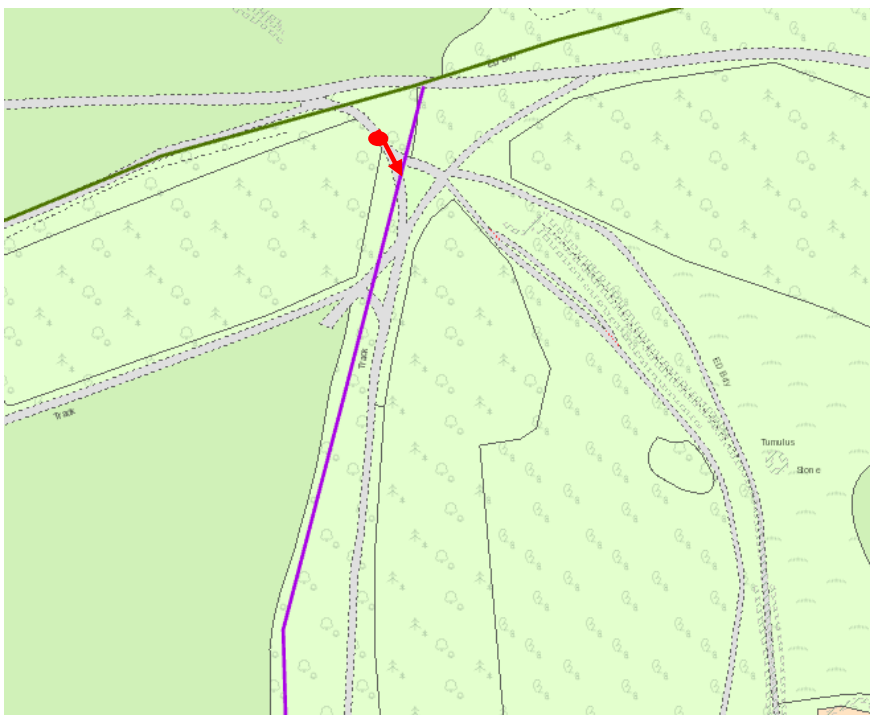
A view of the route depicted by the working copy of the definitive map at this point. It is completely obstructed by dense vegetation, the adjacent made track is the used route.

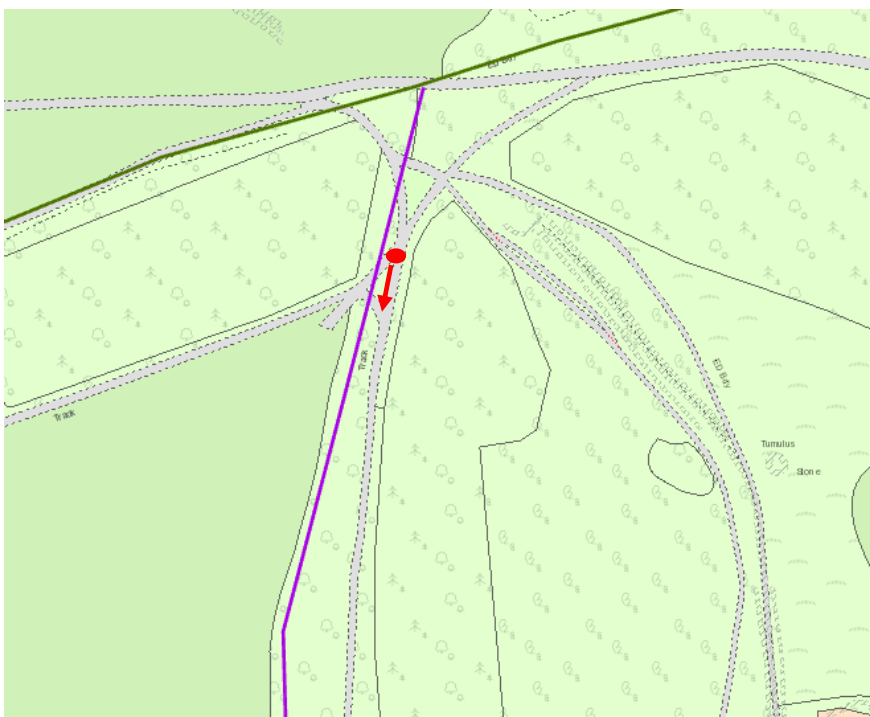


3.31

At the junction of the footpath and bridleway CDUC21 the path is signed and follows a made track. The route shown on the working copy of the definitive map is blocked by dense vegetation.

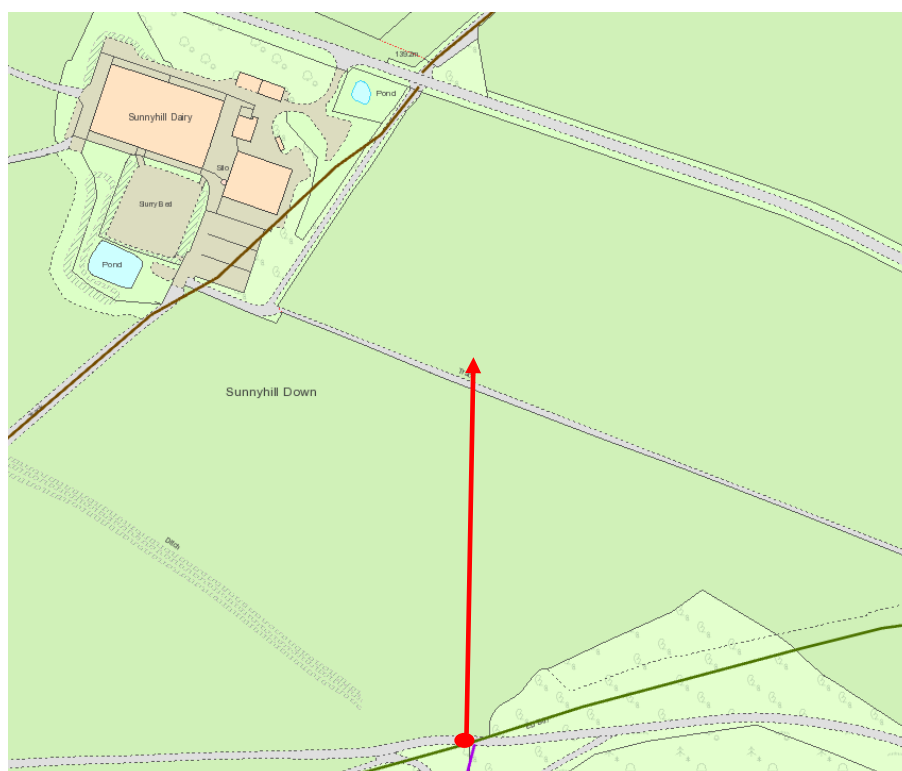






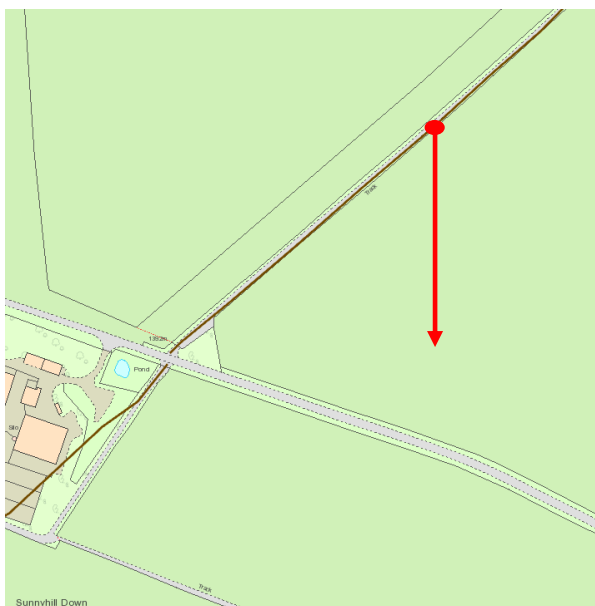
3.34

The photos from this point depict the route of the applied for BOAT in the parish of Collingbourne Ducis , currently there are no recorded rights over this route.



3.35

The route of the unrecorded section of the application is currently blocked by multiple barbed wire fences across the field from the northern end of footpath NTID11 to the A342. Where the route crosses the A342 there are currently no crossing points. The application route then enters a field north of the A342 leading in a northerly direction to its junction with byway CDUC19. The photo below is approximately where the application route joins CDUC19, it is currently blocked by a barbed wire fence.



4 Relevant Legislation

4.1 Wiltshire Council is the surveying authority for the County of Wiltshire, excluding the Borough of Swindon. A surveying authority is the body responsible for the preparation and upkeep of the definitive map of public rights of way.

4.2 The Wildlife and Countryside Act 1981 (WCA 1981) (c.69) section 53(2)(b) applies:

As regards every definitive map and statement the Surveying Authority shall-

(a) *as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and*

(b) *as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of these events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of that event.*

4.3 The events referred to in subsection 2 above relevant to this case are:

(3)(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows

(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;

(ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;

4.4 The council must consider all available evidence, and this may relate to a dedication at common law or by statute law. Historical evidence may be considered by virtue of Section 32 of The Highways Act 1980 (below):

A court or tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document

which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

- 4.5 The legal test to apply is that the need to change the definitive map must be shown on the *balance of probabilities*. That is, that it is more likely than not that something is shown.
- 4.6 On May 2nd, 2006 the law relating to the public's use of mechanically propelled vehicles (MPVs) changed with the enactment of s.67(1) of the Natural Environment and Rural Communities Act 2006. In broad terms this section extinguished any historic right for the public to drive or ride a mechanically propelled vehicle over every way that wasn't already recorded as a byway open to all traffic.
- 4.7 Section 67(2) and (3) of the 2006 Act contained exemptions for these rights in some cases. However, to consider these exemptions it is first necessary to consider whether a public vehicular right subsisted over the way before the 2nd May 2006. As a result, the effect of the NERC Act 2006 will be considered later in this report.

5.0 Land ownership

- 5.1 The application route is over 2 km in length. All of the land north of Windmill Drive is owned by the Ministry of Defence and managed by the Defence Infrastructure Organisation (DIO). The route of footpath NTID11 from Ludgershall Road to Windmill Drive is owned by various parties. At the time of the initial consultation most of the houses adjacent to the path to the west in the new housing estate were still under construction and the majority were not being lived in, the developer and individual house addresses were all contacted to ensure as many interested and affected parties were aware of the application.
- 5.2 The identified landowners directly affected are as follows:
- The Secretary of State for Defence c/o Ministry of Defence Legal Advisers, Property Team, Ministry of Defence, Defence Infrastructure Organisation
 - Sovereign Housing Association Limited, Woodlands, 90 Bartholomew Street, Newbury RG14 5EE.

- Persimmon Homes Limited of Persimmon House, Fulford, York YO19 4FE.

All identified owners of land and adjoining land to the application route have been consulted.

6.0 Initial Consultation

- 6.1 An initial consultation was conducted between the 23rd July 2020 and 25th September 2020. A copy of the letter can be seen below.

Dear

Wildlife and Countryside Act 1981 – Section 53
Application to Upgrade Footpath no.11 North Tidworth to a Byway Open to All Traffic and adding a byway open to all traffic in the parish of Collingbourne Ducis across Sunnyhill Down

Wiltshire Council are in receipt of an application, dated 31st March 2004, to modify the Pewsey Rural District Council Area Definitive Map and Statement dated 1952, by upgrading footpath no.11 North Tidworth to a byway open to all traffic and by adding a byway open to all traffic in the parish of Collingbourne Ducis leading north from footpath North Tidworth 11 across Sunnyhill Down and the A.342 to its junction with byway open to all traffic Collingbourne Ducis 19, as shown on the enclosed plan. The application seeks to record these byways open to all traffic with widths ranging from 4.5 metres to 9 metres.

The application is accompanied by a summary of historical evidence in support of the claim. The Council is now placed under a duty to investigate the available evidence to determine, on the balance of probabilities, whether or not vehicular rights subsist over the routes and to amend the definitive map and statement accordingly. Your comments on this matter are therefore invited and I would be very grateful to receive any further evidence which you may have regarding the status of the routes in question, or any comments or representations regarding the application.

In May 2006 the Natural Environment and Rural Communities Act (NERCA) came into force and affected the way in which we deal with such applications. Section 67(1) of the Act had the effect of extinguishing unrecorded public vehicular rights, save for certain exceptions, and it is now considered likely that the highest public rights which can subsist over the routes is that of restricted byway (a restricted byway is a route for pedestrians, cyclists, horse riders and carriage drivers but not mechanically propelled vehicles). As part of its investigations Wiltshire Council will be considering these exemptions and I would also be very grateful to receive any information which you may have regarding use of the routes with motor vehicles prior to 1930 (i.e. when it first became an offence to drive a mechanically propelled vehicle “off road”) and also between 2000 and 2006 (during the 5 year period prior to the commencement of NERCA).

I would be very grateful to receive any additional information, comments, or representations on this matter, in writing, preferably in email format to

*craig.harlow@wiltshire.gov.uk, not later than Friday 25th September 2020.
Correspondence sent in writing to County Hall will be received but may not be picked up immediately due to covid 19 restrictions.*

Yours

6.2 The letter and plan showing the application was sent to 84 recipients including;

The Auto Cycle Union

Commons, Open Spaces & Footpaths Society

Wiltshire Bridleways Association

Wiltshire Cycling Touring Club

British Horse Society

Tidworth Town Council

Collingbourne Ducis Parish Council

Ludgershall Parish Council

Wiltshire Councillor Mark Connolly

Wiltshire Councillor Ian Blair Pilling

Byways and Bridleways Trust

Wiltshire Council Countryside Access Officer Alex Howson

Wiltshire Council Countryside Access Officer Carys Ford

Wiltshire Ramblers Association

Wiltshire Trail Riders Fellowship

Green Lane Association

Trail Riders Fellowship

All adjoining properties in Ludgershall Road and Eyles Road.

All identified landowners

6.3 The following response were received to the consultation:

Gill Anlezark- Cycling Opportunities Group for Salisbury

Dear Mr Harlow

Thank you for your letter of 23rd July 2020 (ref 2004/09) requesting information regarding this Public Right of Way. I have contacted a number of our members who are more familiar with this area than I am, but none of them are able to shed any light

on the usage of this path by motor vehicles in the time periods stated in your letter (prior to 1930 or between 2000 and 2006).

We would support upgrading to a restricted byway in order to regularise the use of the path by non-motorised users and avoid confusion. It appears to form a useful link and addition to the Rights of Way to Collingbourne Ducis and further north.

Yours sincerely

Gill Anlezark

6.4 Jeremy Batchelor- resident of Ludgershall Road

Craig,

I am a resident of Ludgershall road Tidworth.

I and I expect most residents will be confused and concerned with your recent letter.

The foot path runs to the rear of our properties it is narrow with banks on both sides and is to my knowledge only ever used by the occasional dog walker.

I have lived here for 20 years.

It would be totally unsuitable for any mechanically propelled vehicles.

My main concern if modified is that off road motorbikes would use it.

Is this a possibility?

Can you please also explain in layman's terms why you think this application has been made?

Why is it dated 2004?

Regards

Jeremy Batchelor

6.5 Nigel Linge

Craig,

Thank you for the invitation to comment on the above.

I spoke at length with Bill Riley (the applicant) back in 2014 and he was not averse to diverting the northern section (which is not currently a RoW) onto an existing MOD track which runs to the west (first attachment) and thus linking to the BOAT up to Sunnyhill Farm.

You will be aware that it crosses another route (CDUCIS21) on which there is also a DMMO and which has also been "Winchestered" and has no sign of wheeled use to the east of the junction with NTID11.

NTID11 has little or no evidence of vehicular use and when I looked at it again in 2013/4 it was already quite overgrown in places and the route had migrated onto a nearby track.

Of some concern was that there was encroachment on the route behind the established houses as it leaves the Ludgershall road.

There was also encroachment and obstruction by the new development while it was under construction (which your map and the on line definitive map air shots do not show). Second attachment.

It would be worth consulting MOD to see if they would be averse to linking footpath NTID5 (a permissive bridleway) with NTID11 via the short section of disused railway. In fact MOD and the developer may like to take the opportunity to move NTID11 onto a more sustainable route. Third attachment.

Finally ... an Esso Pipeline runs near to the area of interest and it may be better to run NTID11 along at least part of the line of the pipeline as it has to be kept clear for inspection purposes.

I have copied in James Nevitt (MOD Senior Access Advisor).

Best Regards,

Nigel

6.6 Sarah Pearce – resident of Eyles Road

I am writing this email in response to letter reference 2004/19 regarding the application to upgrade the footpath no.11 North Tidworth to a Byway Open to All Traffic and adding a byway open to all traffic in the parish of Collingbourne Ducis across Sunnyhill Down.

I wish to express my concern regarding the NTID11 which is proposed to be upgraded to a byway open to all traffic. When I purchased this house and received my local searches, I was made aware of a public footpath that was likely to be put in but I was not aware of a byway open to all traffic that would be going on this road, which goes directly behind my house. I wish to object this proposal for it to be made into a byway open to all traffic for the stretch of road that runs through the newly built Persimmon homes estate, Riverbourne Fields.

I look forwards to your reply

Kind regards

Sarah

6.7 Peter Gallagher – The Ramblers

Dear Craig

Thank you for your letter dated 23 July.

Having made enquiries, we are unable to provide any information relevant to this application.

Best wishes

Peter Gallagher

6.8 Richard Gordon

Dear Sir,

Further to your letter regarding the Byway access across Sunnyhill Down. I have farmed this farm with my family since 1994 (Family have been here since 1966) and have lived on the farm all my life. In all that time I have never encountered any

vehicles using this area adjacent to Sunnyhill Dairy (apart from lost MOD soldiers) I can safely state this on the record as this field is adjacent to the dairy and has had cattle kept on it consistently throughout this period as per agreement with the MOD. Indeed if there was any vehicular usage I would have been the one getting the cattle back in again as the whole field is electric fenced. Further the boundary of the A342 has a permanent 4 Strand barbed wire fence and large bank on both sides all of which have remained intact for the living memory of the workers and family who's memory extends beyond mine. In terms of pedestrian access I have never seen any one using the route outlined. With walkers using the CDUC21, CDUC19 and LUDG13 paths instead.

I would also like to raise the question if this proposed path is indeed needed given the existing network of foot paths and MOD tracks that already criss cross the area. Attempting to keep livestock from straying onto the A342 in an area is difficult and given we have 4 public footpaths all crossing the A342 between Leckford cross roads and the bottom of Shaw hill any additional crossing point would further escalate the difficulties that running a dairy on this site creates.

Indeed when we attempted to install a cow crossing point on the CDC19 track it was deeded by Highways to be unsafe due to poor visibility and was moved to the west of the dairy to improve visibility. In addition the open access footpath caused severe problems with straying cattle and still is an issue at the back of Sunnyhill with gates being consistently left open.

As a point of note the current line of the footpath on the Map is incorrect and was amended in the late 1980's due to the MOD's Construction of a dairy building which is directly on the line of the footpath. I would appreciate if the revised route to the East of the dairy could be updated on the Map as the poor mapping causes a risk to the public who follow the map and not the signs

I hope this information proves useful, however if further information is needed please feel free to contact me and I would be happy to meet on site to discuss the matter further.

Kind Regards

Richard Gordon (On behalf of WE Gordon & Sons)

6.9 Mark Connolly Wiltshire Councillor for Tidworth

Craig,

I have had previous email correspondence about the Tidworth end behind Ludgershall Road leading to the new link road. I understand that the evidence provided by the applicant that this was once a highway is strong and that as a result, once a highway, always a highway is the end result. On that basis I have no choice but to not object.

Other restrictions can be put in place to remove vehicle access once the BOAT has been agreed where applicable?

Mark Connolly

6.10 Ian Kent

Craig,

Would it be possible to explain why this action is being taken.

Is this a pre-cursor to another future application? Who benefits, who loses? What was the trigger?

Kind Regards

Ian Kent

6.11 Kate Nunney- Estate Surveyor- DIO- Defence Infrastructure Organisation



Ministry of Defence
Building 88
Westdown Camp
Tilshead
Wiltshire SP3 4RS
United Kingdom



REF: Wildlife and Countryside Act 1981 – Section 53

Application to Upgrade Footpath no.11 North Tidworth to a Byway Open to All Traffic and adding a byway open to all traffic in the parish of Collingbourne Ducis across Sunnyhill Down (Wilts ref. 2004/09)

17 September 2020

Dear Mr Harlow

I write regarding your letter dated 23 July 2020 concerning the above highway matter and your invitation to provide further comment or information.

The application to upgrade the aforementioned public rights of way to a byway open to all traffic and to add a new section is concerning. Unfortunately, DIO currently have no evidence which could counter the claim, but we continue to look through our records.

Given the various interests in the land I have sought comment from the relevant subject matter experts and have summarised the statements below:

Ecology: This claim crosses sensitive natural environment. Should an upgrade to the public right of way occur, any physical modification to cater for a change in highway use would have to be assessed to mitigate for potential loss of priority habitat.

The subsequent outcome of the claim may also impact on protected species such as bats and great crested newts, both of which are recorded in this area.

All of the above would have to be assessed and accounted for by Wiltshire Council.

Archaeology: The main concern is a Scheduled Monument - a Bronze Age linear ditch - at point B on your plan. This site already receives unwelcome attention and damage from off-road vehicles that access without permission. There are real concerns that formalising a means of access to the area for motorised vehicles will exacerbate the situation and make it harder to police / manage.

Land Agent: The upgrade of the public rights of way will have a detrimental impact on our tenant, his tenancy and his agricultural use of the area. The northern section will mean loss of arable land. Persistent degradation of the surface through public use will inhibit the use of the area by the farmer and is likely to create a long-term maintenance burden at the expense of the tenant. The creation of new rights of way may also increase illegal activity on land that is currently not impacted.

Forestry: Woodland in this area already receive significant damage to soil structures and roots from illegal 4x4 and motorbike access. This is particularly damaging in the winter. This has led to increased mortality and damage to the woodland environment. As covered above under archaeology, formalising a means of motorised access to the area will further exacerbate the situation and make it harder to police / manage.

Military: This will increase unwanted vehicle access to an area already overused illegally.

The comments above are influenced by ongoing issues arising from illegal off-road activity across Salisbury Plain. Each new avenue into the local countryside exposes the area to more degradation and abuse. Staff and resources are already stretched in trying to manage the current situation. The impacts are felt by the collective land managers across the Plain, including tenant farmers, and the public who seek to enjoy the area.

It is understood that a decision must be based upon the balance of evidence presented. Should the decision be in favour of upgrade it is hoped that there is sufficient evidence to ensure that the route falls within NERC 2006 and can therefore only be upgraded to a maximum of restricted byway. Either way the Council is urged to consider the impacts of increasing access to the Plain and to work with DIO towards provision of highways that better fit within the landscape – for example, the map extract below depicts a viable alternative (in red) to the proposed route cutting north-south across agricultural land (black).

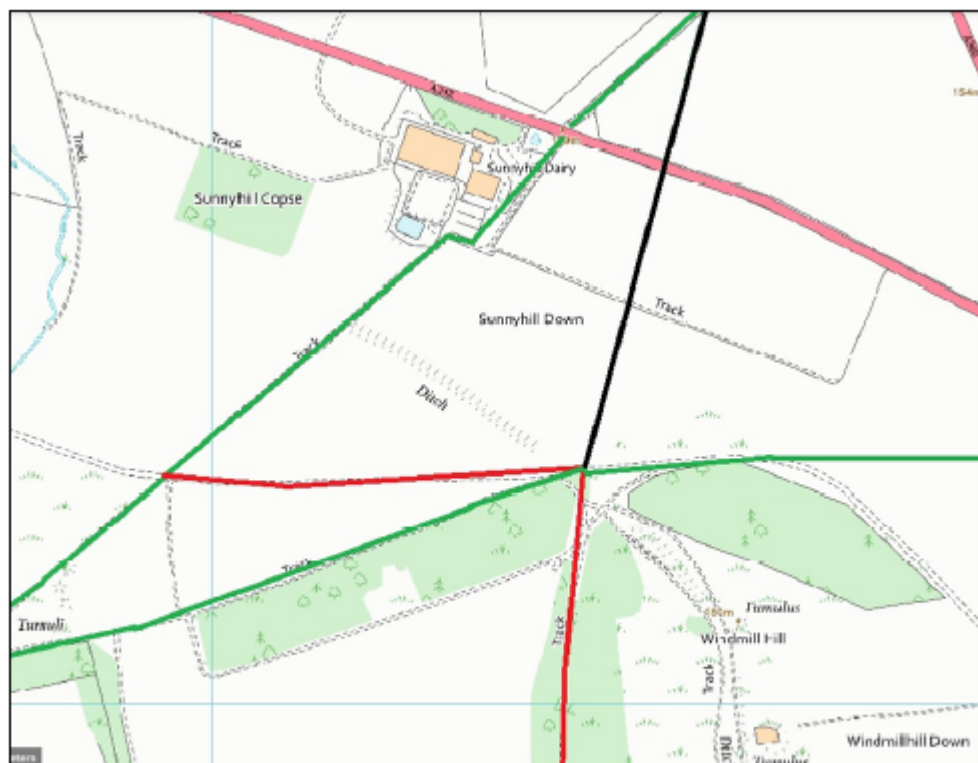
Should we have any evidence come to light that would influence the application we will share this with you as soon as possible.

We ask that you continue to keep us up to date with progress.

Yours sincerely



Katie Nunney MRICS
Estate Surveyor
Salisbury Plain (East)



6.12 Comments on consultation responses

A number of respondents raise concerns regarding a possible upgrade of the route to a BOAT and whilst officers can understand the concerns raised by local residents and the tenant farmer the need or desirability of the route cannot be considered as part of the decision.

The possibility of diverting some of the route, which is raised by Nigel Linge and the main landowner, the DIO, is a possibility and can be discussed if higher rights or other rights than currently recorded are found to subsist. Where questions were asked responses were sent.

7.0 Current records

7.1 Wildlife and Countryside Act 1981 s.56

(1) A definitive map and statement shall be conclusive evidence as to the particulars contained therein to the following extent, namely –

(a) where the map shows a footpath, the map shall be conclusive evidence that the public had thereover a right of way on foot, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than that right.

(b) where the map shows a bridleway, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way on foot and a right of way on horseback or leading a horse, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than those rights.

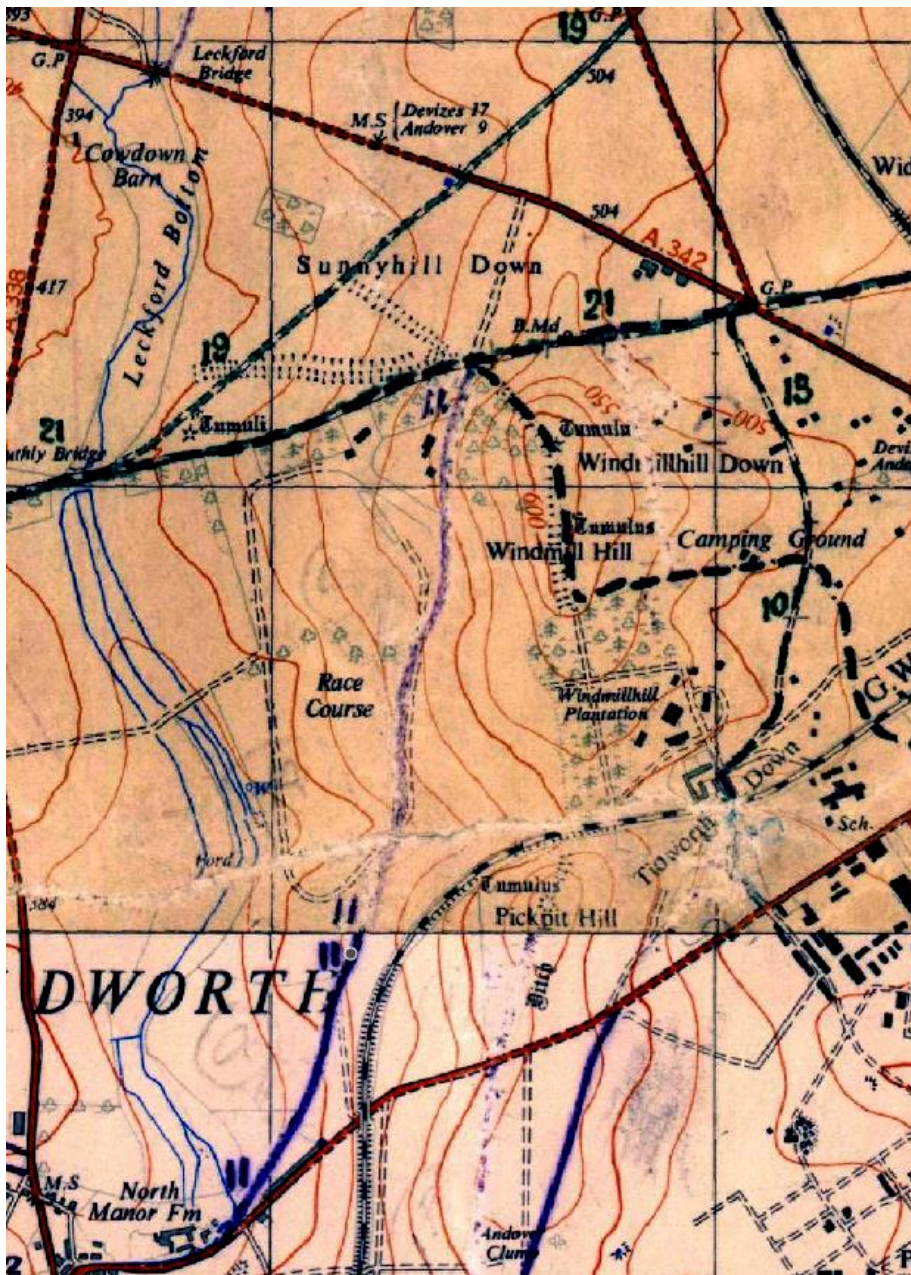
(c) where the map shows a byway open to all traffic, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way for vehicular and all other kinds of traffic;

(d) where the map shows a [F1restricted byway], the map shall [F2, subject to subsection (2A),] be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way on foot and a right of way on horseback or leading a horse [F3together with a right of way for vehicles other than mechanically propelled vehicles], so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than those rights; and

(e) where by virtue of the foregoing paragraphs the map is conclusive evidence, as at any date, as to a highway shown thereon, any particulars contained in the statement

as to the position or width thereof shall be conclusive evidence as to the position or width thereof at that date, and any particulars so contained as to limitations or conditions affecting the public right of way shall be conclusive evidence that at the said date the said right was subject to those limitations or conditions, but without prejudice to any question whether the right was subject to any other limitations or conditions at that date.

7.2 Pewsey Rural District Council Definitive Map 1953



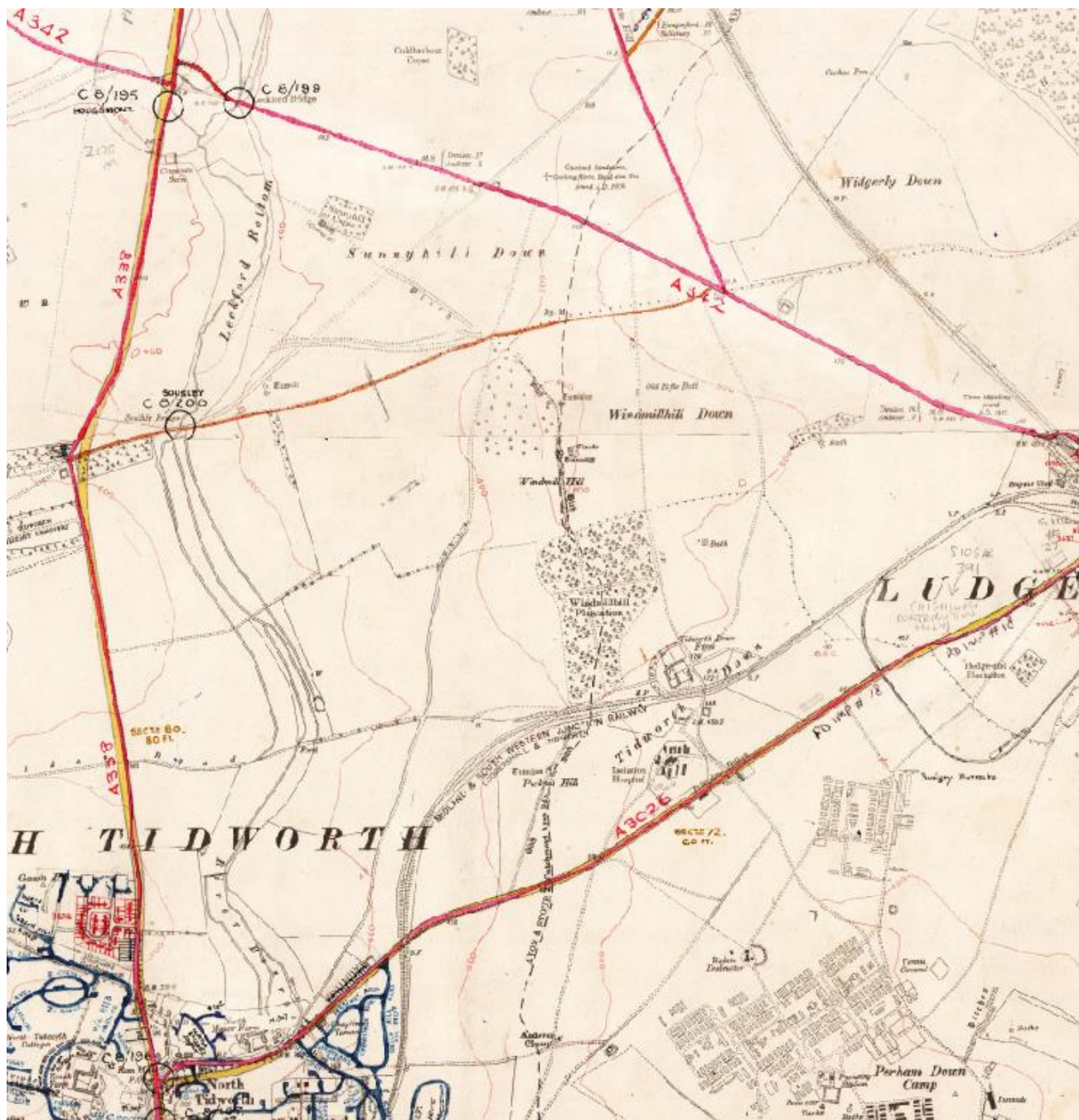
Original scale 1:25000

7.3 Pewsey Rural District Council Definitive Statement 1953

North Tidworth 11 **FOOTPATH** From the Ludgershall road, A.3026, east of North Manor Farm, leading north-north-east over Windmill Hill to the Collingbourne Ducis Parish boundary on Sunnyhill Down.

Approximate length 2.414km.

7.4 Wiltshire Council Highway Record



Original scale 1:10560

The application route is not shown as a highway maintainable at public expense on the highway record.

8.0 Historic Records

- 8.1 Although it can be helpful to present these in chronological order to show the consistent recording of a way over time it does not allow for the need to apply evidential weight to documents. For example, although a way may appear on many commercial maps it does not necessarily carry as much evidential weight as if the way is shown in two publicly consulted documents or created, say, as the result of an Act of Parliament.
- 8.2 Therefore, in evaluating historical evidence it is necessary to recognise that differing weight must be given to different evidence. The following categorisation has been used;

Category A carries the highest weight and category F the lowest. This system of categorisation has been devised by officers with regard to The Planning Inspectorate's Consistency Guidelines (as revised to date of report) and Chapter 6 of the book 'Rights of Way A Guide to Law and Practice – Fourth Edition' by John Riddall and John Trevelyan.

Category	May provide evidence for	Examples
A	Legal creation of a highway Reputation of a way as a highway Physical existence of a way Conclusive evidence of public rights	Inclosure Acts, awards and plans Orders creating, diverting or extinguishing highways Railway and canal acts and plans Definitive map and statement
B	Reputation of a way as a highway Physical existence of a way	Documents, maps plans drawn up as a result of legislation, consulted upon, but whose primary purpose was not to record public rights. i.e. Tithe Commission, Inland Revenue Finance Act

C	Reputation of a way as a highway Physical existence of a way	Includes local government records (highway board, county council, parish council)
D	Reputation of a way as a highway Physical existence of way	Other maps and documents showing highways additional to or as a part of their purpose. Includes parish maps, estate plans, conveyances
E	Reputation of a way as a highway Physical existence of a way	Commercial maps, some Ordnance Survey records
F	Reputation of a way as a highway Physical evidence of a way	Local repute, consultation responses

9.0 Category A Evidence

9.1 Evidence within this category is potentially of the highest weight and includes conclusive evidence (i.e. the definitive map and statement), inclosure acts, awards and plans, legal orders or events and deposited railway plans (i.e. arising from an act of parliament which specifically required the identification and verification of public rights of way).

9.2 Inclosure

Between 1545 and 1880 the old system of farming scattered arable strips of land and grazing animals on common pasture was gradually replaced as landowners sought to improve the productivity of their land. The process of inclosure began by agreement between the parties concerned, although locally powerful landowners may have had significant influence on the outcome. By the early eighteenth century, a process developed by which a Private Act of Parliament could be promoted to authorise inclosure where the consent of all those with an interest was not forthcoming. The process was further refined at the beginning of the nineteenth century with the passing of two main general acts, bringing together the most commonly used clauses and applying these to each local act unless otherwise stated.

9.3 The application route crosses the boundary of two parishes, North Tidworth and Collingbourne Ducis. No inclosure award for North Tidworth is available at The Wiltshire and Swindon History Centre (WSHC) or The National Archive (TNA) and no evidence of the application route being subject to inclosure in Collingbourne Ducis has been found.

9.4 **Deposited Plans for Public Undertakings**

9.5 Individual railway and canal schemes were promoted by Special Acts. The process for Canal Schemes was codified in 1792 by a Parliamentary Standing Order and these arrangements were extended to cover Railway Schemes in 1810. The requirements for railways were expanded in the 1845 Act, which requires public rights of way which cross the route of a railway to be retained unless their closure has been duly authorised. Therefore, although it was not the primary purpose of the deposited plans to record rights of way, these plans provide good evidence in this context as the law required provision to be made for existing routes crossing the line.

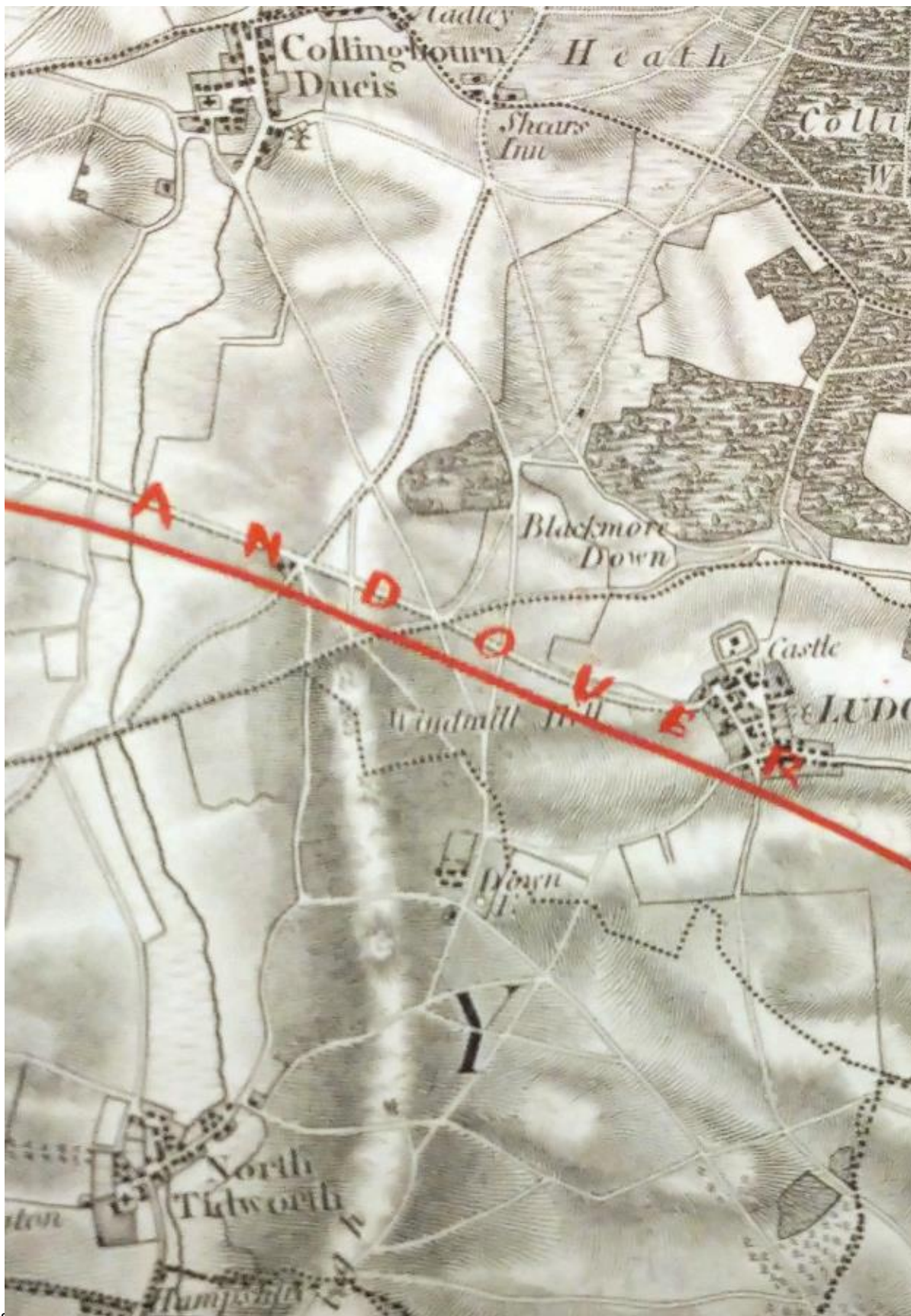
9.6 **The Deposited Plans of the Upavon and Andover Railway 1866 :Wiltshire and Swindon History Centre (WSHC) ref:A1/371/118**

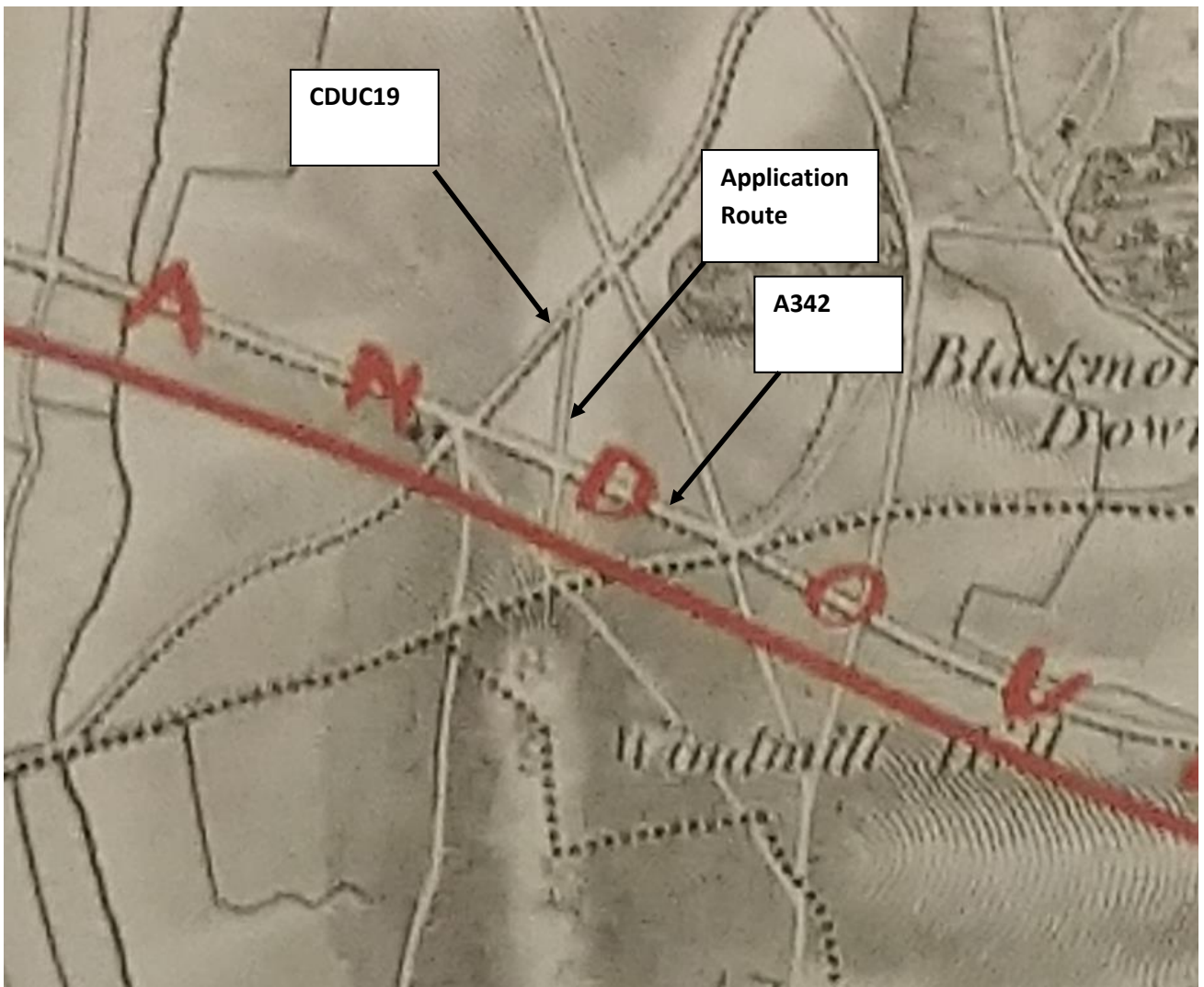
The plans and book of reference were deposited with the Clerk of the Peace of the County of Wiltshire at Marlborough on 30th November 1865 at 2.30pm. The overview plan for the railway is shown below. This plan is based on an Ordnance Survey 1 inch to the mile map and the railway route is depicted by a solid red line on a plan.

It is noted this railway was not constructed; however, the deposited plans were drawn up to the same standards, however they may not have been subject to the same considerations that a plan followed through to completion may have been.

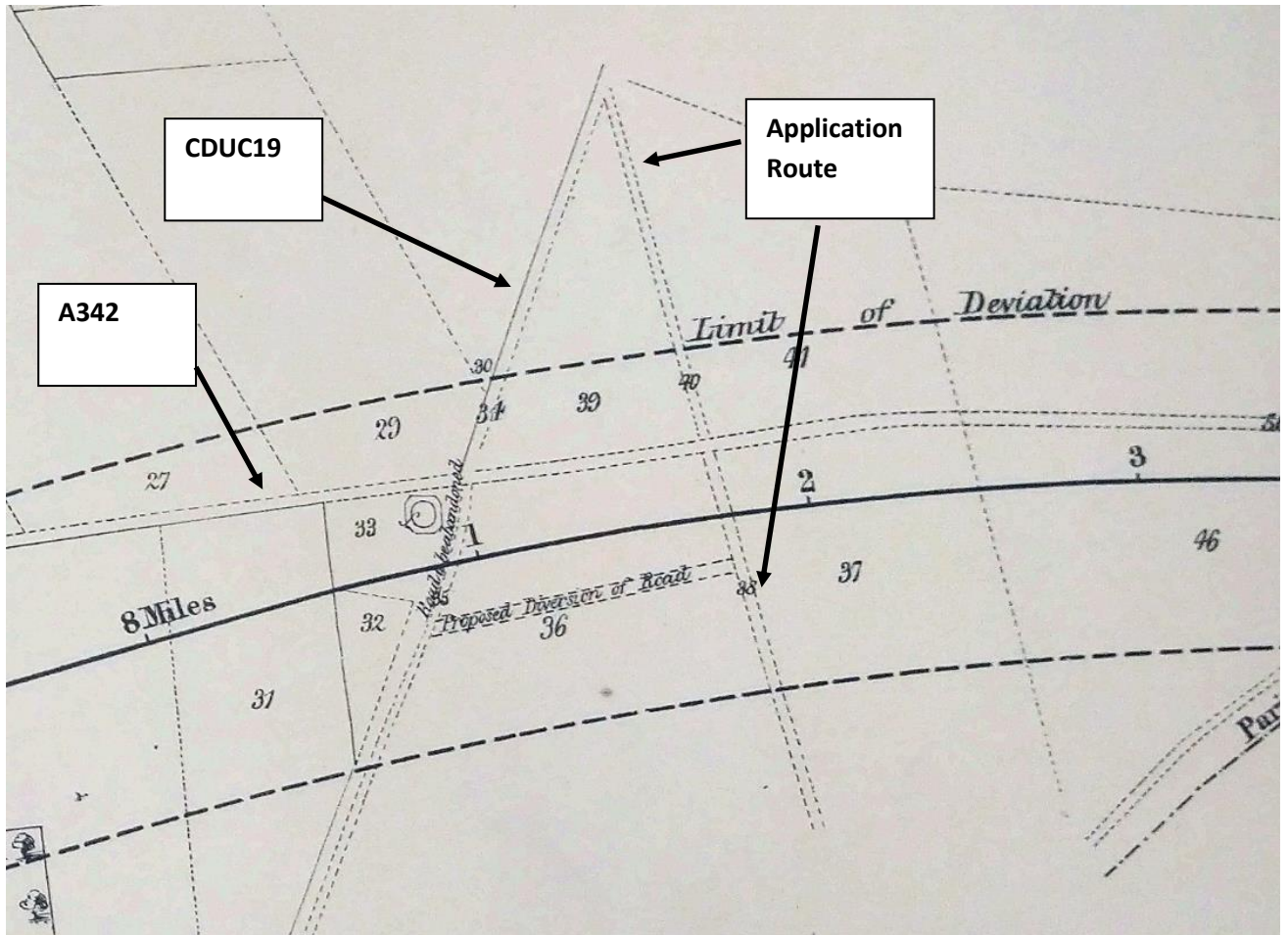
The section of the application route that is affected by the railway is the unrecorded BOAT in the parish of Collingbourne Ducis.

9.7 Overview map of proposed railway.

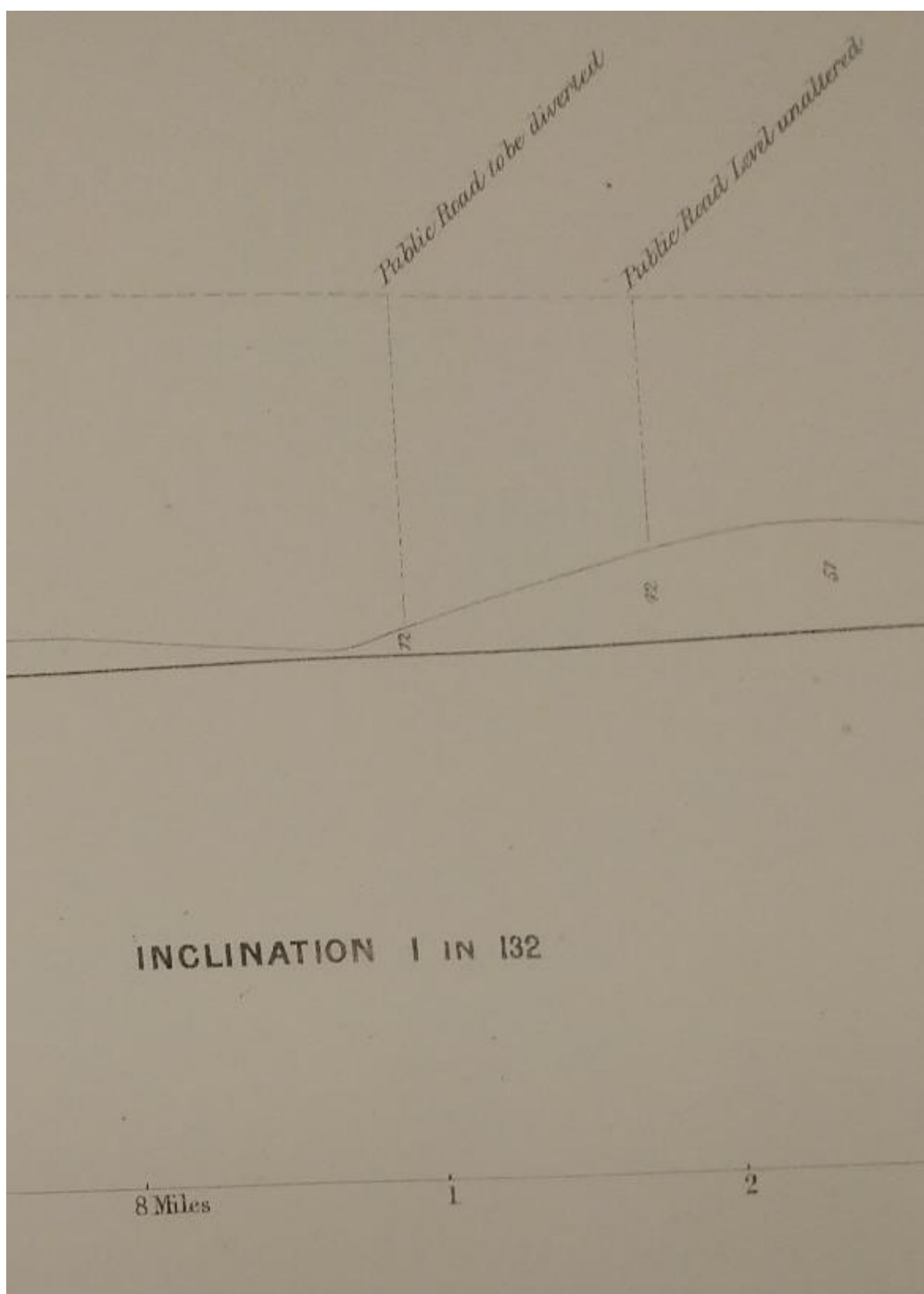




9.9 The deposited plans show the limit of deviation of the railway and the highways that the railway would cross or affect. Each highway affected by the plan was numbered. The plan on sheet no.3, shown below, depicts the application route numbered 40 north of the A342 and 38 south of the A342. The route north and south of the A342 is shown as an unfenced road (dashed lines).

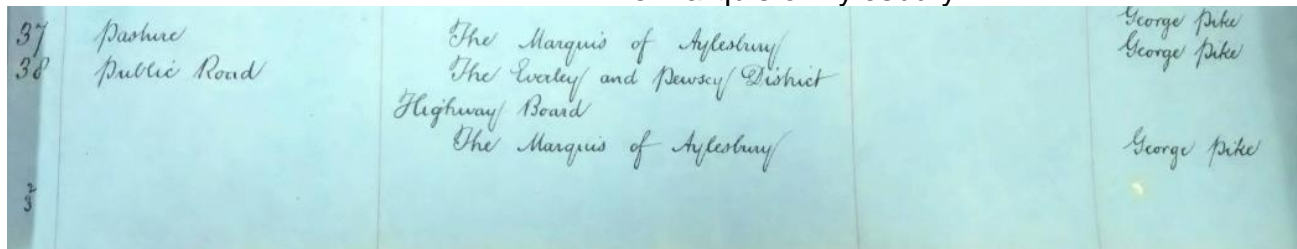


9.10 From the sections plans at approximately 8 miles 1 furlong 7 ½ chains it is noted “Public Road Level Unaltered”. It can be seen at 9.9 of this report from the image of the plan that the application route is at approximately 8 miles 1 furlong and 7 ½ chains.

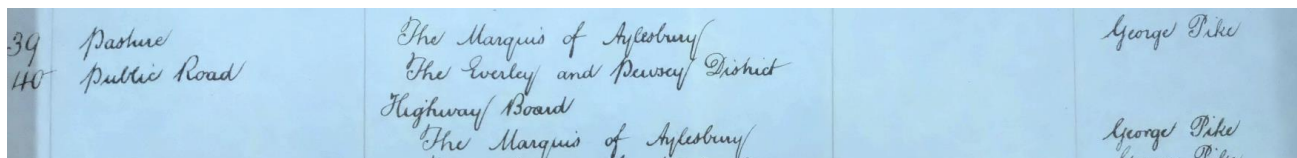


9.11 The Book of Reference for the Parish of Collingbourne Ducis records:

No on Plan.	Description of Property	Owners or Reputed Owners	Occupiers
38	Public Road	The Everly and Pewsey District Highway Board The Marquis of Aylesbury	George Pike



No. on Plan.	Description of Property	Owners or Reputed Owners	Occupiers
40	Public Road	The Everly and Pewsey District Highway Board The Marquis of Aylesbury	George Pike



9.12 The Planning Inspectorate Definitive Map Orders Consistency Guidelines state in relation to railway plans at 10.2.4 “Where schemes were not completed, the plans were still produced to form the basis for legislation and were still in the public domain. Whilst they are likely to provide useful topographical details, they may not be as reliable as those that have passed through the whole parliamentary process. As above, the weight to be attached will need to be determined alongside all the other available evidence.”

10.0 Category B Evidence

10.1 Category B evidence may be documents or plans drawn up as a result of legislation and consulted upon but where the primary purpose was not to record public rights. Examples of this includes records from the Tithe Commissioners and the Inland Revenue.

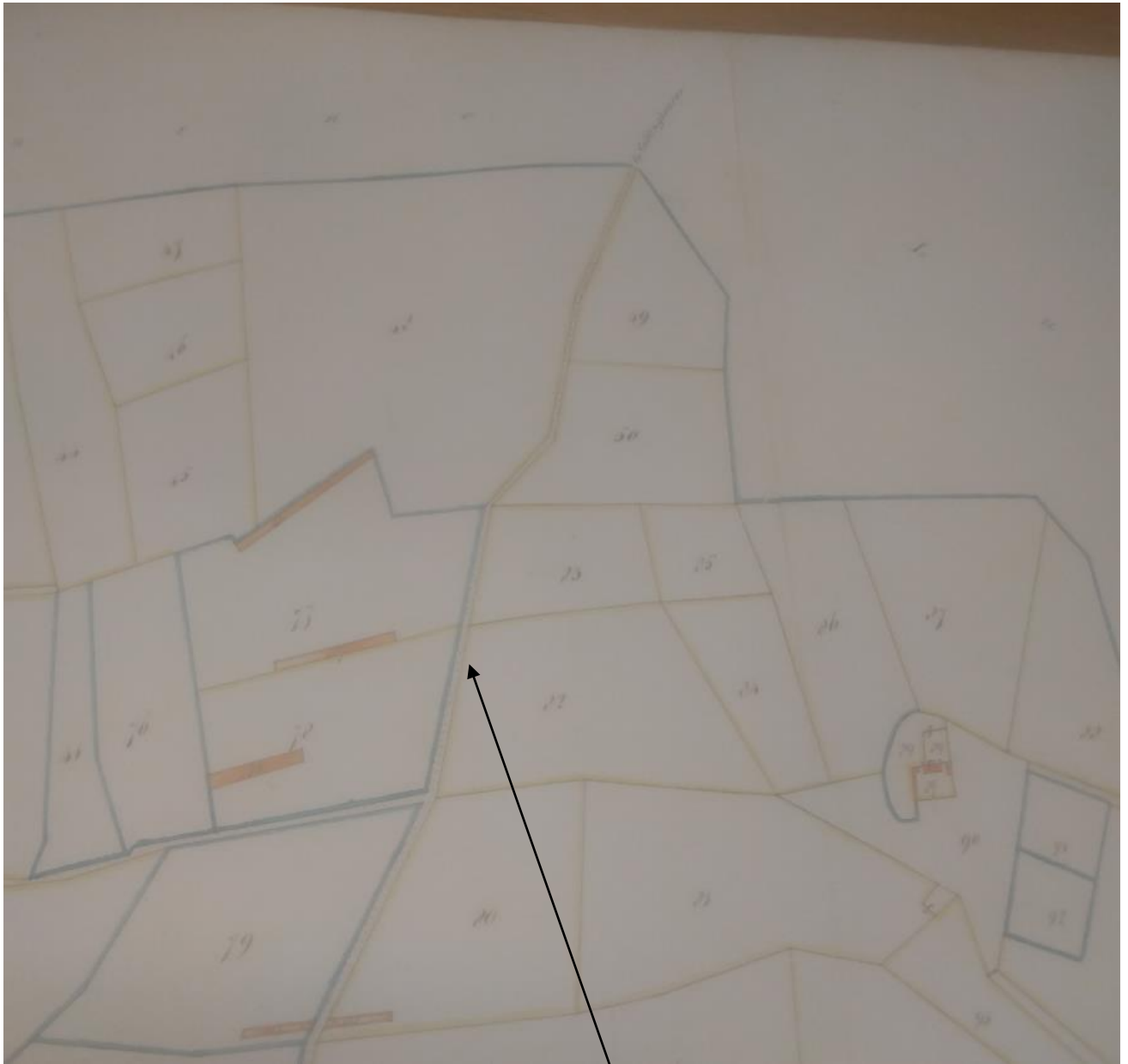
- 10.2 **The Tithe Commutation Act of 1836** A system of taxation existed in Britain whereby farmers and people who worked the land were bound to pay tithes to the church. These payments were in kind and generally represented one tenth of production. The system was both unpopular, cumbersome and increasingly unjust as the industrial revolution gathered pace. The Tithe Commutation Act of 1836 sought to commute these tithe payments in kind to annual rent-charges. Parliament appointed a three-man commission to direct a staff of assistant commissioners, valuers and surveyors who mapped, valued and apportioned rent charges among thousands of separate parcels of the titheable land in different states of cultivation.
- 10.3 Tithe surveys required careful mapping and examination of the landscape and land use and the maps and apportionments documents that resulted can offer valuable evidence of how the parish was at that time.
- 10.4 The Tithe Commissioners seconded Robert K Dawson from the Royal Engineers to organise and superintend the land surveys. Dawson had a background in surveying and produced a paper, the details of which it was considered all tithe maps should be drawn to. This paper (British Parliamentary Paper XLIV 405 1837) only ever served in an advisory capacity as the Tithe Act itself contained contradictory clauses on the nature of maps (*Tithe Surveys for Historians by Roger J P Kain and Hugh C. Prince*) and was amended in 1837 allowing commissioners to accept maps of a variety of scales and dates.
- 10.5 The route being investigated crosses the parish boundaries between North Tidworth, Ludgershall and Collingbourne Ducis and the three tithe maps and apportionments have been viewed.
- 10.6 **North Tidworth Tithe Map - 1844 (WSHC Ref- T/A/Tidworth, North)**
- 10.7 The map of the parish is drawn to the scale of 4 chains to one inch.
- 10.8 The route of footpath North Tidworth 11 can be seen on the tithe map where it leaves what is now the Ludgershall Road and leads in a north north westerly direction. The route is uncoloured and appears to be excluded from tithable land. This may be suggestive of a highway but not necessarily that of a public highway, as The Planning Inspectorate Definitive Map Orders :Consistency Guidelines document states at 8.2.13

“Both public and private roads had the capacity to diminish the productiveness of land for the assessment of tithe”.

10.9

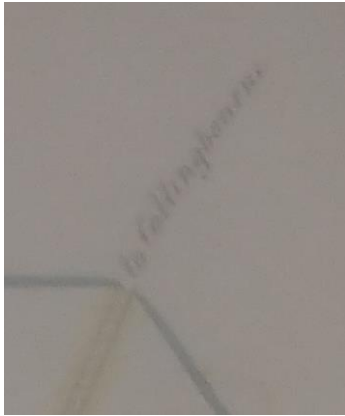


Route begins at southern end

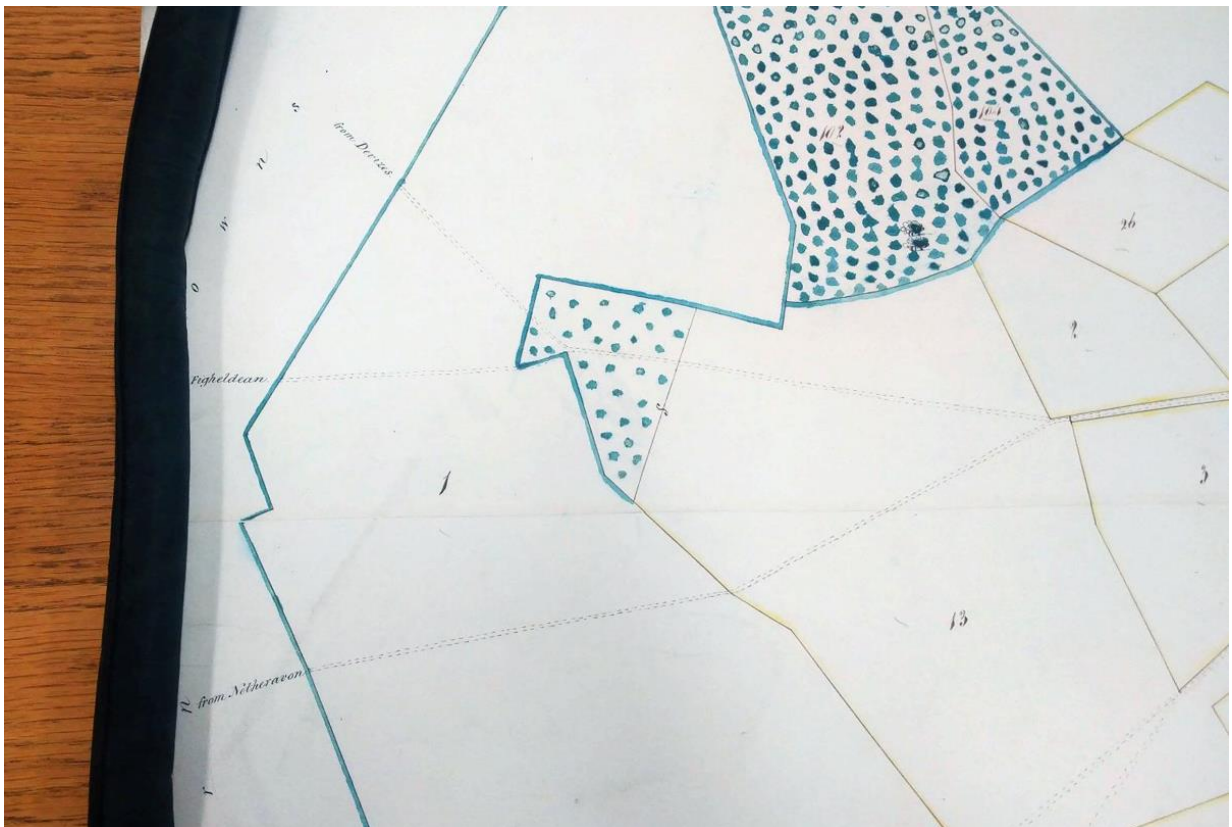


Route continues north in the same manner , i.e. excluded from tithable land.

10.11 At the northern most extent of the route within the parish it is written “ to Collingbourne”. This indicates the route continued beyond the parish limits in the direction of Collingbourne and this could be indicative of a public road. The continuation of the route is however not recorded on the Ludgershall or Collingbourne Ducis tithe maps (see Ludgershall and Collingbourne tithe from 10.17)



10.12 Other routes shown on the tithe map are also annotated with destinations where they leave the parish. An example being, to the west three routes leave the parish and are annotated , “from Devizes” , from Figheldean” and “ from Netheravon”. See the below image, these routes are not recorded on the definitive map and statement.



10.13 These three routes with annotated destinations are not excluded from the tithable land, at least over the last two parcels of land in the parish. This could indicate the routes were considered productive land and therefore tithable land. This would not usually be conducive to a public road if we are to take their annotated destinations to indicate a status of a public road, although it is possible over down land that these routes were unsurfaced and productive land. Other routes with annotated destinations are shown in a similar manner on the map, some of the routes appear to be excluded from tithable land and other parts not so.

10.14 Some of the parcels of land on the map are bound by yellow marking and others by blue, with some parcels marked by a combination of the two colours, it is unclear as to what these colours represent. No key is available and there appears to be no correlation with the colours and type of land in the apportionment.

10.15 The North Tidworth tithe map is described as having “an amateurish appearance” in *The Tithe Maps of England and Wales* by Roger J.P Kain and Richard Oliver on page 560. Roger Kain being a professor specialising in Historical Geography and Map History and a fellow of the British Academy.

10.16 Comparing routes depicted on the tithe map to the modern road network can be a useful exercise, however much of the land in North Tidworth has changed considerably with a high proportion of the land, now and for the last 100 years, being in the possession of the War Department and latterly the Ministry of Defence.

The below image depicts the routes that suggest they may have been considered public roads on the tithe map and their current modern statuses, as can be seen there is no particular correlation between status on the tithe map (either un-tithable land or routes that were annotated with a destination) and the status of the routes in modern times.



10.17 Collingbourne Ducis Tithe Map 1844- (WSHC Ref- T/A Collingbourne Ducis) and Ludgershall Tithe Map -1841 (T/A Ludgershall)

The Collingbourne Ducis map is drawn to a scale of 6 chains to an inch and the Ludgershall Tithe is also drawn at a scale of 6 chains to an inch.

The image below is taken from maps.bristol.gov.uk , copies at WHSC have also been viewed. The image shows the three tithe maps of North Tidworth (to the south), Ludgershall (land in blue) and Collingbourne Ducis (to the north of the blue land) overlaid together to show where they join at the parish boundaries.



Route of NTID11

10.18 The Collingbourne Ducis tithe map of 1844 does not depict the continuation of NTID11 which can be seen to the south, entering Ludgershall (in blue) for a what would be a very short distance. The surveyors of the Ludgershall tithe and Collingbourne Ducis tithe have not recorded any track, public highway or any feature that is not subject to tithe crossing into Ludgershall or Collingbourne Ducis from the continuation of the

route depicted on the North Tidworth tithe, these surveys were carried out within 3 years of each other . This indicates the surveyors of Collingbourne and Ludgershall considered that all the land within those parcels of land depicted were tithable and no tracks are depicted , which would indicate it is likely there were no public roads crossing the land at that time. It is noted all 3 tithe maps have different surveyors.

10.19 Considering the tithe evidence as a whole there is a route that follows what is now known as footpath NTID11 that could be seen as suggestive of a public road in the parish of North Tidworth. This evidence is far from conclusive as to public road status as discussed above and that route does not appear to continue into the parishes, or at least any evidence of a route does not exist, in the parishes of Ludgershall or Collingbourne Ducis.

10.20 **Inland Revenue Finance Act 1909/1910**

In 1910 The Inland Revenue provided for the levying of tax (Increment Value Duty) on the increase in site value of land between its valuation on 30 April 1909 and, broadly speaking, its subsequent sale or other transfer. The survey was usually carried out by Inland Revenue Inspectors working in an area of the county of which they were knowledgeable. Every individual piece of land in private ownership was recorded and mapped and, because tax was to be levied based on area, highways and common land were carefully identified and included in the documentation.

10.21 The following is taken from the Journal of the Society of Archivists (JSA, Vol 8(2) no 2, Oct 1986 p 95-103 “An Edwardian Land Survey: the Finance (1909-10) Act and describes the process by which this was achieved. It is clear that the survey was carefully undertaken by people with local knowledge:

“The Valuation Department assumed responsibility of valuation for rating purposes, and the hereditaments of 1910 provided the basis for their work for very many years, so that the documents of that time often continued to be used as working documents long after the repeal of land clauses”.

“A land valuation officer was appointed to each income tax parish. These were almost always the existing assessors of income tax (who were also frequently assistant overseers), and some several thousand were appointed nationally. This enabled the

Inland Revenue to have local people with local knowledge undertaking the crucial task of identifying each hereditament.”

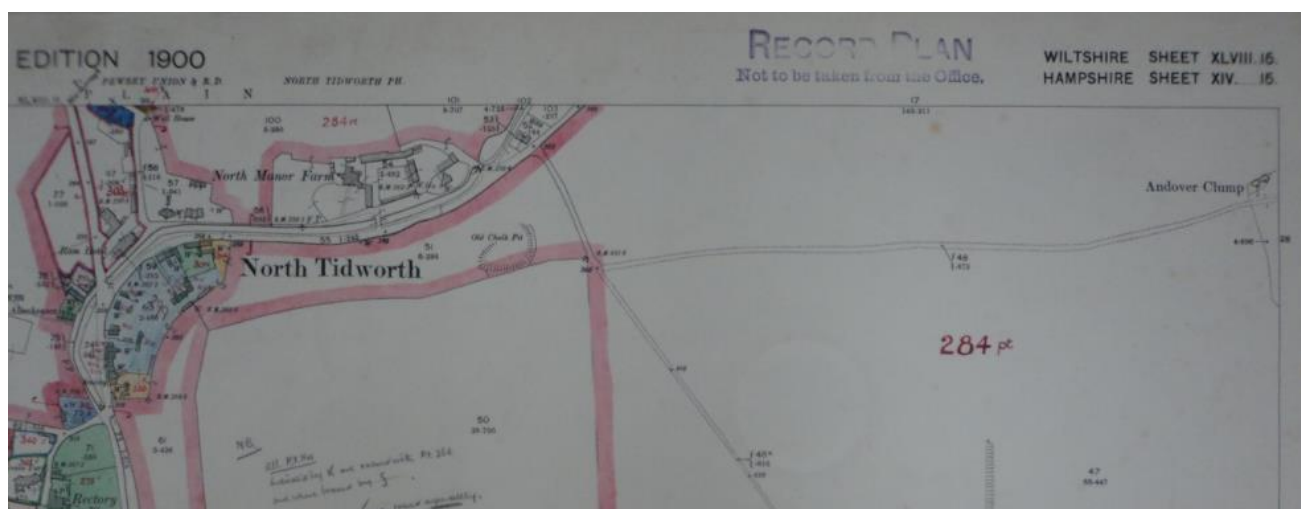
10.22 The working copy of the Finance Act plans are held at WSHC. Officers have had sight of the record copies held at The National Archive which are often in better condition than the working copies.

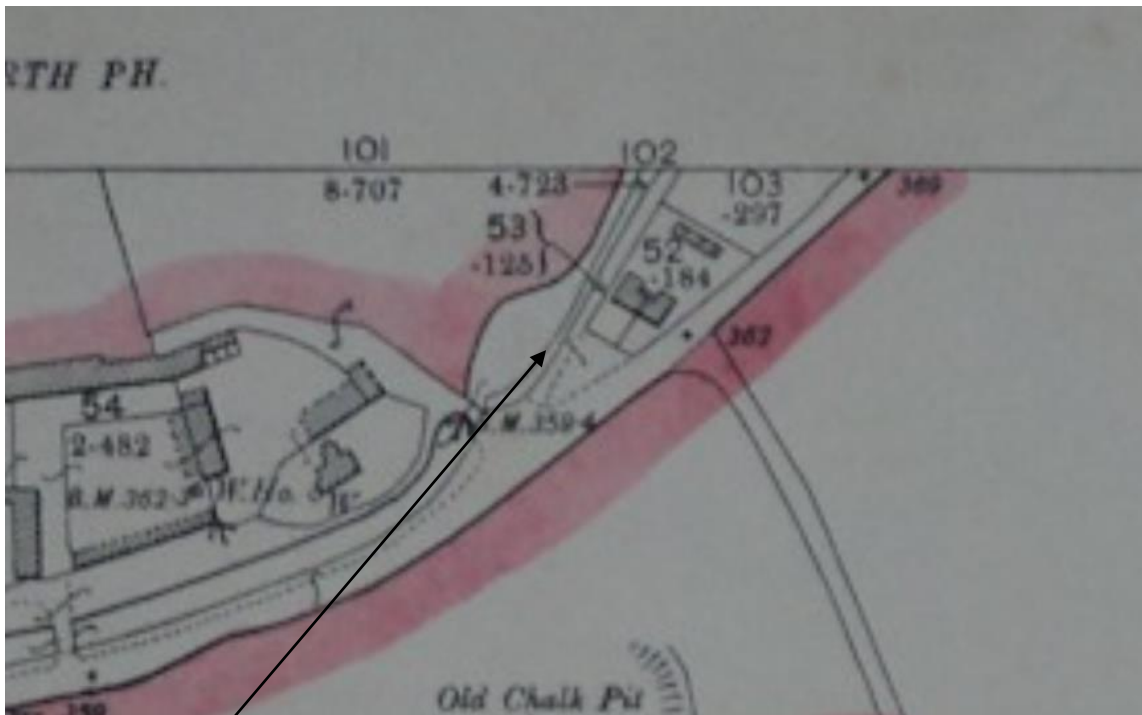
10.23 Land that was valued for taxation purposes was shown coloured and given a hereditament number. This number allows reference to a valuation book where deductions are listed. Deductions were permitted where the value of a property were diminished, for example if a public right of way, an easement, or a right of common existed. It was common practice for valuers to exclude public roads by leaving them uncoloured and in some instances by re-inforcing their separation from the surrounding hereditaments by drawing on ‘broken braces’. Braces were a symbol used by the OS to link or join features and by breaking them the surveyor could show that something was un-connected with an adjoining feature.

10.24 The Finance Act is not specific about the exclusion of roads though they may be excluded under s.25 or Section 35(1) of the Act which says that “No duty under this part of the Act shall be charged in respect of any land or interest held by or on behalf of a rating authority”.

10.25 The copies held at the National Archives are shown below. These images have been viewed online. The route crosses three sheets from south to north.

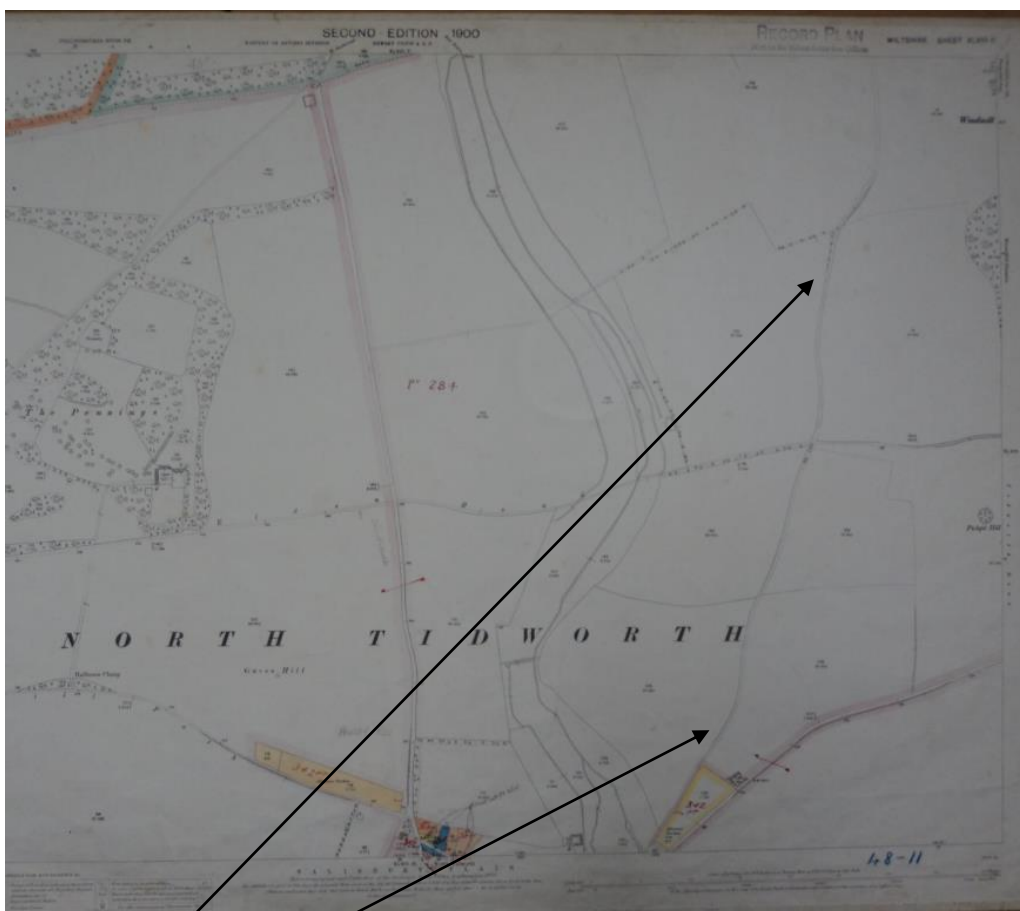
10.26 Wiltshire Sheet XLVIII.15 – WSHC Ref : IR 125/11/564



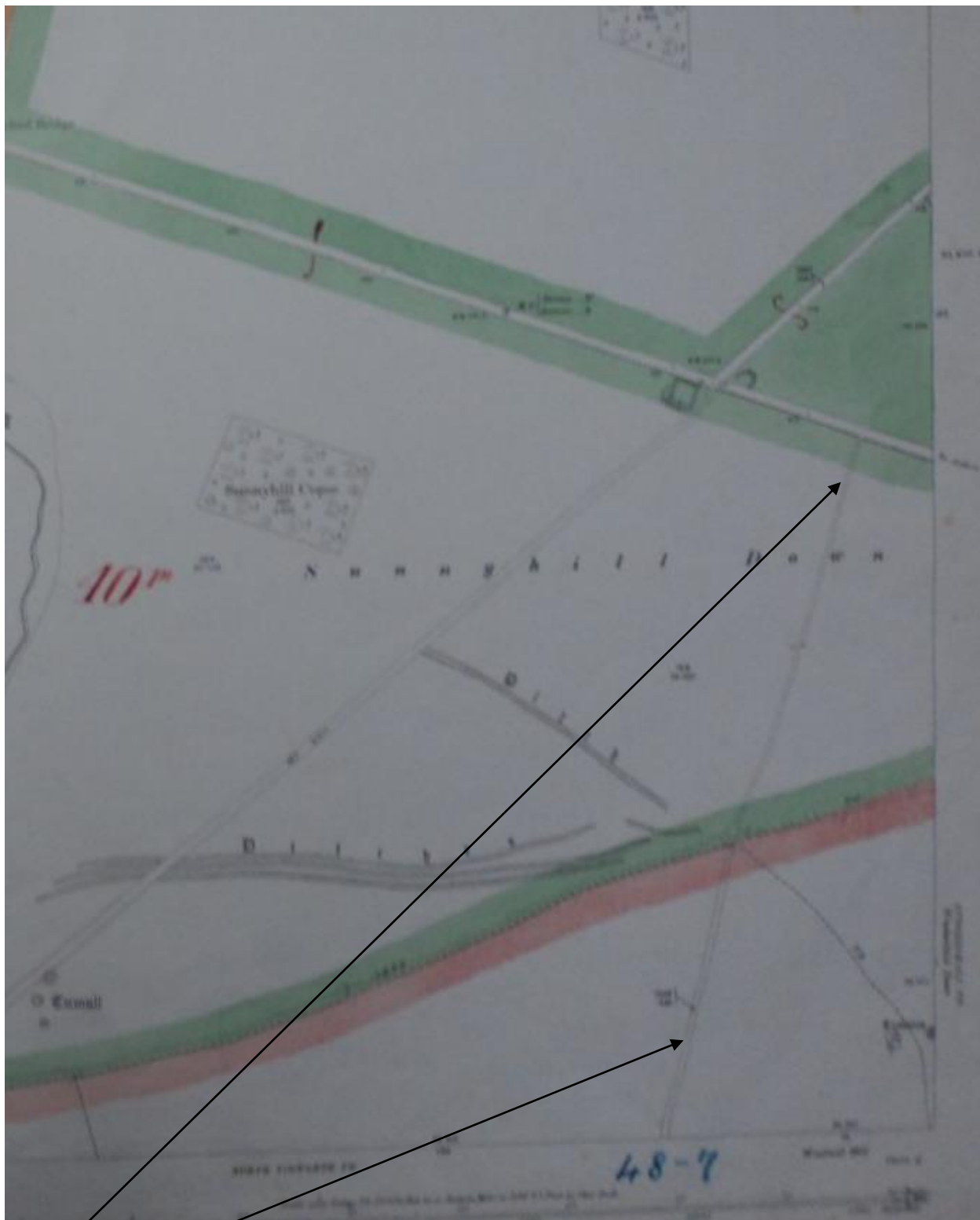


Application route

10.27 Wiltshire Sheet XLVIII. 11 – Ref: IR 125/11/560



Application Route



Application Route

10.29 The application route is shown from its southern end to the A342 as a physical feature on the base map. It is not excluded from the land it passes through which has been

valued as required by the 1910 act. Public roads would usually be excluded from the land and left outside of the valued area of land. This indicates that the route was likely not considered in 1910 to be a public road.

No rights of way deductions are recorded within the valuation book for the land the route crosses in the parish of Collingbourne Ducis or North Tidworth. It is noted the land is recorded as being in the ownership of the War Department and no rights of way reductions are recorded for land in the War Department's ownership within the North Tidworth tithe apportionment.

11.0 Category C Evidence

11.1 Evidence in this category includes local government records (i.e. parish council, rural district council, highway board and county council), that is records whose purpose is connected with the administration of public assets, has legal responsibility for the protection of public rights and assets and is subject to public scrutiny. These include records of bodies whose function is the highway authority.

11.2 These can be important records as they relate to maintenance liability and can be a clear indication of public acceptance of the same.

11.3 Pewsey Rural District Council Takeover Map c.1930

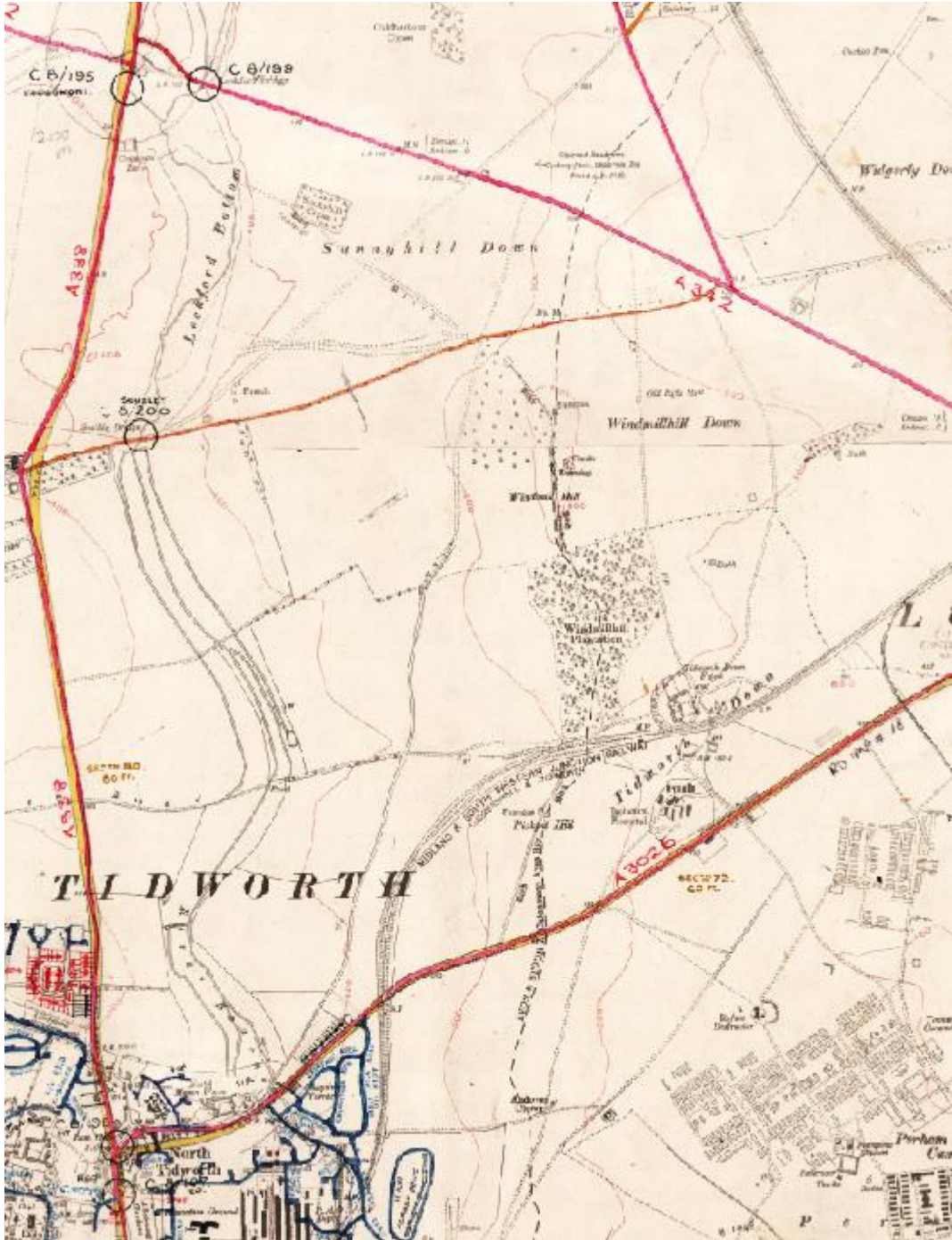
11.4 The Local Government Act 1929 required that the maintenance responsibility for rural roads passed to the County Council. As a result of this records known as The Takeover Maps were produced by the RDCs and passed to Wiltshire County Council.

11.5 The map for the relevant area can be seen below and the application route is not shown other than on the base map. This indicates that the Rural District Council did not consider the route to be a public road at that time.



11.6 Wiltshire County Council Highway Record

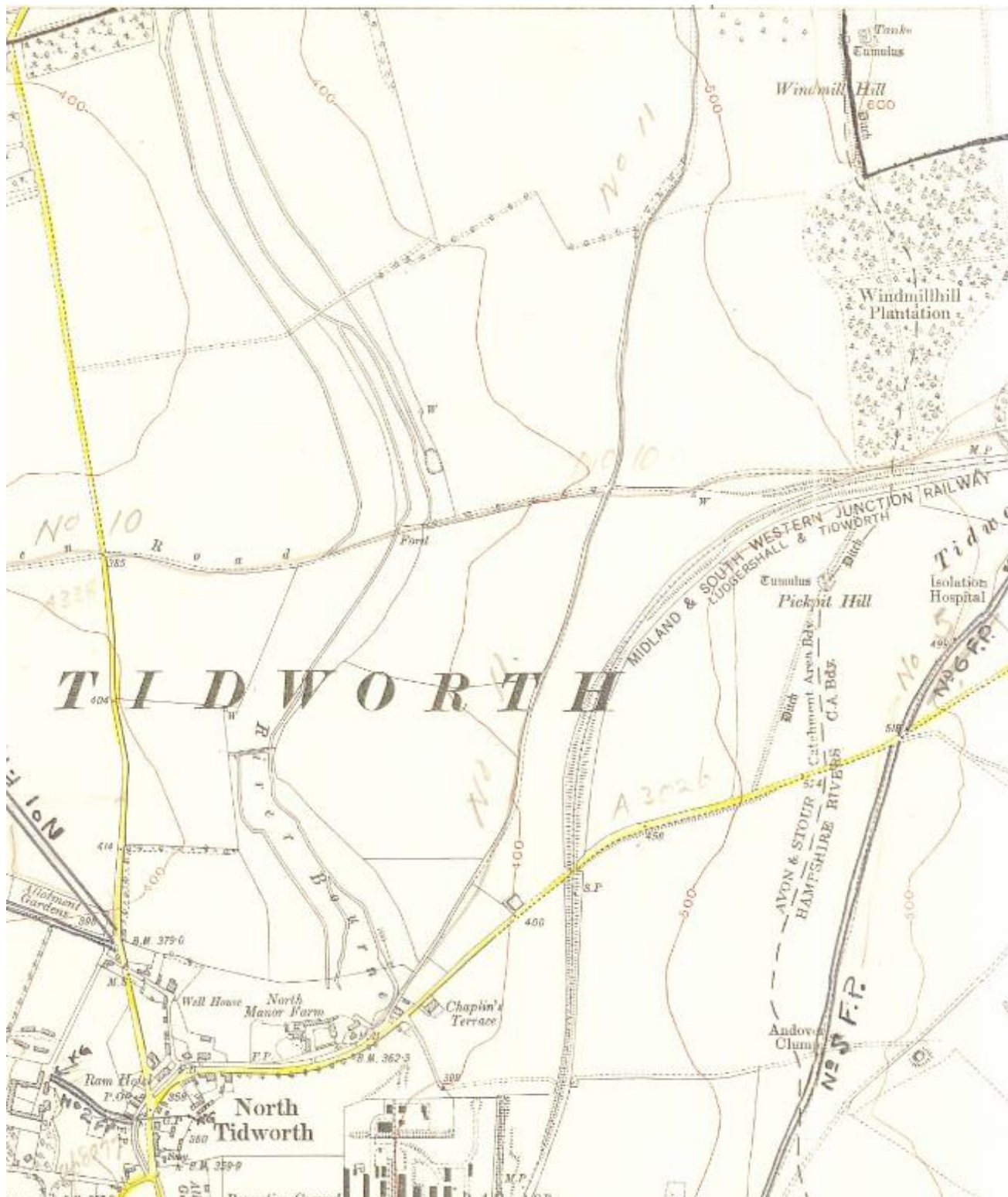
Sometime after the taking over of the responsibility for rural roads Wiltshire County Council amalgamated the information and produced a highway record. This record has been maintained and amended since that time and forms part of the Council's records of highways maintainable at public expense. The application route is not shown on the Highway Record.

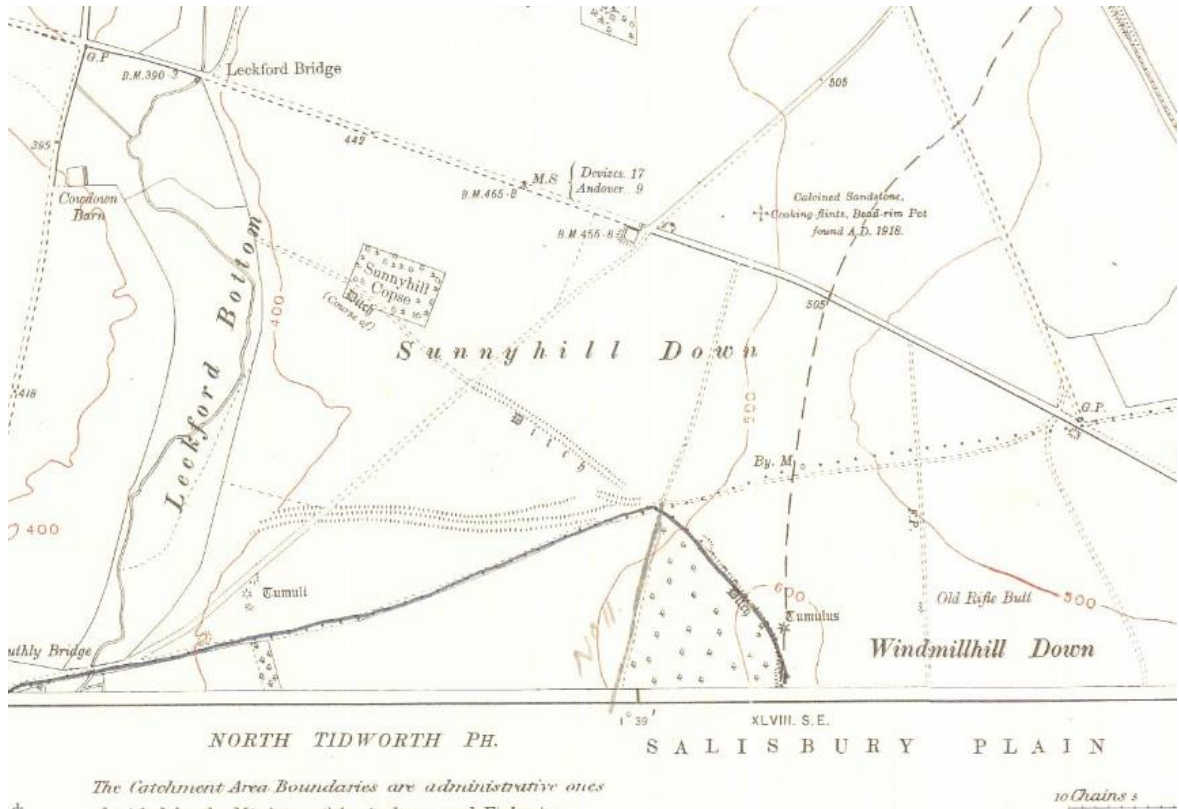


11.7 Parish Council Claims and Definitive Map Processes– National Parks and Access to the Countryside Act 1949

- 11.8 The National Parks and Access to the Countryside Act 1949 required Wiltshire County Council to produce a definitive map and statement of public rights of way. As a part of this process Parish Councils had to submit details of all the ways in their parish that they considered to be public rights of way that should be included in the map and statement.
- 11.9 Although parish councils were directed with guidance on the matter and all parish councils did submit a claim in Wiltshire, there is significant variation in the extent and detail of the submissions between parishes.
- 11.10 All parish councils in Wiltshire were issued , by Wiltshire County Council , the memorandum prepared by the Commons, Open Spaces and Footpaths Preservation Society in collaboration with the Ramblers Association: recommend by the County Councils Association. This document guided Parish Councils on how to identify paths for the draft definitive map.

11.11 The parish claim map for North Tidworth can be seen below. Footpath North Tidworth 11 can be seen on the map drawn in pencil and numbered "NO 11". The footpath crosses over two sheets , with the northern end of the path shown on the second sheet.





11.12 The parish claim card for NTID11 can be seen below.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PUBLIC RIGHT OF WAY.

PATH No. 11
(to correspond with No. on map)

PARISH OF North Tidworth

<p>NAME OR SITUATION AND DESCRIPTION (FOOTWAY, BRIDLEWAY, ETC.)</p> <p><u>C.R.F. from east of north main farm on the Tidworth - Hazenall road (A 3026) leading northwards over Windmill Hill to the Collingbourne parish boundary on Sunnyhill Down.</u></p>	<p>LENGTH <u>1.2 miles</u> WIDTH _____</p> <p>WHETHER FENCED OR OPEN _____</p> <p>APPROXIMATE PERIOD OF UNINTERRUPTED USER — YEARS FROM _____</p> <p>WHETHER REPAIRED BY PARISH, DISTRICT, BOROUGH OR COUNTY COUNCIL — _____</p> <p>DATE OF REPAIR _____</p> <p>WHETHER SUBJECT TO PLOUGHING _____</p> <p>DATE OF SURVEY _____</p> <p>WHETHER SHOWN ON UNDERMENTIONED MAPS — ORDNANCE 6" SHEET, REF. _____</p> <p>INCLOSURE AWARD _____</p> <p>LANDOWNER'S MAP (DEPOSITED UNDER SECTION 1 (4) OF THE RIGHTS OF WAY ACT, 1932.) _____</p> <p>OTHER MAPS — _____</p>
<p>NATURE OF SURFACE _____</p>	
<p>STILES, GATES, FOOTBRIDGES, STEPPING STONES _____</p>	
<p>WHETHER DIRECTION POSTS ON WAY (GIVE PARTICULARS) _____</p>	
<p>OBSERVATIONS : _____</p>	

The text reads “ C.R.F. from east of north manor farm on the Tidworth-Ludgershall (a3026) leading northwards over Windmill Hill to the Collingbourne parish boundary on Sunnyhill Down.” “LENGTH- 1 ½ miles”

11.13 It can be seen on the parish card above that the path was claimed as C.R.F , this status stood for a Public Carriage or Cart Road mainly used as a footpath. The path is however recorded as a footpath on the definitive map and statement. This is due to an objection to its status as a C.R.F received as the draft stage of the definitive map.

11.14 Documents viewed at the WSHC under ref F2/ 271/10 and F2/273/10 show that the objection was made by the war department on the basis that the route should be recorded as a footpath only as “bridle or cart track user confined to licensees only”. The documents state that the parish council agreed it should be a footpath.

SURVEY OF RIGHTS OF WAY

"A" 8

Representations or Objections to paths
shown on Draft Maps

Rural District ...WUSKEY.....

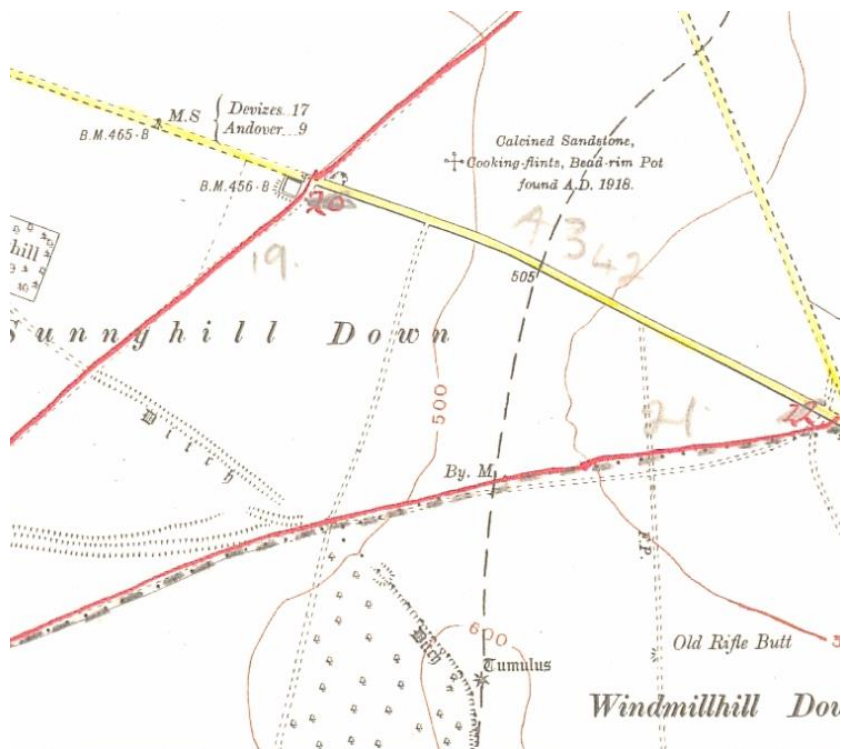
1. Parish.	NORTH TIDWORTH.
2. <u>Number and status of path objected to.</u>	C.R.F. No. 11.
3. <u>Name and address of Objector.</u>	War Department.
4. <u>Whether objection to</u> (i) the existence of the whole or part of the right of way, or (ii) its status.	Its status: it should be a F.P.
5. <u>Grounds of objection.</u>	Bridle or cart track user confined to licensees only.
6. <u>Documents, if any, supporting objection.</u>	
7. <u>Does the Parish Council agree with this objection?</u>	YES, AGREE IT SHOULD BE A FOOTPATH

4/24
4/25

11.15 Objections to the draft map for the Pewsey Rural District were heard at an inquiry held on 26th January 1956. The objection to the status of NTID11 was heard at the inquiry the recommendation recorded is "Alteration of status to F.P" reasons given are "by agreement".

No. and Map Reference.	Objection that path omitted from Draft Map	Objection to path included in Draft Map	Modification of Draft Map recommended.	Reasons.
Parish of North Tidworth—continued.				
7 (41/25)	—	C.R.F. No. 10 , Eldon Road, from N. end of path No. 1 at the Pennings, E. across the Collingbourne road, A.338, to Tidworth Down Farm and then N. to the Ludgershall boundary.	(a) Deletion of section from path No. 1 at the Pennings, E. to Tidworth Down Farm. (b) Addition of length from Tidworth Down Farm via W.D. road to road A.3026, in lieu of F.P. No. 5.	Inspected. From road A.342 on the Collingbourne Ducis boundary the track has been surfaced by the W.D. and is continuous. S. of the railway the W.D. road is the obvious continuation. The maze of tracks to the W. of the W.D. road are purposeless and discontinuous.
8 (41/24 41/25)	—	C.R.F. No. 11 , from the Ludgershall road, A.3026, E. of North Manor Farm, N. over Windmill Hill to the Collingbourne Ducis boundary on Sunnyhill Down.	Alteration of status to F.P.	By agreement.

11.16 Collingbourne Ducis Parish Council did not claim the section of the application route within their parish as a public right of way.



11.17 **North Tidworth Parish Council Minutes (WSHC Ref: 1612/3 and 1612/4)**

11.18 The route of NTID11 is referenced in the North Tidworth Parish Council minutes on page 446 of document 1612/3 . The entry for the meeting of the parish council meeting held on 13th June 1973 states *“Mrs Bennet mentoned the state of the old coach road running up behind the council houses in Ludgershall Rd, and asked whether anything could be done to have it cleared up. The clerk was instructed to write to the Public Health Inspector to ask him to investiage”*

11.19 Ref 1612/4 on page 3 , at the meeting held on 11th July 1973 it is recorded *“ a letter from the public helath inspector offering to clear up the old coach road, if the road was made passable for a tractor, was read to the council who asked the clerk to write to DLA to see if they could assist”*.

11.20 On page 8 , at the meeting held on 12th September 1973 it was recorded *“the clerk read the contents of a letter from DLA stating that they had agreed to tidy up the old coach road behind the council houses in Ludgershall Rd , however they had asked that residents be requested to keep the area tidy in future”*.

11.21 On page 200 , at the meeting held on 12th April 1978 it was recorded “*W.C.C have sent asking if we had any footpaths , etc that needed cleaning as a new job creation crew had been set up in this area. The clerk was to reply asking if the Old Roman Road, behind the council houses in Ludgershall Road could be cleared*”.

11.22 These parish council minutes demonstrate that a route likely to be the route of footpath NTID11 , which runs behind the then council houses in Ludgershall Road, was in 1973 and 1978 in need of litter picking and general tidying. Members of the parish council refer to this route as “ the old coach road” and the “old roman road” and ask for it to be cleared. It is also acknowledged that its status was that of a footpath, as Wiltshire County Council was inquiring with the parish council if any “footpaths, etc” required cleaning. It is North Tidworth parish council who claimed the route as a footpath as a result of the 1949 act which drafted the definitive map and statement [correction 14/02/22 by CH- route claimed as C.R.F not footpath as stated]. Members of the parish council clearly referred to the route as an old coach road or roman road but we do not know why those members of the PC held this belief and the PC agreed the route should be recorded as a footpath at the inquiry into objections to the draft map in 1956. The minutes also provide a record of public maintenance of the route but not in the manner of anything other than a footpath.

12 CATEGORY D EVIDENCE

12.1 Evidence in this category includes other maps, plans or documents which show highways additional to or as a part of their purpose but which were not produced as a result of legislation or subject to consultation. Examples are parish maps, estate plans, conveyances or sales particulars.

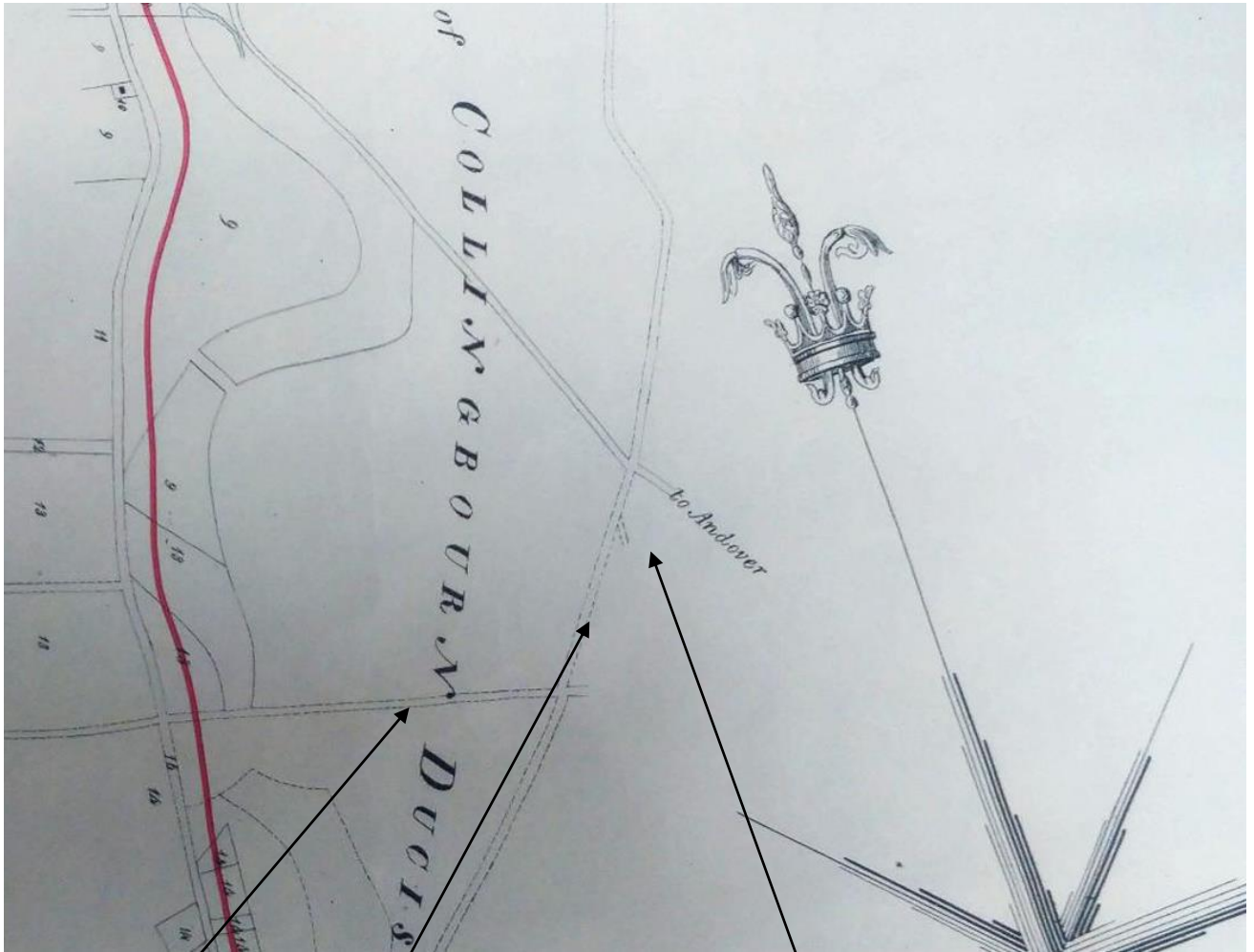
12.2 “Map of Collingbourne Ducis Estate in the County of Wilts belonging to The Rt. Hon. The Earl of Ailesbury 1815”.(WSHC Ref: 9/9/382L)



Route of A342

The extract above from the 1815 estate map shows no route or physical feature on or in the vicinity of the application route south or north of the A342.

12.3 “Map of Proposed Branch Road from Collingbourne Ducis To the Turnpike Road from Andover to Salisbury in the County of Wilts 1831”. (WSHC Ref: 451/97)



Route of A342, Route of byway CDUC19 , Track shown between byway and A346

This map showing a proposed branch road drawn and surveyed in 1831 shows a track leading in a southerly direction from the route now know as byway CDUC19 towards the A342. This is in the proximity of the proposed unrecorded section of the application route.

13. Category E Evidence

13.1 Evidence in this category includes commercial maps and Ordnance Survey maps, plans and documents. It is usual for there to be a significant quantity of evidence in this category and it is important to bear in mind the originality and purpose of the documents. The value of this group of evidence lies in the continuity of records over a long period of time and any differing origin. It must be borne in mind that this

group of documents would have had the largest public circulation outside of the parish.

- 13.2 Not all commercial maps are derived from the same surveys and although there is some duplication of Ordnance Survey derived material, a number of surveyors of early maps produced independent surveys. Hence it is useful to compare the county maps produced by Andrews and Dury, C & I Greenwood, and the Ordnance Survey.
- 13.3 It must also be considered that even when surveys produced by the OS were used by other map makers there was considerable scope for revision and updating specific to the individual purpose. For example, maps produced by Bartholomew's were continually revised and early versions were verified by the Cyclists Touring Club and Popular Series maps produced by the Ordnance Survey were revised with reference to highway surveyors.
- 13.4 The applicant, Bill Riley, has supplied a summary of the evidence he has relied upon to make this application. That summary includes a list of over 50 category E evidence maps depicting some or all of the application route.. These are shown below in chronological order. This list also includes other evidence Mr Riley has relied upon such as the Tithe Award, Railway Plans and Parish Council minutes.

OXFORD ROAD, NORTH TIDWORTH 11 & COLLINGBOURNE DUCIS UNREGISTERED

Summary of Historical Evidence

<u>Ogilby's Britannia, Plate 83, 1675:</u>	<i>"Principal Road"</i> Part of <i>"The Road from Oxford to Salisbury"</i>
<u>Andrews & Dury's 2ⁿ Map of Wiltshire 1773:</u>	Minor road
<u>Cary's Map of Wiltshire 1789¹:</u>	Minor road
<u>Cary's Map of Wiltshire 1801 (3.2):</u>	<i>"Cross Road"</i>
<u>Smith's Map of Wiltshire 1801 (2.7):</u>	<i>"Cross Road"</i>
<u>Ordnance Survey 2ⁿ Drawing No.77 1808:</u>	Minor road
<u>Andrews & Dury's 2ⁿ Map of Wiltshire, 2nd Edition, Revised & Corrected, 1810:</u>	<i>"Cross Road"</i>
<u>Dix's Map of Wiltshire 1816¹:</u>	<i>"Bye Road"</i>
<u>Ordnance Survey 1ⁿ Old Series 1817:</u>	Minor road
<u>Greenwood's 1ⁿ Map of Wiltshire 1820:</u>	<i>"Cross Road"</i>
<u>Smith's Map of Wiltshire corrected to 1821¹:</u>	<i>"Cross Road"</i>
<u>Cary's ½ⁿ Map, Sheet 18, 1823 (3.2A):</u>	<i>"Parochial Road"</i>
<u>Colt Hoare, Modern Wiltshire, Map of Everley, Ambresbury & Underditch 1826:</u>	Minor road
<u>Teesdale's Map of Wiltshire 1829 (1.18):</u>	<i>"Bye Road"</i>
<u>Greenwood's Map of Wiltshire corrected to 1829 (3.3):</u>	<i>"Cross Road"</i>
<u>Darton's Map of Wiltshire 1832 (1.17):</u>	<i>"Cross Road"</i>
<u>Cary's ½ⁿ Map, Sheet 18, 1832 (3.4):</u>	<i>"Parochial Road"</i>
<u>Teesdale's Map of Wiltshire 1840¹:</u>	<i>"Bye Road"</i>
<u>North Tidworth Tithe Award 1846: Map:</u>	Shown as a fenced tithe-free road. Where the road crosses into Collingbourne Ducis Parish it is inscribed <i>"to Collingbourne"</i> . Width ranges from 15 to 30 feet.
<u>Collins' Map of Wiltshire 1852 (1.25):</u>	<i>"Bye Road"</i>
<u>Crutchley's Map of Wiltshire 1855 (2.9):</u>	Minor road
<u>Weller's Map of Wiltshire 1862 (1.29):</u>	<i>"Road"</i>
<u>Crutchley's ½ⁿ Map c.1865¹:</u>	Minor road

The Deposited Plans of the Upavon and Andover Railway 1866 (A1/371/118MS):

Plans: Sheet No.3. The unregistered length in Collingbourne Ducis is shown as an unfenced road crossing the Turnpike Road (A342) 7½ chains east of Byway 19 and joining the latter 12 chains north of the A342. The Railway crosses the road at 8 miles 1 furlong 7½ chains. The length south of the Turnpike Road is shown as an unfenced road approximately 30 feet wide and numbered 38. The length north of the Turnpike Road is shown as an unfenced road approximately 25 feet wide and numbered 40 in the parish of Collingbourne Ducis.

Sections: Sheet No.8. At 8 miles 1 furlong 7½ chains. "Public Road Level Unaltered".

Book of Reference: "Parish of Collingbourne Ducis"

<u>No. on Plan</u>	<u>Description of Property</u>	<u>Owners or Reputed Owners</u>	<u>Lessees or Reputed Lessees</u>	<u>Occupiers</u>
38	Public Road	The Everley and Pewsey District Highway Board	-	George Pike
40	Public Road	The Marquis of Aylesbury The Everley and Pewsey District Highway Board The Marquis of Aylesbury	- - -	George Pike

Ordnance Survey 6th 1st Edition, Sheet 48, 1883-88: "Minor Road"

Philips' Cyclists' Map of Wiltshire c.1890 (2.14): "Cross Road"

Bacon's Map of Wiltshire 1895¹: "Cross-road"

Brown's Guide to Salisbury 1895¹: Minor road

Ordnance Survey 1st New Series, Sheet 283, 1896 (Map Folder): "Unmetalled Road"

Bartholomew's ¼th Road Map 1897¹: "Other Road"²

Smith's Reduced Ordnance Survey Map for Tourists 1897¹: "Other Road"²

Gall & Inglis' ½th Map for Cyclists Tourists etc., 1898¹: Minor road

Ordnance Survey 1st Map of W.D. Land on Salisbury Plain 1898¹: "Unmetalled Road"

Ordnance Survey 2nd Map of W.D. Land on Salisbury Plain 1898 (Map Folder): "Unmetalled Road"

Bartholomew's ¼th Royal Atlas, Plate 40, 1899¹: "Other Road"²

Ordnance Survey 25th 2nd Edition, Sheet 48/7, 1900 (Revised 1899): Shown as an unfenced road or track, separately numbered and measured in North Tidworth. In Collingbourne Ducis it joins (but does not cross) the main road (A342) 7½ chains east of Byway 19. Width approximately 15 feet in Collingbourne Ducis and ranging from 15 to 25 feet in North Tidworth. Not marked *F.P.* or *B.R.*

Ordnance Survey 25th 2nd Edition, Sheet 48/11, 1900 (Revised 1899): Shown as a partly fenced road, separately numbered and measured. Width ranges from 10 to 25 feet. Not marked *F.P.* or *B.R.*

Ordnance Survey 25th 2nd Edition, Sheet 48/15, 1900 (Revised 1899): Shown as a mainly fenced road, separately numbered and measured. Width ranges from 10 to 15 feet. Not marked *F.P.* or *B.R.*

Gall & Inglis' Map for Cyclists Tourists etc., 1902¹: Minor road

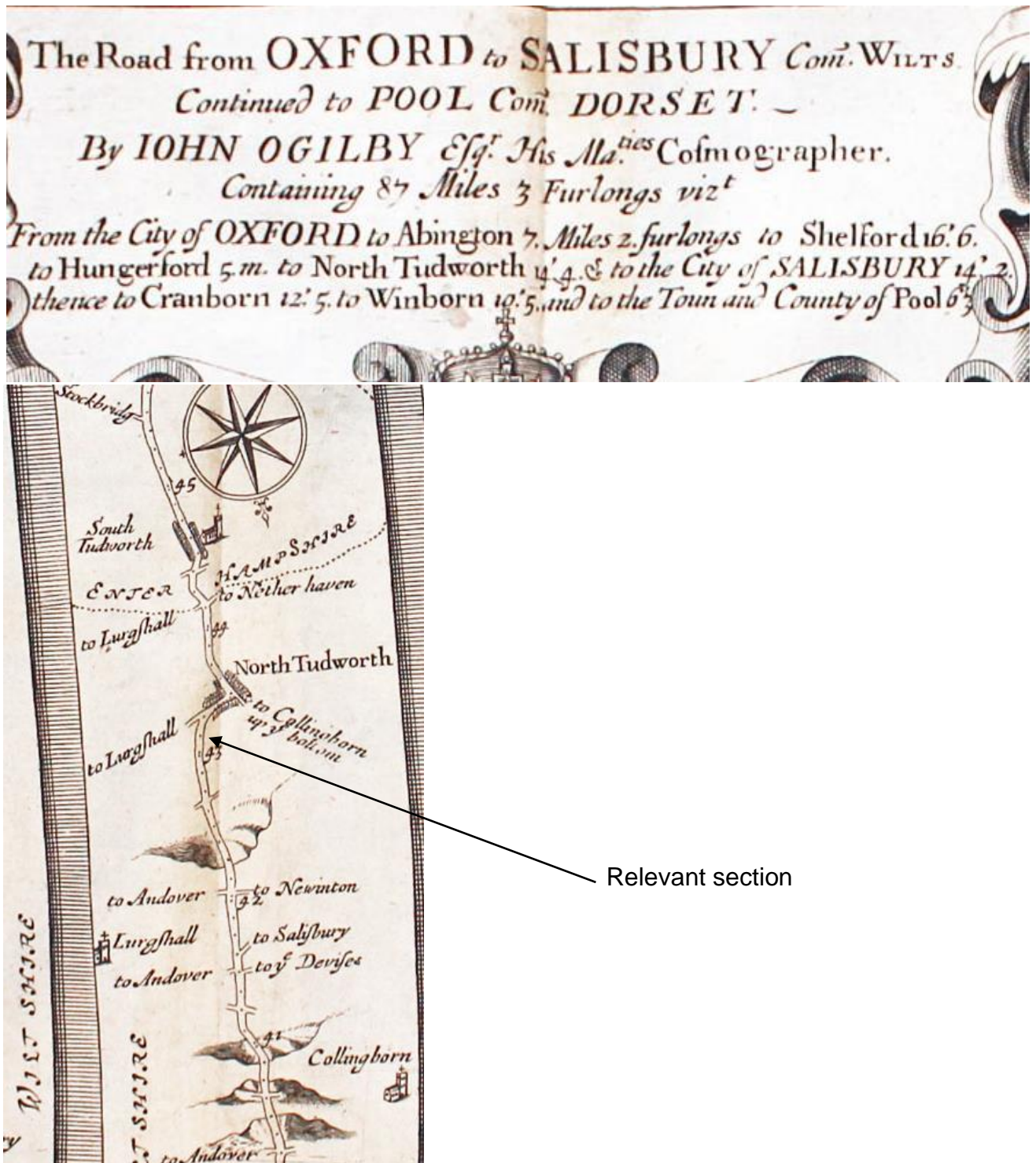
<u>Bartholomew's ½" Survey Atlas of England & Wales, Plate 64, 1903¹:</u>	"Other Driving Road"
<u>Bacon's New ½" Map for Cyclists and Motorists c.1905¹:</u>	Minor road
<u>Ordnance Survey ½" Sheet 33, 1908¹:</u>	"Other Road" ²
<u>Ordnance Survey 1" 3rd Edition, Sheet 123, 1908¹:</u>	"Unmetalled Road"
<u>Ordnance Survey 1" 3rd Edition, Salisbury Plain, 1909¹:</u>	"Unmetalled Road"
<u>Bartholomew's ½" for Tourists & Cyclists, Sheet 29, all editions 1910–1920¹:</u>	Uncoloured road
<u>Bacon's Map of Wiltshire for Cyclists and Tourists 1910¹:</u>	Minor road
<u>Ordnance Survey ½" Sheet 33, 1910¹:</u>	"Other Road" ²
<u>Bartholomew's ¼" Road Map 1919¹:</u>	"Other Road" ²
<u>Ordnance Survey 1" Popular Edition, Sheet 122, 1919¹:</u>	"Minor Road"
<u>Ordnance Survey 1" Popular Edition, Salisbury Plain, 1920¹:</u>	"Minor Road"
<u>Ordnance Survey 25" 3rd Edition, Sheet 48/7, 1924 (Revised 1923):</u>	Details as per 2 nd Edition
<u>Bacon's Map of Wiltshire for Tourists, Cyclists, etc., c.1925¹:</u>	Minor road
<u>Ordnance Survey ½" Road Map, Sheet 33, 1926¹:</u>	"Other Road" ²
<u>Johnston's Touring Map c.1929¹:</u>	Minor road
<u>Geographia ½" Road Map of Wiltshire c.1930¹:</u>	"Other Road" ²
<u>Ordnance Survey 1" 5th Edition, Sheet 131, 1938¹:</u>	"Unmetalled Road"
<u>Bartholomew's Revised ½" Map, Sheet 8, 1940¹:</u>	"Other Road"
<u>North Tidworth Parish Council Minutes (1612/3):</u> Page 446, 13 June 1973, refers to the "State of the old coach road running up behind the council houses in Ludgershall Road".	
<u>North Tidworth Parish Council Minutes (1612/4):</u> Page 3, 11 July 1973, and page 8, 12 September 1973, refer to the "the Old Coach Road behind the council houses in Ludgershall Road". Page 200, 12 April 1978 refers to "the Old Roman Road, behind the council houses in Ludgershall Road".	
<u>Victoria County History of Wiltshire, Vol.15, 1995:</u> Page 155. "In the 17 th century the main Oxford–Salisbury road via Hungerford (Berks) ran southwards over Windmill Hill and passed through North Tidworth Village....." The map on page 154, based on the tithe award map, shows the road "To Oxford via Hungerford" following the line of North Tidworth 11.	

¹ Not in WRO

² Other than a main road

A selection of those commercial maps are depicted in the next pages of this report.

13.5 John Ogilbys Britannia, Plate 83, 1675

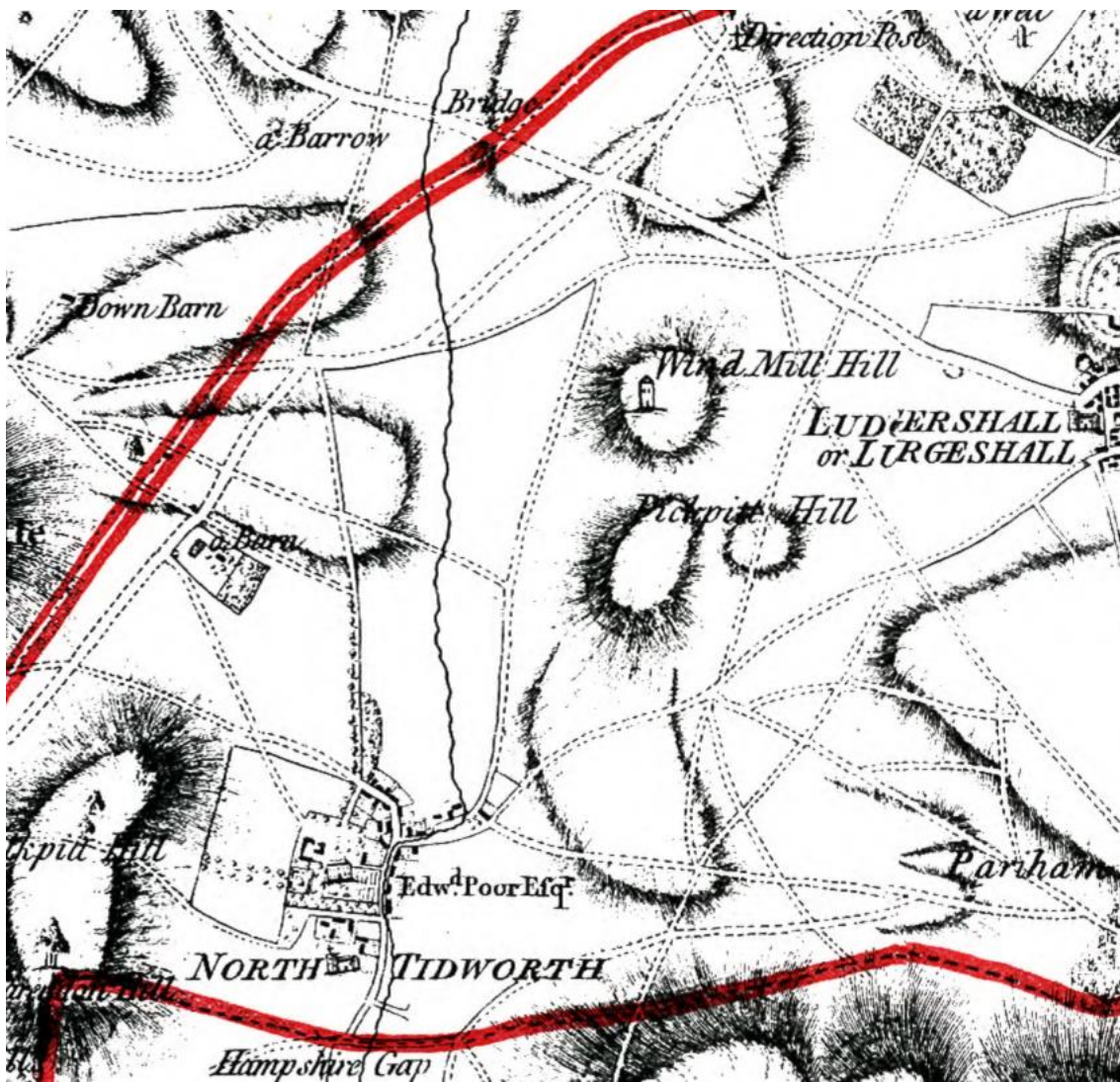


This map from 1675 is a strip map, the relevant section is shown above. The map is drawn with south at the top of the page. It can be seen what was clearly considered a major road leads north from the settlement in the general position the route of footpath NTID11 leaves the Ludgershall road today. Any specific route is difficult to ascertain from the scale and limitations of this map.

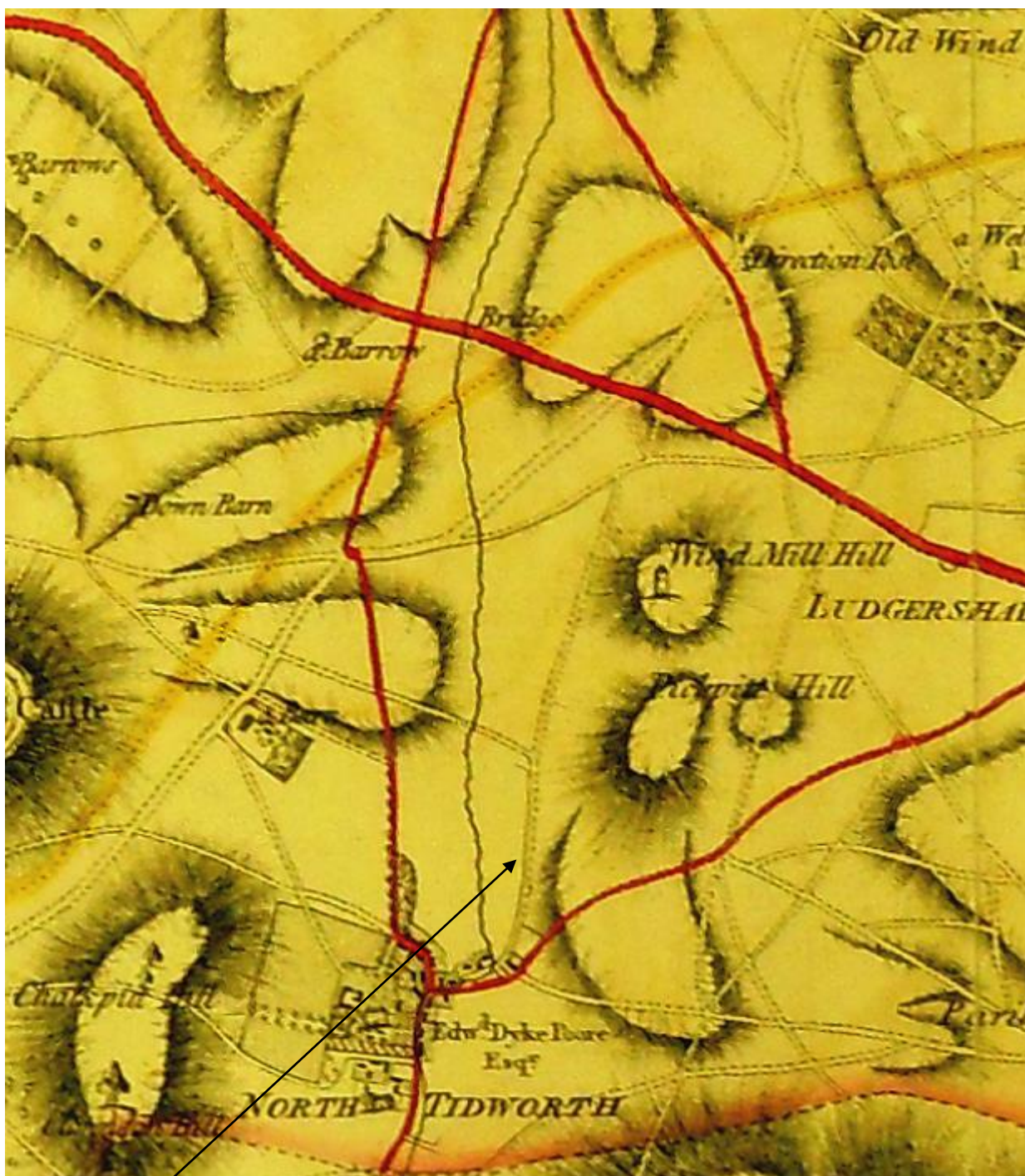
13.6 Andrews' and Dury's Map of Wiltshire 1773 The map is drawn at the scale of 2 inches to one mile. It does not have a key but Andrews' and Dury's map of Hertfordshire does and the symbology appears to be the same.

E X P L A N A T I O N

 Parish Towns.....	 Rivers with Bridges.....	 Kitchen Gardens.....
 Villages.....	 Wind Mills.....	 Ponds.....
 Roads enclosed by Hedges.....	 Parks.....	 Woods.....
 Open Roads.....	 Churches.....	 Pasture, enclosed by Hedges.....
 Roads, one side enclosed by a Hedge.....	 Heaths or Commons.....	 Arable enclosed by D?.....
 Water Mills.....	 Hills.....	 Marshes.....

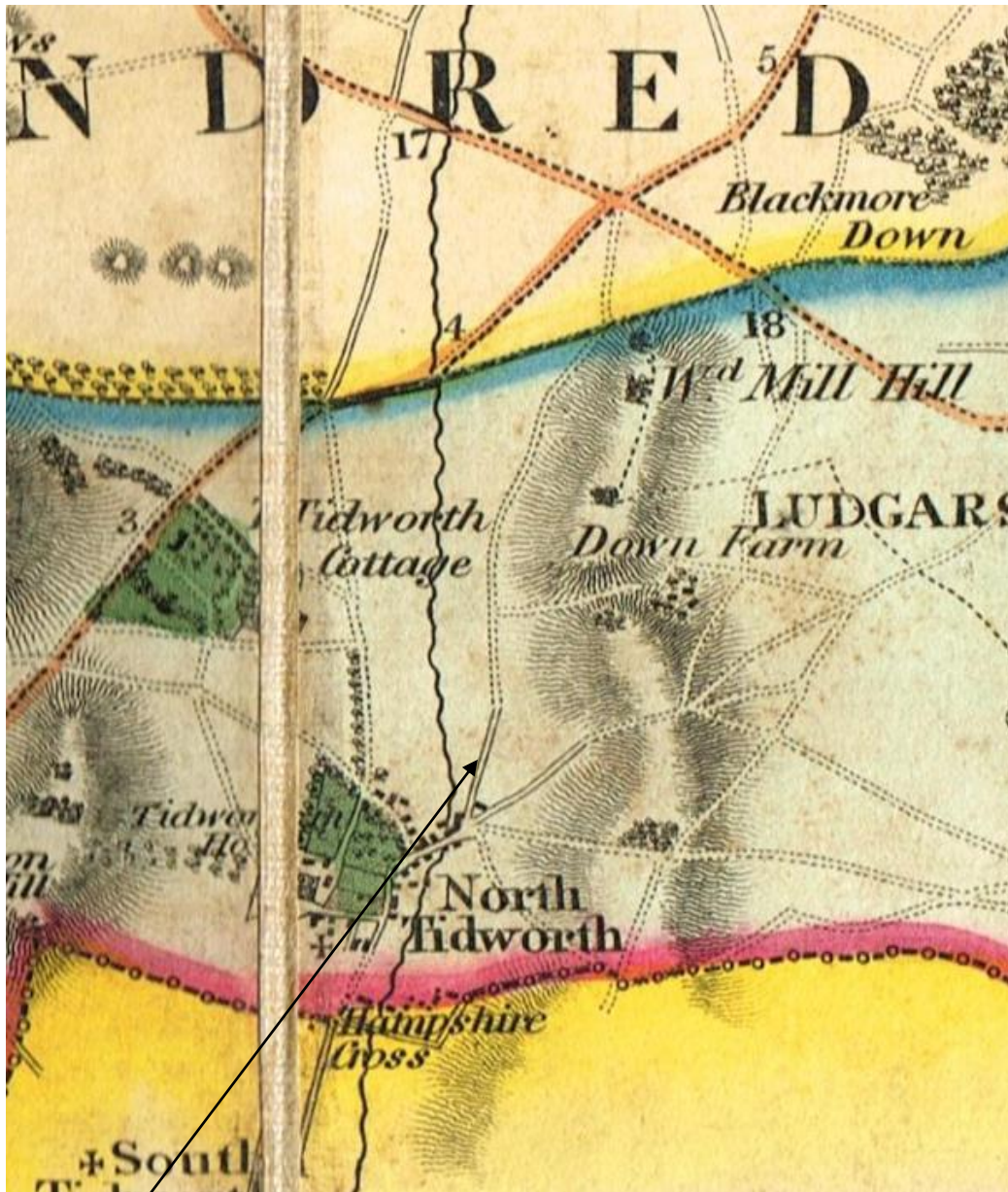
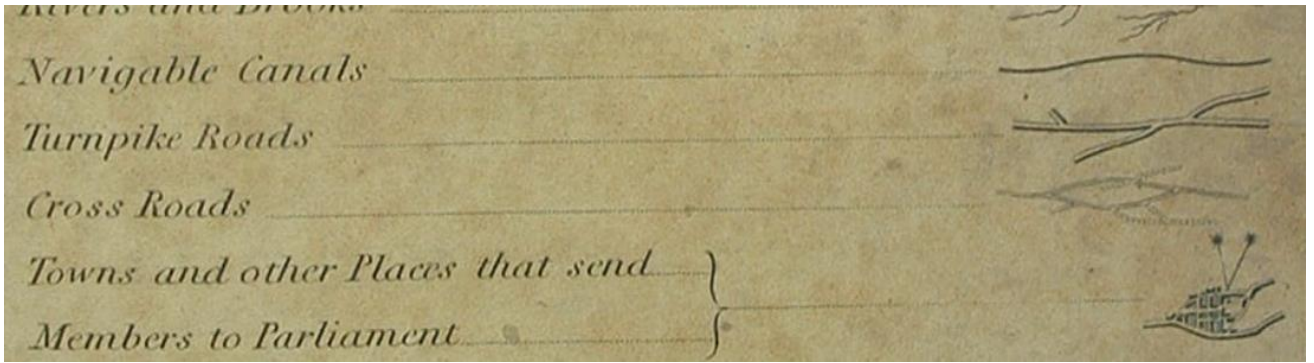


13.7 **Andrews' and Dury's Map of Wiltshire 1810.** This map is drawn at a scale of 2 inches to one mile.



Application Route

13.8 C and I Greenwoods Map of Wiltshire 1820 This map shows the route as a “Cross Road”. Scale 1 inch to 1 mile.



Application Route

13.9 J. Cary's Map of Wiltshire 1789.



Application Route

13.10 J. Cary's Map of Wiltshire 1823. Scale of 1/2 inch to a mile *parochial road"



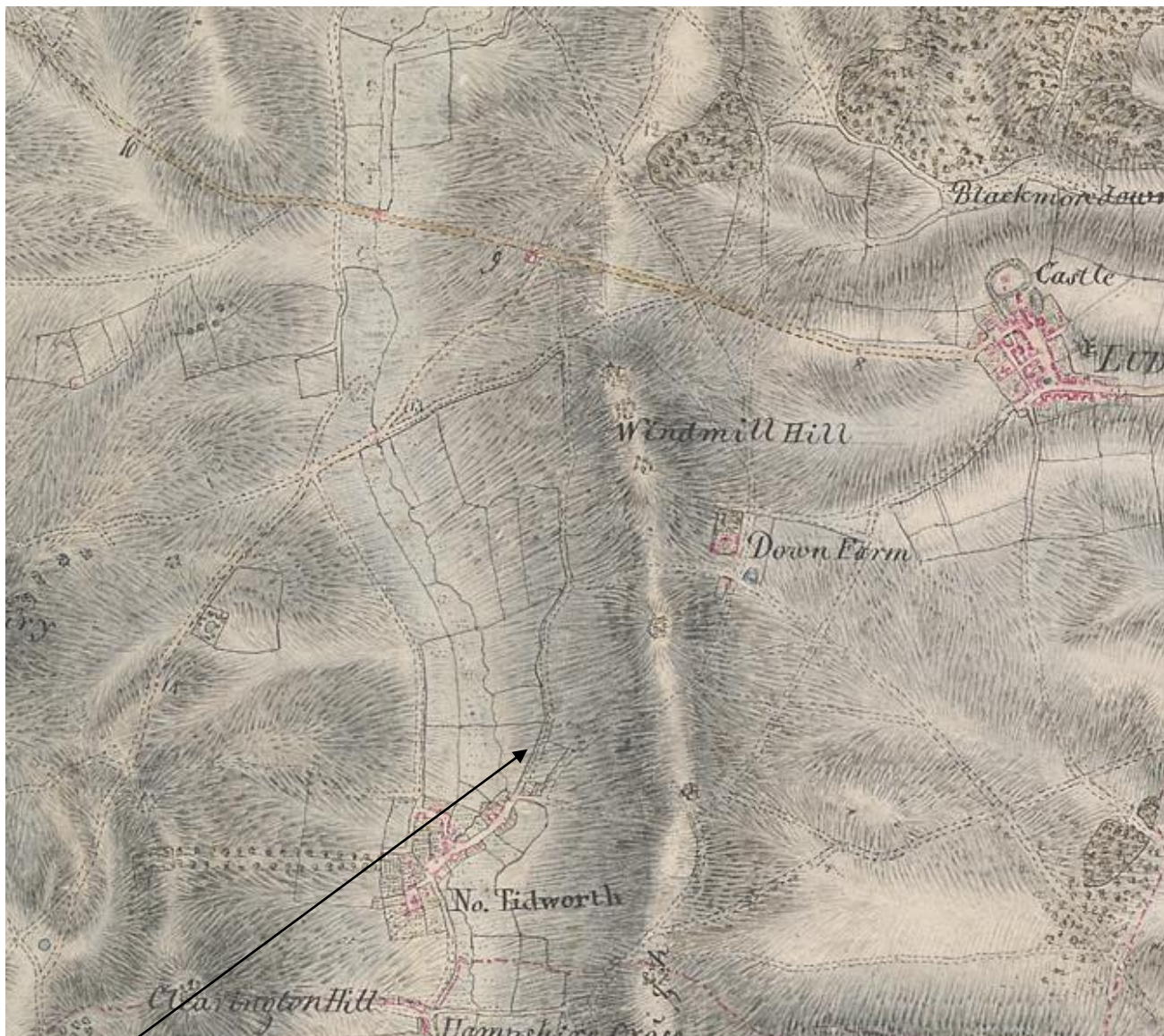
Application Route

13.11 Barthomolews 1897 : Scale ¼ inch to a mile “other road”



Application Route

13.12 Ordnance Survey 2" drawing 1808. Sheet no 77



Application Route

13.13 Ordnance Survey 1:2500 County Series mapping 1878 to 1923

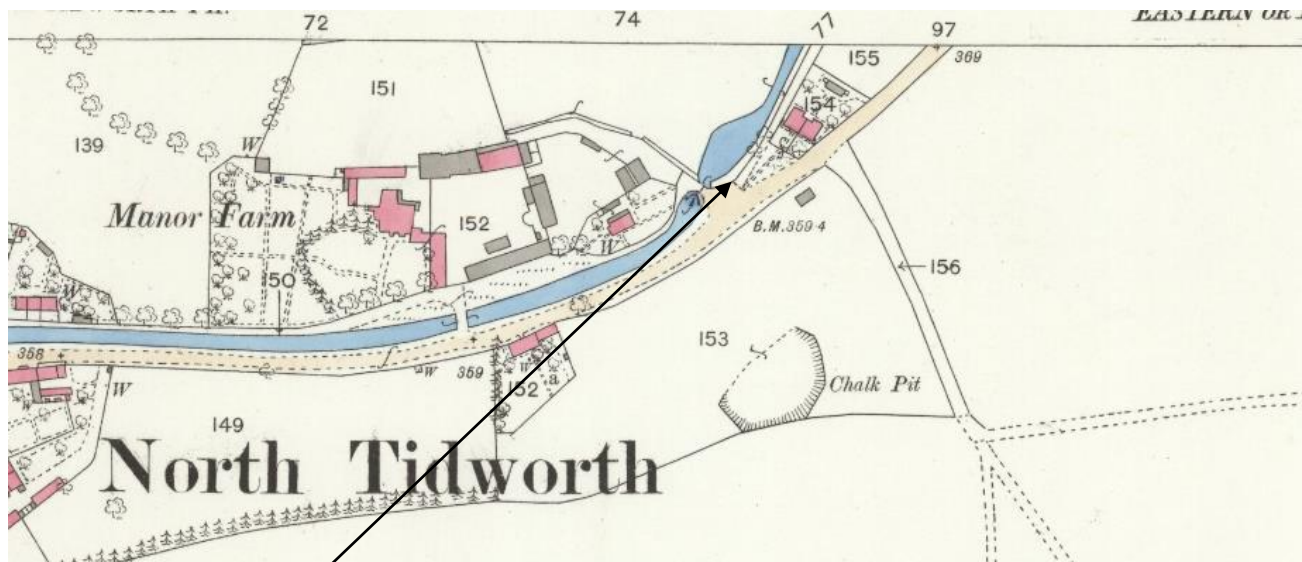
The 1:2500 scale was introduced in 1853-4 and by 1896 it covered the whole of what were considered the cultivated parts of Britain. J B Harley, historian of the Ordnance Survey, records that “the maps delineate the landscape with great detail and accuracy. In fact, practically all the significant man-made features to be found on the ground are depicted. Many phenomena make their debut on the printed map and as a topographical record the series transcends all previous maps. Every road....., field....., stream and building are shown; non-agricultural land is distinguished...quarries, sand,

gravel and clay pits are depicted separately; all administrative boundaries are shown;...hundreds of minor place names...appear on the map for the first time. Where appropriate, all topographical features are shown to scale. The series is thus a standard topographical authority”.

- 13.14 Richard Oliver in his book “Ordnance Survey Maps a complete guide for historians” recognises that surveying errors (and paper distortion during printing) cannot be ruled out, particularly where detail is sparse, but in practice such errors are likely to be very hard to demonstrate, because of a general paucity of suitable sources rivalling or bettering the OS in planimetric accuracy and completeness of depiction.”
- 13.15 Ordnance Survey maps from 1888, although presenting an accurate representation of the landscape and its features do carry a disclaimer to the effect that the representation of any road or track is no evidence of a public right of way.
- 13.16 It was the practice of the OS to allocate parcel numbers to distinct pieces of land and measure them. These are numbered and recorded on the map as acreages. Where applicable parcels were ‘braced’ with adjoining parcels – for example a pond in a field may be braced with the adjoining land or a track across a field may be braced in with the surrounding land and measured with that. However, some features “*are always separately numbered and measured irrespective of their size. They include railways in rural areas (in built up areas they may form part of ‘Town area’), all public roads, whether fenced or unfenced and foreshore and tidal water....*” (From Ordnance Survey Maps a descriptive manual by J B Harley published by the Ordnance Survey 1975). For the earlier (to 1879) First Edition maps the OS produced a Book of Reference (or Acreage Book) in which parcel numbers were listed against acreages and land use. The book was not produced for the Second Edition maps (1900/1901) and for these (and subsequent editions) the parcel number and acreage was printed on the sheet and land use information was dropped.

The order route is shown across three separate sheets. The southern end of the order route is shown on Wiltshire sheet 48.15, going north the route is shown on Wiltshire sheet 48.11 and then Wiltshire sheet 48.7.

13.17 First Edition 1880- surveyed 1878- scale 1:2500- Wiltshire Sheet 48.15



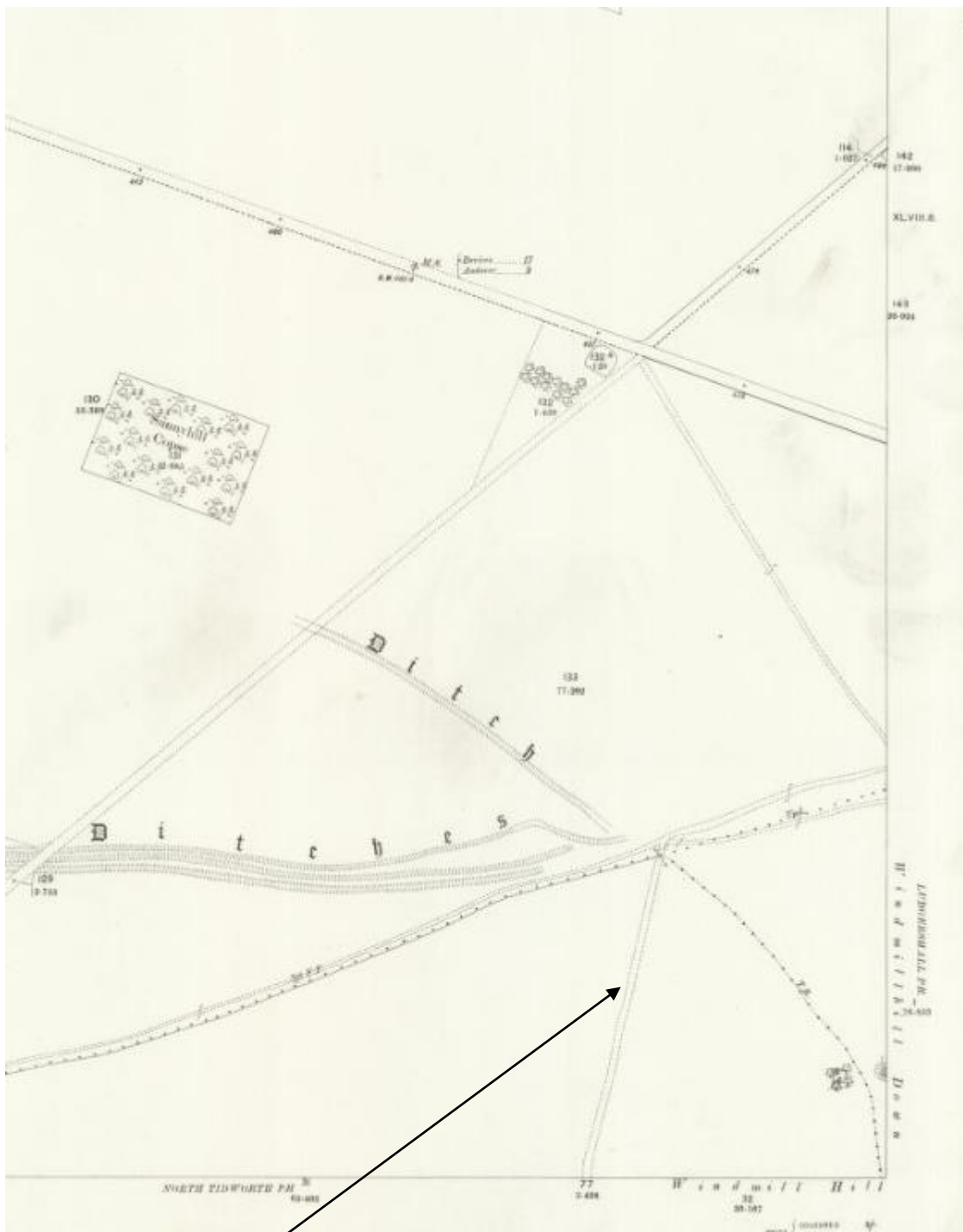
Route of footpath NTID11 leaving the road.

13.18 First Edition 1880- scale 1:2500- Wiltshire Sheet 48.11



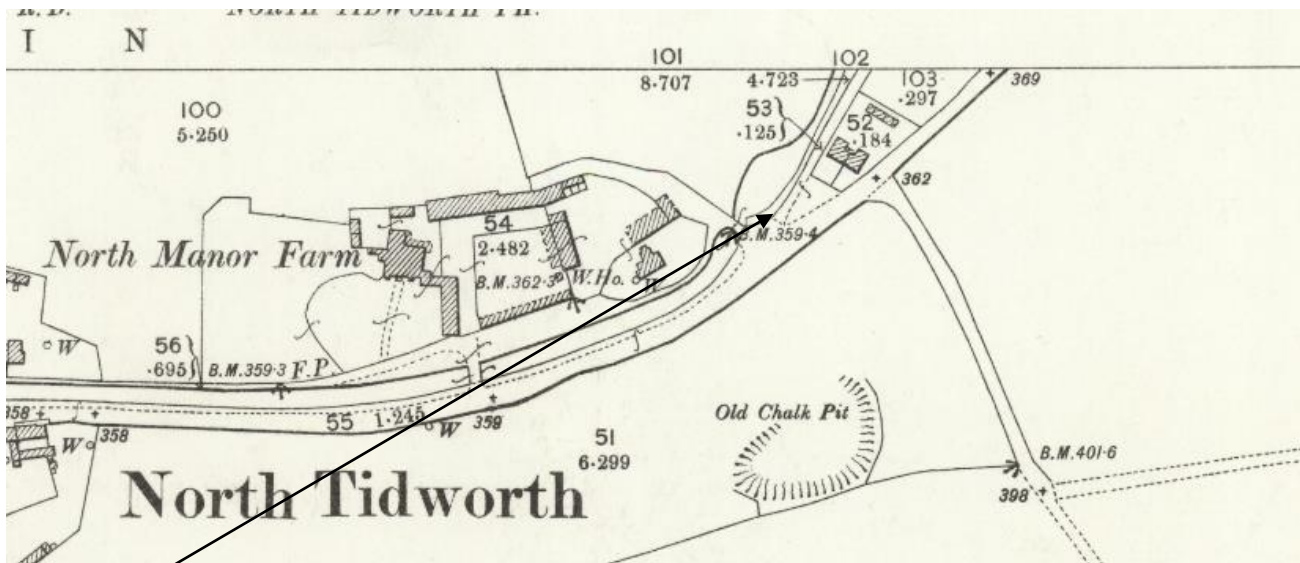
Application route/ route of NTID11

13.19 First Edition 1880- scale 1:2500- Wiltshire Sheet 48.7



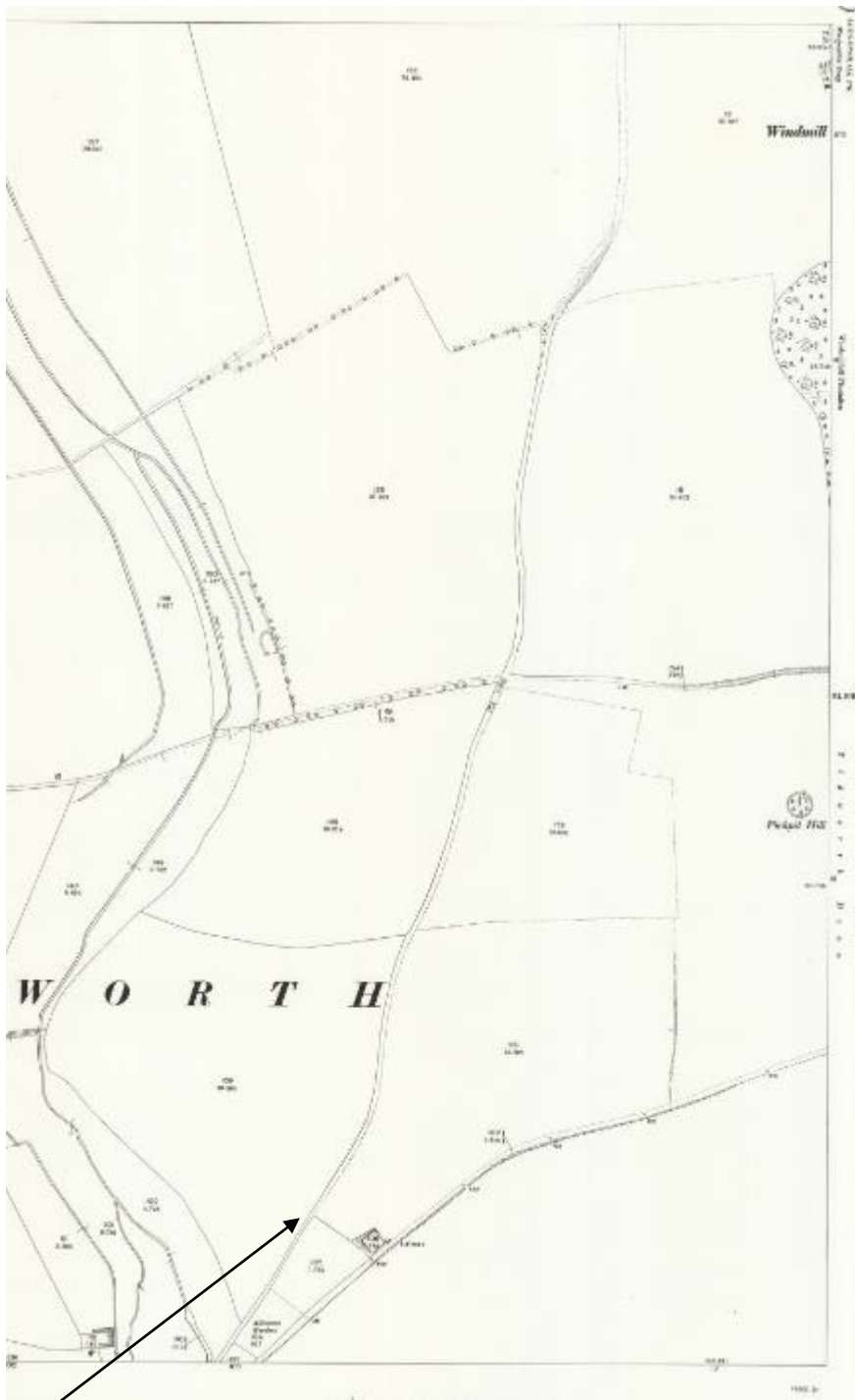
Application Route

13.20 Second edition 1900- scale 1:2500- Wiltshire Sheet 48.15



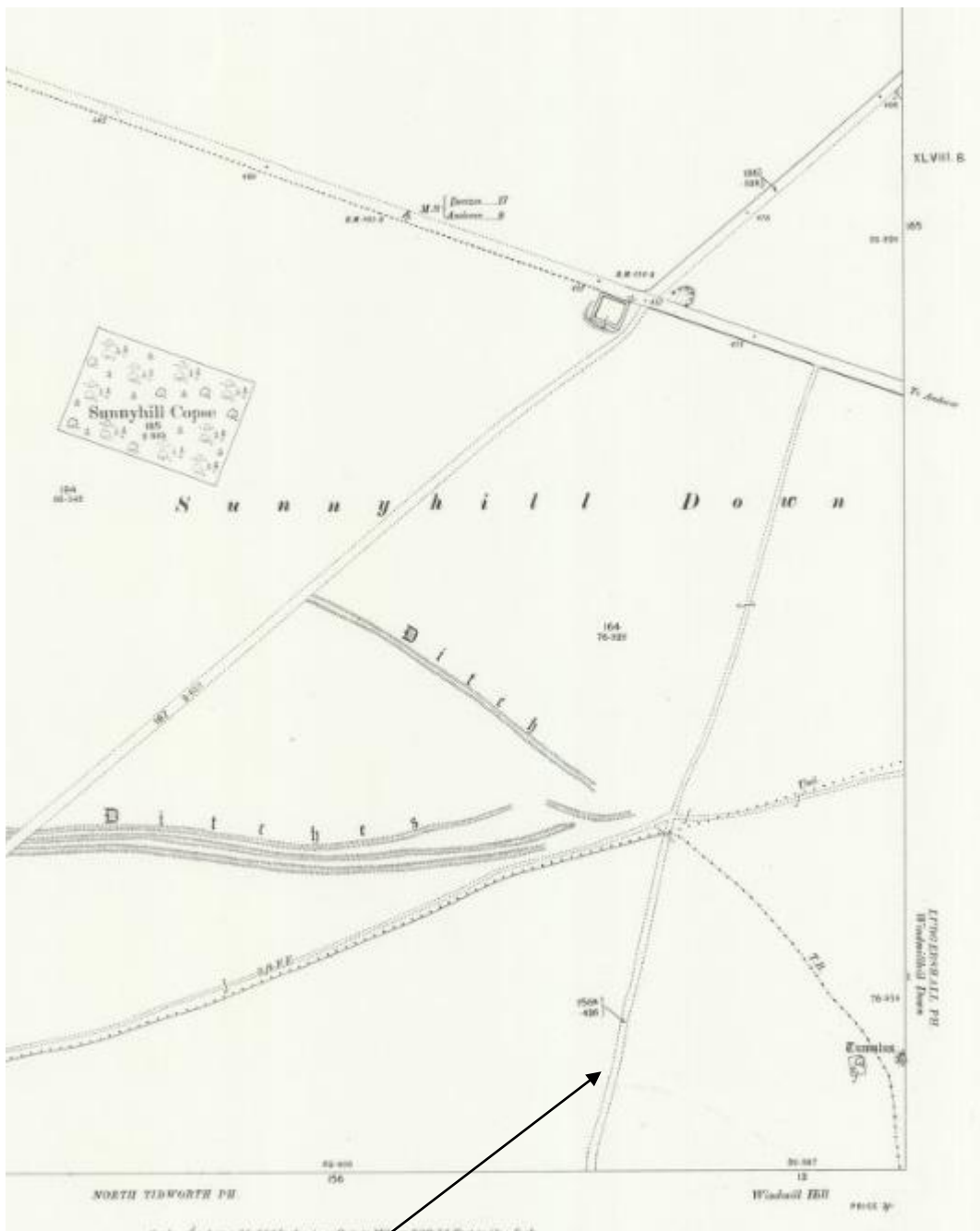
Application route / route of NTID11

13.21 Second edition 1900- scale 1:2500- Wiltshire Sheet 48.11



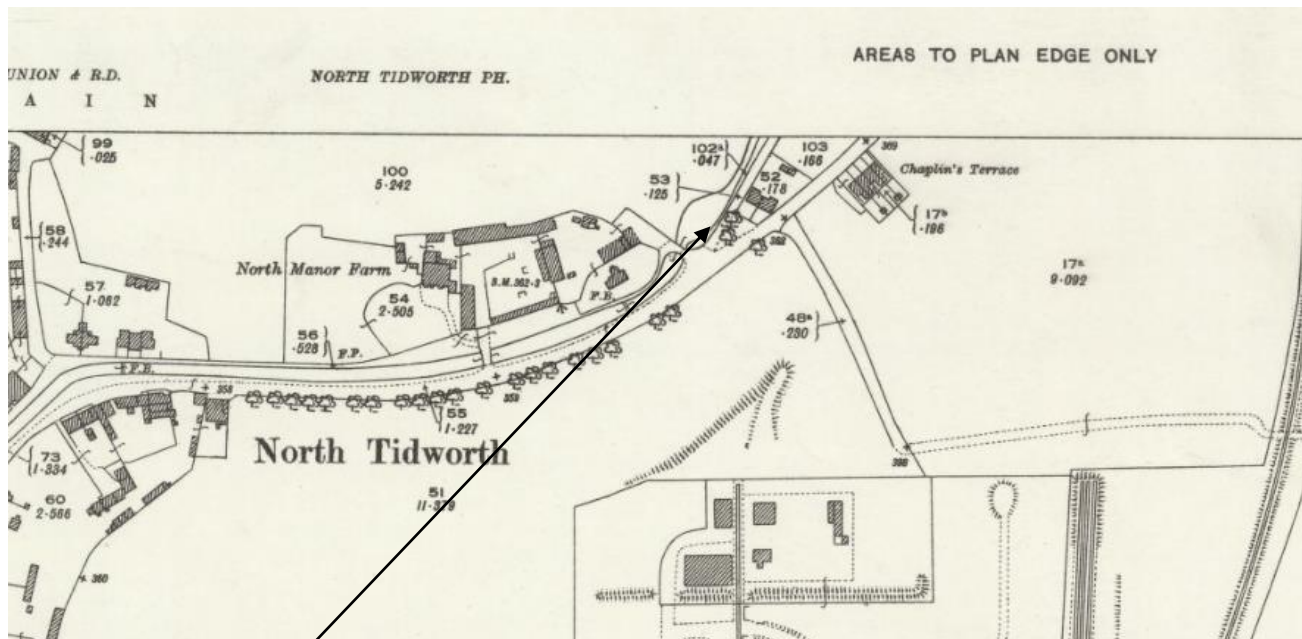
Application route / route of NTID11

13.22 Second edition 1900- scale 1:2500- Wiltshire Sheet 48.7



Application route / route of NTID11

13.23 Edition of 1924 – scale 1:2500 – Wiltshire sheet 48.15



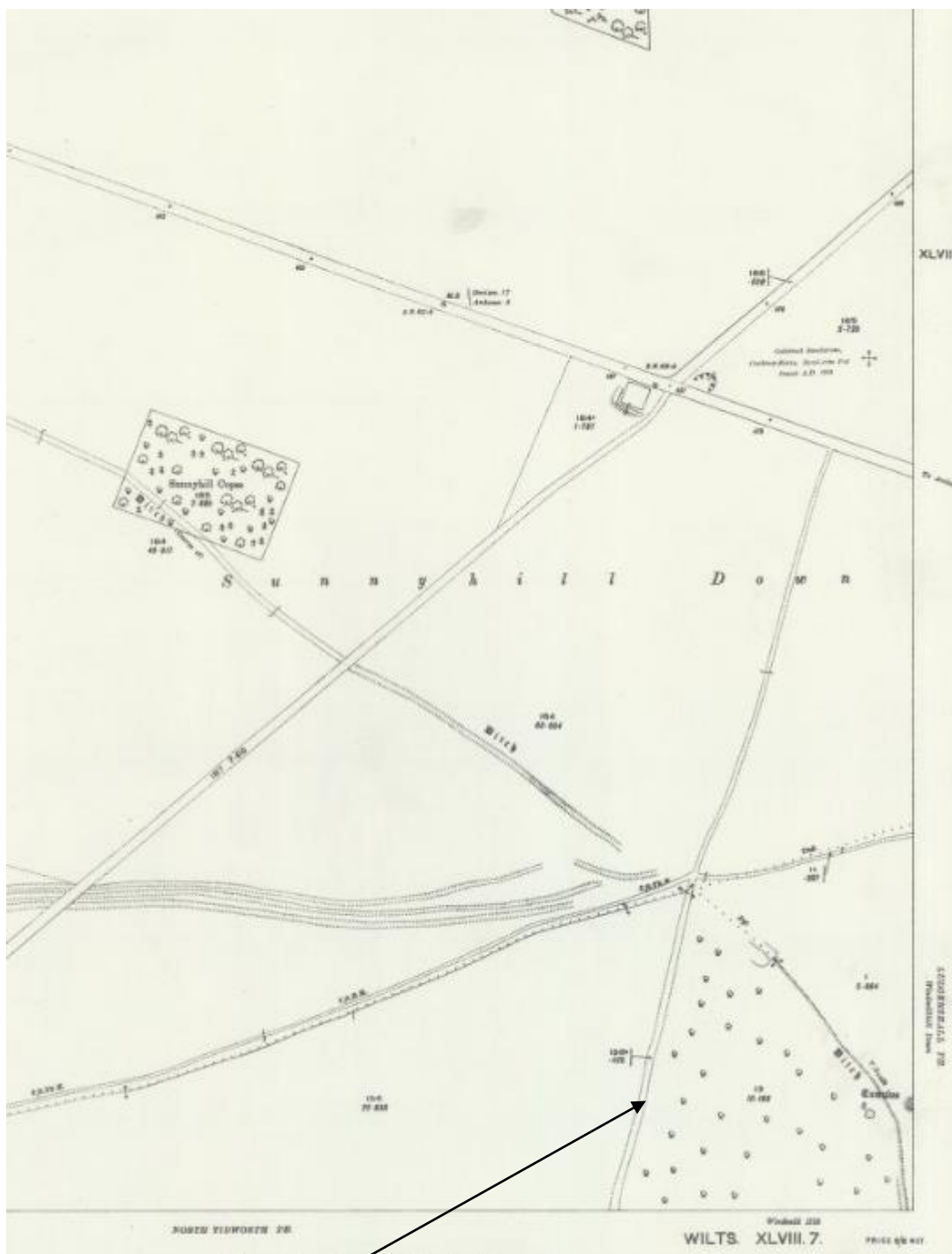
Application route / route of NTID11

13.24 Edition of 1924 – scale 1:2500 – Wiltshire sheet 48.11



Application route / route of NTID11

13.25 Edition of 1924 – scale 1:2500 – Wiltshire sheet 48.7



Application route / route of NTID11

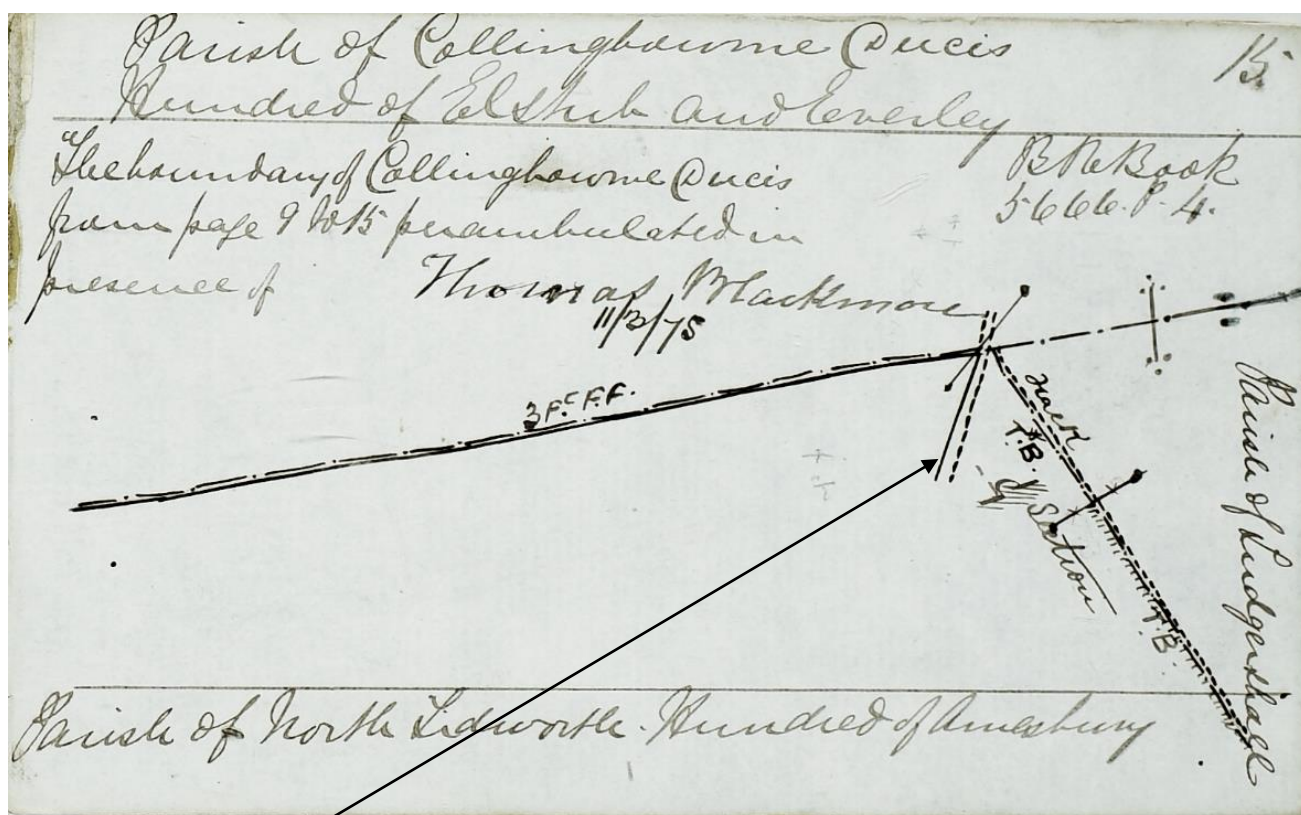
13.26 The route of the footpath NTID11 can be seen consistently from its southern junction with the Ludgershall road to its northern junction with the Collingbourne Ducis parish boundary as a partly fenced track which is separately numbered from 1880 through to 1924 on the OS maps. The route north of the parish boundary is inconsistent , no

route continuing north from NTID 11 is shown in 1880 and there is a track shown continuing north from NTID11 on the 1900 and 1924 editions. None of the OS maps other than the 1808 drawing show a route north of the A.342.

13.27 OS Boundary Remark Book

13.28 As the application route crosses the Collingbourne Ducis and North Tidworth parish boundary part of the route is depicted in the OS boundary remark book. OS boundary remark books (also called Perambulation Books) are small booklets containing hand-drawn strip maps. They were prepared by the Ordnance Survey to record original information on public boundaries under the provisions of the Ordnance Survey Act 1841. The maps show boundary and related ground features and carry the signatures or marks of the meres men (local people with knowledge of the parish boundaries) for the parishes on each side of the boundary

13.29 The remark book for the North Tidworth parish boundary has been viewed by officers and it shows at the junction of NTID11 and CDUC21 a track continuing north of the parish boundary as a continuation of the route that became NTID11, see image below. The boundary was walked on 11th March 1875.



Route of NTID11 leading to the parish boundary.

13.30 The remark book does not demonstrate what status the drawn track was considered to be, they are recording the physical features along the parish boundary on a given date. In this case it demonstrates a track leads north from the track of what is now NTID11 at the parish boundary.

13.31 This survey of 1875 is not consistent with the OS map of 1880 , seen at 13.19 , where no track leads north from the end of the route of NTID11 at the parish boundary. The 1900 and 1924 1:2500 OS maps , shown at 13.22 and 13.25, do show a track at the location shown by the OS boundary remark book .The position of tracks north of parish boundary appears to be inconsistent and tracks may have moved.

14 CATEGORY F EVIDENCE

14.1 This evidence category includes local repute or any consultation responses that are not covered elsewhere.

14.2 There was a change in the law in 2006 relating to the use of mechanically propelled vehicles (MPVs) on routes that were not already recorded in the definitive map and statement as byways open to all traffic and this will be addressed later in this report as part of the council's decision but it is noteworthy that no evidence to support the continuation of any public mechanically propelled vehicular rights post 2006 has been adduced by any party (including vehicular user groups).

14.3 The responses to the council's consultation can be seen at section 6 of this report.

14.4 The consultation carried out between July and September 2020 which was sent to many local residents and affected landowners did not adduce any public use of footpath NTID11 or the unrecorded section of the application route continuing north from footpath NTID11 with MPVs. No further documentary evidence was adduced from the consultation. There was a general concern for the route being possibly upgraded or created as a BOAT for various reasons, but the decision must be based upon the evidence available to the council , not on a base of want or need.

15.0 Decision

15.1 This decision is taken in two sections, whether footpath NTID11 should be upgraded to a BOAT or any other status. Also then to consider if the section of the application route which is currently unrecorded which continues north from footpath NTID11

across Sunnyhill Down and the A342 and links into BOAT CDUC19 should be recorded on the definitive map and statement and if so what status. These decisions must be based on the evidence available to the council.

15.2 The law requires that any evidence of no rights, higher rights or greater width must ultimately be shown on the balance of probabilities. This means that it is more likely than not that something is shown. The relevant legislation for this application and decision is section 53 (3)(c)(i) , (ii) and (iii) see below.

“(c)the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—

(i)that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being [F4a right of way such that the land over which the right subsists is a public path [F5, a restricted byway] or, subject to section 54A, a byway open to all traffic];

(ii)that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or”

(iii)that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

15.3 This decision is in two parts and applies different subsections of S.53 of the WCA81 as described above. One section of the application route seeks to apply 53(3)(c)(i), that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist, and the other (the upgrade of the current route of footpath NTID11 seeks to apply 53(3)(c)(ii) that a highway should be shown of different description and subsection 53(3)(c)(iii) may also apply if only the statement is amended.

15.4 The first subsection 53(3)(c)(i) applies a reasonably alleged test when reaching a decision on whether an order should be made or not. This is a weaker test than that of the balance of probabilities which must be applied when reaching a decision on whether to confirm an order made under this section.

15.5 In considering the evidence under section 53(3)(c)(i) there are two tests which need to be applied, as set out in the case of *R v Secretary of State ex parte Mrs J Norton and Mr R Bagshaw(1994) 68P & CR 402 (Bagshaw)*:

Test A: Does a right of way subsist on the balance of probabilities? This requires the authority to be satisfied that there is clear evidence in favour of public rights and no credible evidence to the contrary.

Test B: Is it reasonable to allege that on the balance of probabilities a right of way subsists? If the evidence in support of the claimed paths is finely balanced but there is no incontrovertible evidence that a right of way cannot be reasonably alleged to subsist, then the authority should find that a public right of way has been reasonably alleged.

To confirm the Order, a stronger test needs to be applied; that is, essentially that contained within Test A. In *Todd and Bradley v SoSEFRA [2004] EWHC 1450 (Admin)*. Evans-Lombe J found that the appropriate test for confirmation is the normal civil burden of proof that such a way subsists on the balance of probabilities.

Test B is the weaker test and only requires that on the balance of probabilities it is reasonably alleged that public rights subsist. This allegation may only be defeated at the order making stage by incontrovertible evidence.

15.6 The decision on whether the route of NTID11 should be shown as a highway of a different description and subject to 53(3)(c)(ii) or (iii) is not subject to the same reasonable alleged tests when making an order, it is subject to the balance of probabilities test when making and confirming an order.

15.7 The NERC act of 2006 also needs to be considered when a byway application is made as it concerns the extinguishment of MPV rights. The “Winchester” case also needs to be considered, this case “Winchester R (oao) the Warden and Fellows of Winchester College and Humphrey Feeds Limited and SoSEFRA (Interested party) [2008] EWCA Civ 431” also concerns applications made to record byways. NERC and the Winchester case will be considered later in this report.

15.8 This investigation has considered evidence that was not available or in some cases, not considered, at the time that the definitive map was produced. The investigation has therefore considered ‘new’ evidence.

15.9 The status of footpath North Tidworth 11

- 15.10 This application applies to upgrade footpath NTID11 to a byway open to all traffic “*From the Ludgershall Road, A3026, east of North Manor Farm, leading north north-east over Windmill Hill to the Collingbourne Ducis Parish boundary on Sunnyhill Down. Approximate length 2.06km. Approximate width ranging from 4.5 to 9 metres.*”
- 15.11 The current records show NTID11 was recorded as a footpath on the Pewsey Rural District Council Definitive map and statement dated 1953 (see 7.2 and 7.3 of this report) . The statement clearly records the route as a footpath with a length of 2.414 km but it does not record a width for the footpath. The legal record for this footpath has not been amended since its recording in 1953 on the map and statement.
- 15.12 The evidence discussed in section 11 of this report is broken down into categories A-F , with category A evidence of the most value down to F. The evidence relating to the current route of NTID11 is within categories B, C and E. The category A evidence derived from the railway plans is concerned directly with the section of the application route currently unrecorded. There is an implication that the recorded public road going south from the proposed railway must continue south but the scope of the railway plans does not extend as far south as the current route of NTID11 and its termination could have been the route of bridleway CDUC21, the category A evidence does not assist in determining the status of the current route of NTID11.
- 15.13 In terms of provenance the main body of evidence for the status of NTID11 lies within the North Tidworth Tithe survey and map of 1844. This map shows the route of NTID11 as un tithable land, which can indicate it was considered a public road. It is written on the map “ to Collingbourne” where it crosses into Collingbourne Ducis again indicating it was a route leading to a destination , in the manner of a public road. The purpose of the tithe map was not to indicate the status of a highway but it does demonstrate the route was in physical existence at that time. The North Tidworth tithe map is not considered a “1st class” tithe map, and the North Tidworth map is described as having “*an amateurish appearance*” in the book “*The Tithe Maps of England and Wales*” by Roger J.P. Kain and Richard Oliver. As discussed at 10.16 other routes depicted on the tithe map in a similar manner are no longer considered public roads. The tithe map of Ludgershall and Collingbourne Ducis do not depict the routes continuation north in any manner, these surveys were carried out within 2 years of

each other, with the Collingbourne map surveyed in the same year as the Tidworth map, yet the surveyor of Collingbourne records no continuation of the route in Tidworth , or at least no indication of a public road is recorded.

- 15.14 The tithe award and map of North Tidworth suggest the route may have had highway rights in 1844 but it was not the purpose of the tithe map to record public rights and the suggestive evidence of highway rights within the tithe evidence should be taken into consideration with other available evidence.
- 15.15 The North Tidworth Parish Council minutes shown at 11.13 of this report indicate that the Parish Council in the 1970s referred to the route of NTID11 as an Old Roman Road / old coach road, at least behind the houses in Ludgershall Road. No record of public maintenance of the route in the manner of anything other than a footpath is recorded ; however it is clear some members of Parish Council referred to the route in an historic nature and that of a coach road. No evidence is supplied as to why the members of the parish council held this belief other than the words written in the minutes and it is noted that North Tidworth Parish Council agreed the route should be recorded as a footpath in the 1956.. The records found within the parish council minutes are evidence of some local reputation of an ancient origin of the route behind the council houses in Ludgershall road but is not conclusive evidence as to the status of the highway.
- 15.16 There is a large body of evidence within category E with many commercial maps provided by the applicant. These maps depict the approximate route of NTID11 and labelling it a number of statuses. The below is a list of all commercial maps the applicant relies on for this application, with the date of the map and the status the route is shown as.

<u>Ogilby's Britannia, Plate 83, 1675: "Principal Road" Part of "The Road from Oxford to Salisbury"</u>	
<u>Andrews & Dury's 2ⁿ Map of Wiltshire 1773:</u>	Minor road
<u>Cary's Map of Wiltshire 1789¹:</u>	Minor road
<u>Cary's Map of Wiltshire 1801 (3.2):</u>	"Cross Road"
<u>Smith's Map of Wiltshire 1801 (2.7):</u>	"Cross Road"
<u>Ordnance Survey 2ⁿ Drawing No.77 1808:</u>	Minor road
<u>Andrews & Dury's 2ⁿ Map of Wiltshire, 2nd Edition, Revised & Corrected, 1810:</u>	"Cross Road"
<u>Dix's Map of Wiltshire 1816¹:</u>	"Bye Road"
<u>Ordnance Survey 1ⁿ Old Series 1817:</u>	Minor road
<u>Greenwood's 1ⁿ Map of Wiltshire 1820:</u>	"Cross Road"
<u>Smith's Map of Wiltshire corrected to 1821¹:</u>	"Cross Road"
<u>Cary's ½ⁿ Map, Sheet 18, 1823 (3.2A):</u>	"Parochial Road"
<u>Colt Hoare, Modern Wiltshire, Map of Everley, Ambresbury & Underditch 1826:</u>	Minor road
<u>Teesdale's Map of Wiltshire 1829 (1.18):</u>	"Bye Road"
<u>Greenwood's Map of Wiltshire corrected to 1829 (3.3):</u>	"Cross Road"
<u>Darton's Map of Wiltshire 1832 (1.17):</u>	"Cross Road"
<u>Cary's ½ⁿ Map, Sheet 18, 1832 (3.4):</u>	"Parochial Road"
<u>Teesdale's Map of Wiltshire 1840¹:</u>	"Bye Road"
<u>Collins' Map of Wiltshire 1852 (1.25):</u>	"Bye Road"
<u>Crutchley's Map of Wiltshire 1855 (2.9):</u>	Minor road
<u>Weller's Map of Wiltshire 1862 (1.29):</u>	"Road"
<u>Ordnance Survey 6ⁿ-1st Edition, Sheet 48, 1883-88:</u>	"Minor Road"
<u>Philips' Cyclists' Map of Wiltshire c.1890 (2.14):</u>	"Cross Road"
<u>Bacon's Map of Wiltshire 1895¹:</u>	"Cross-road"
<u>Brown's Guide to Salisbury 1895¹:</u>	Minor road

<u>Ordnance Survey 1st New Series, Sheet 283, 1896 (Map Folder):</u>	"Unmetalled Road"
<u>Bartholomew's ¼th Road Map 1897¹:</u>	"Other Road" ²
<u>Smith's Reduced Ordnance Survey Map for Tourists 1897¹:</u>	"Other Road" ²
<u>Gall & Inglis' ½th Map for Cyclists Tourists etc., 1898¹:</u>	Minor road
<u>Ordnance Survey 1st Map of W.D. Land on Salisbury Plain 1898¹:</u>	"Unmetalled Road"
<u>Ordnance Survey 2nd Map of W.D. Land on Salisbury Plain 1898 (Map Folder):</u>	"Unmetalled Road"
<u>Bartholomew's ¼th Royal Atlas, Plate 40, 1899¹:</u>	"Other Road" ²
<u>Ordnance Survey 25th-2nd Edition, Sheet 48/7, 1900 (Revised 1899):</u> Shown as an unfenced road or track, separately numbered and measured in North Tidworth. In Collingbourne Ducis it joins (but does not cross) the main road (A342) 7½ chains east of Byway 19. Width approximately 15 feet in Collingbourne Ducis and ranging from 15 to 25 feet in North Tidworth. Not marked <i>F.P.</i> or <i>B.R.</i>	
<u>Ordnance Survey 25th-2nd Edition, Sheet 48/11, 1900 (Revised 1899):</u> Shown as a partly fenced road, separately numbered and measured. Width ranges from 10 to 25 feet. Not marked <i>F.P.</i> or <i>B.R.</i>	
<u>Ordnance Survey 25th-2nd Edition, Sheet 48/15, 1900 (Revised 1899):</u> Shown as a mainly fenced road, separately numbered and measured. Width ranges from 10 to 15 feet. Not marked <i>F.P.</i> or <i>B.R.</i>	
<u>Gall & Inglis' Map for Cyclists Tourists etc., 1902¹:</u>	Minor road
<u>Bartholomew's ½th Survey Atlas of England & Wales, Plate 64, 1903¹:</u>	"Other Driving Road"
<u>Bacon's New ½th Map for Cyclists and Motorists c.1905¹:</u>	Minor road
<u>Ordnance Survey ½th Sheet 33, 1908¹:</u>	"Other Road" ²
<u>Ordnance Survey 1st 3rd Edition, Sheet 123, 1908¹:</u>	"Unmetalled Road"
<u>Ordnance Survey 1st 3rd Edition, Salisbury Plain, 1909¹:</u>	"Unmetalled Road"
<u>Bartholomew's ½th for Tourists & Cyclists, Sheet 29, all editions 1910-1920¹:</u>	Uncoloured road
<u>Bacon's Map of Wiltshire for Cyclists and Tourists 1910¹:</u>	Minor road
<u>Ordnance Survey ½th Sheet 33, 1910¹:</u>	"Other Road" ²
<u>Bartholomew's ¼th Road Map 1919¹:</u>	"Other Road" ²
<u>Ordnance Survey 1st Popular Edition, Sheet 122, 1919¹:</u>	"Minor Road"
<u>Ordnance Survey 1st Popular Edition, Salisbury Plain, 1920¹:</u>	"Minor Road"
<u>Ordnance Survey 25th 3rd Edition, Sheet 48/7, 1924 (Revised 1923):</u>	Details as per 2 nd Edition
<u>Bacon's Map of Wiltshire for Tourists, Cyclists, etc., c.1925¹:</u>	Minor road

<u>Ordnance Survey ½" Road Map, Sheet 33, 1926¹:</u>	"Other Road" ²
<u>Johnston's Touring Map c.1929¹:</u>	Minor road
<u>Geographia ½" Road Map of Wiltshire c.1930¹:</u>	"Other Road" ²
<u>Ordnance Survey 1" 5th Edition, Sheet 131, 1938¹:</u>	"Unmetalled Road"
<u>Bartholomew's Revised ½" Map, Sheet 8, 1940¹:</u>	"Other Road"

15.18 This body of evidence clearly demonstrates that commercial map makers believed the route to be a road of some status from 1675 through to 1940. It is important to remember this evidence is category E evidence, i.e. it is evidence of reputation of a highway, but these commercial maps were not produced as a result of any legislation setting out highway rights and it is recognised that OS maps are not evidence of public rights. However we must also take into account the consistency of the evidence over a long period and the number of maps showing the route in the same or a similar manner.

15.19 In the case of *Fortune & Ors v Wiltshire Council and Anor* [2012] EWCA Civ 334, [2011] EWCA Civ 883, part of the case the judge considered a mass of documentary evidence, and it is therefore an interesting insight into how judges view these documents. The documents provided a broad picture that was largely consistent over time, leading to Lewison LJ stating at para 22:

"In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless. As Pollock CB famously directed the jury in R v Exall (1866) 4 F&F 922: 'It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope, composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength.'"

15.20 The historic documentary evidence adduced to demonstrate the route of NTID11 should be upgraded is from the tithe map and award, the North Tidworth parish council minutes and a selection of commercial maps.

The tithe map does not demonstrate sufficiently, by itself, the status of the route shown, it is suggestive of a public road but the purpose of the tithe was not to demonstrate public rights and the map is considered “amateurish” by an expert in the field. The other documentary evidence is of much lower provenance, the parish council minutes show limited local repute of an ancient origin to the route behind the council house but no more, and although there are many commercial maps showing the route described as some status of road this is of low evidential value. It is officers opinion that this combination of evidence is not sufficient to show, on the balance of probabilities, that the route should be recorded as a BOAT or any other status other than its current recorded status of a public footpath.

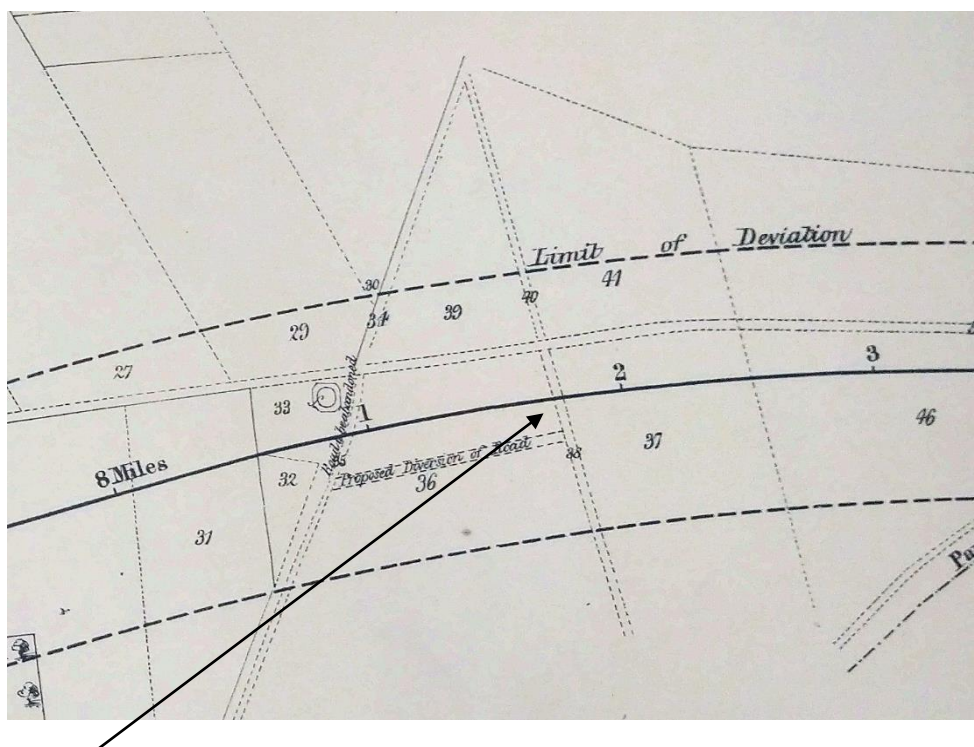
15.21 The route of NTID11 currently has no recorded width and although it has not been possible to determine any other status than that of a footpath it is possible , on the balance of probabilities, to record the width of this path. The route is consistently shown as track and the route depicted on the OS map of 1900, which was available to measure from at the WSHC and is considered an accurate survey of the physical feature on the ground at a scale which is reasonable to measure from will be used to record the width of the footpath. The OS map shows the route ranging from a width of 3- 8 metres , the map itself will be used as the record of the width with ranges quoted in the statement.

15.22 **Unrecorded section of Application**

15.23 The section of the application route which is currently unrecorded north of the current route of footpath NTID11 is subject to different historic documentary evidence and also different legal tests. To make an order to record a previously unregistered route on the definitive map and statement only requires a reasonable allegation but will be subject to the test of the balance of probabilities when considering whether such an order should be confirmed. At this stage we are only considering whether there is a reasonable allegation that rights subsist north of NTID11 across the parish boundary and to a junction with byway CDUC19. This section of the application route has evidence within category A of public highway status in the form of the Upavon and

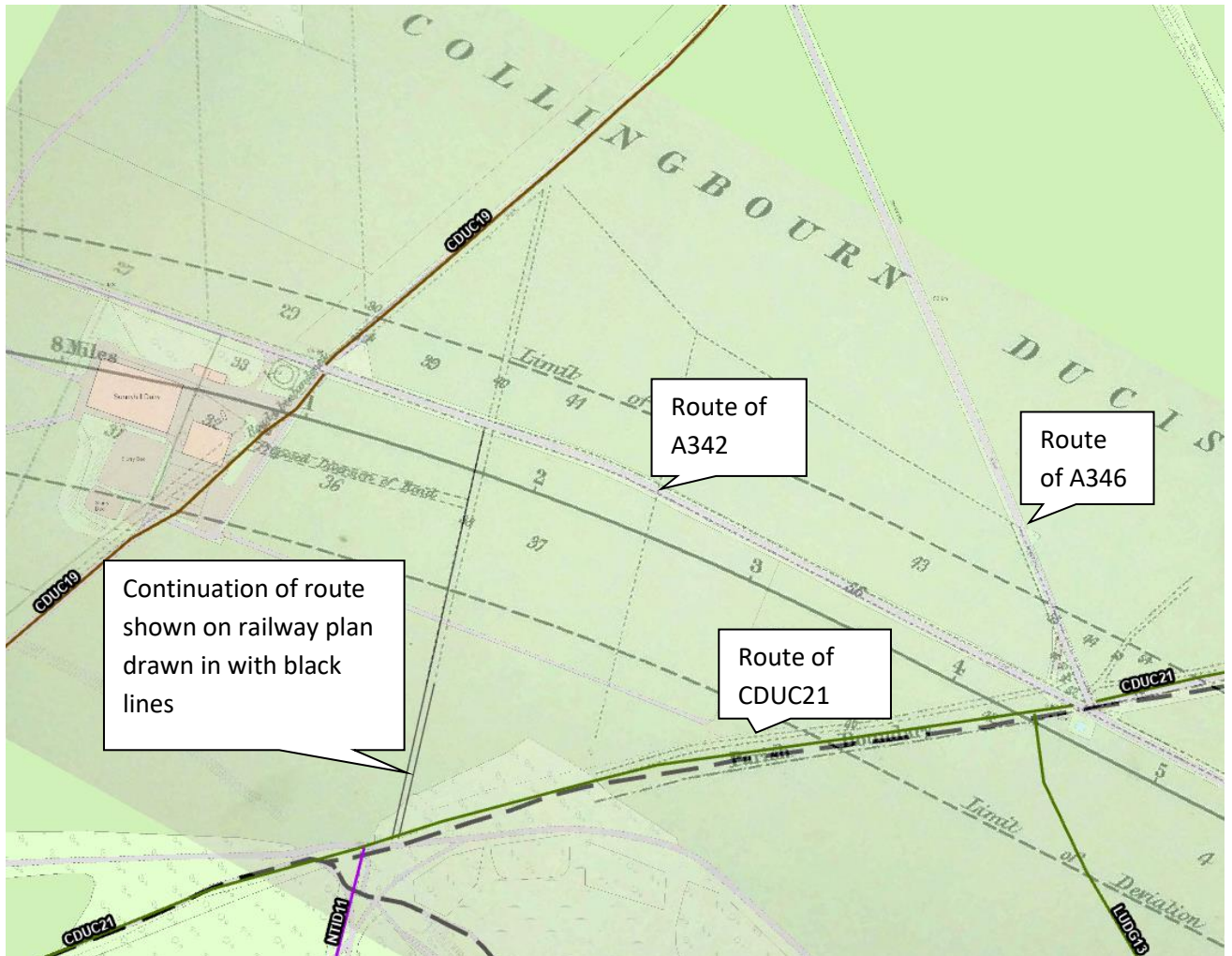
Andover railway plans of 1866, documented at 9.6-9.11 of this report . The railway plans were required to demonstrate how highways affected by the proposed railway would be accommodated if the railway was built. The plans and documents show the application route, north and south of the A.342 , was considered a public road. We are able to see in the sections plan that the application route north of the A.342 meets what is now BOAT CDUC19. South of the A342 we are unable to see the exact route of the public road, where it is assumed it meets what is now bridleway CDUC21, due to the limitations of the plan. To show where the continuation of this route is likely to have met CDUC21 , the sections plan has been overlaid with a modern OS plan.

15.24 Extract of sections plan from railway plans



Route of recorded public road in railway plans, north and south of A.342.

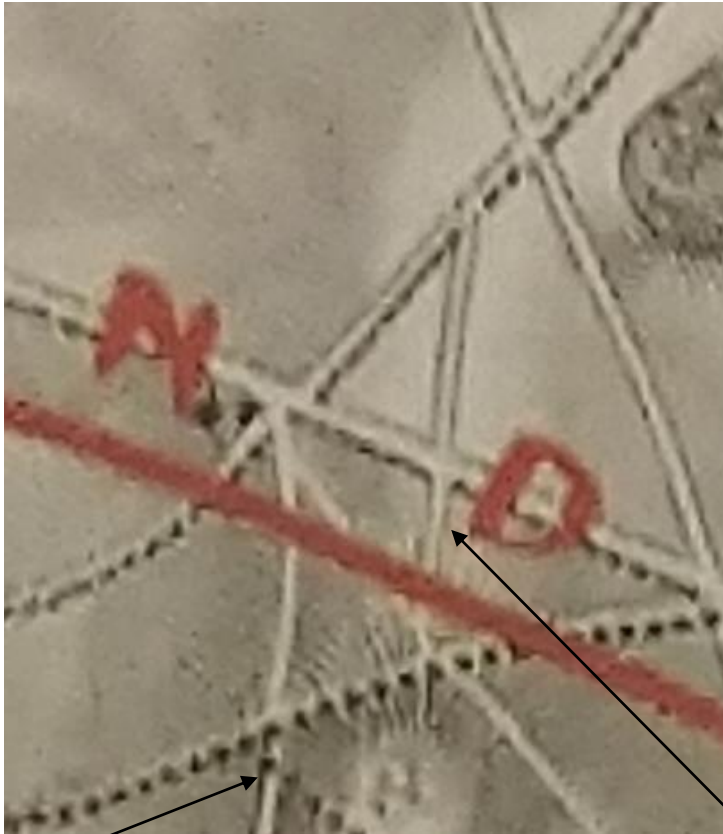
15.25



15.26 The above map aligns the railway sections plan, which is the main document which demonstrates the route was considered a public road, with a modern OS view of the area. It can be seen the route of the A342 , the A346 leading north west , the route of CDUC19 and the route of CDUC19 line up accurately and therefore we can use this plan to plot the continuation of the route considered a public road to where it meets CDUC21.

15.27 This route depicted by the railway plans does not match the railway overview plan, which appears to be an older OS 1 inch map, surveyed in the early 1800s. It is likely the area differed from this overview map to what was on the ground in the 1860s.

15.28 Overview map of railway



Route of footpath NTID11

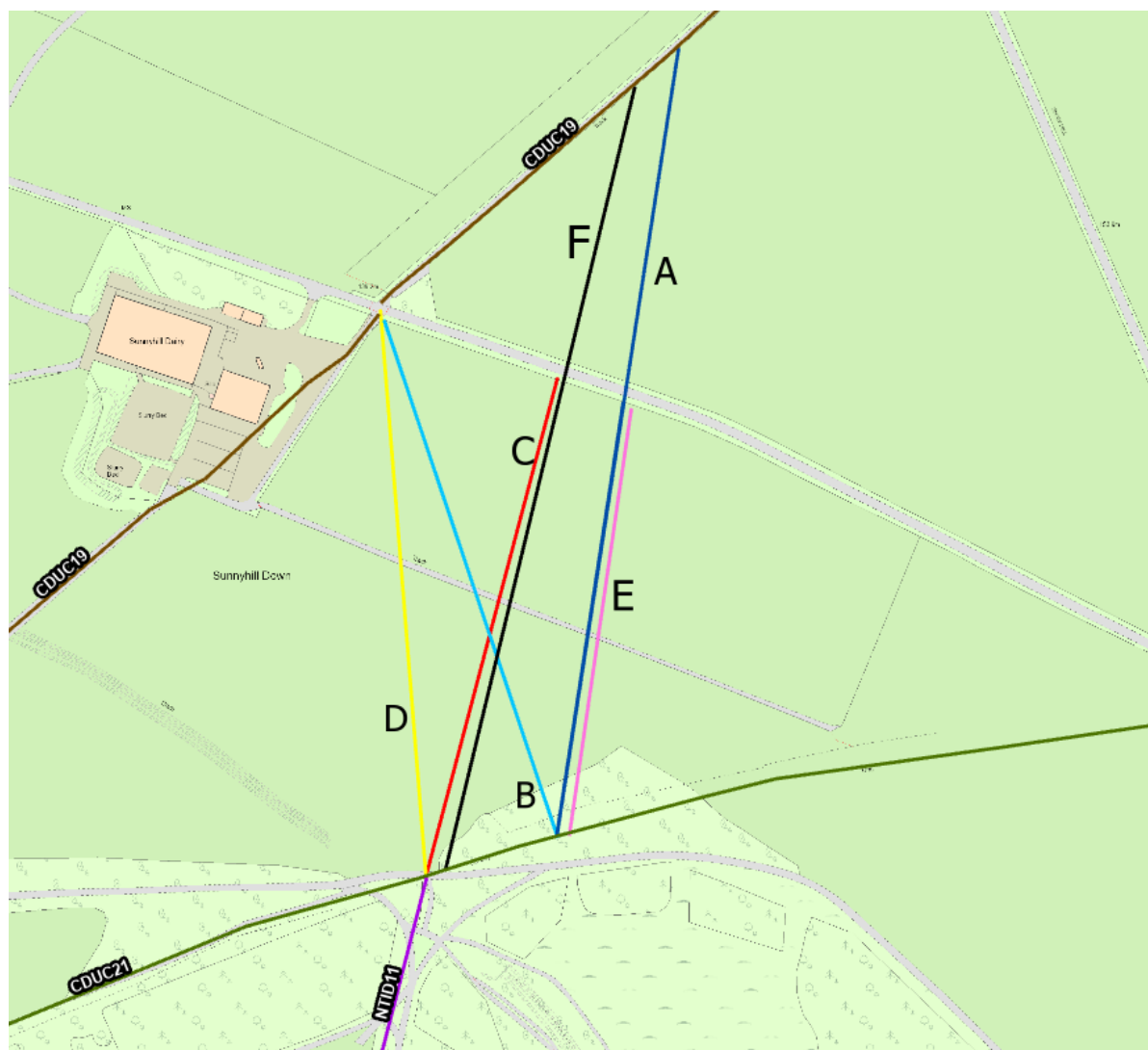
Route of 'public road' depicted in railway sections

15.29 The sections plan which is the detailed survey of the land will be relied upon for any route that may be recorded. Whilst it is reasonable to assume the public road on the plans reached the next highway which would have been the route of CDUC21 it is not possible to assume any public rights beyond its junction with CDUC21, the scope of the evidence does not allow this.

15.30 A number of historical maps have been investigated and it is clear that the layout of tracks, whether public or otherwise, north of the junction of NTID11 and CDUC21 has changed a number of times over the past 200 years. This is not uncommon on down land where routes were often not surfaced and grazed, therefore changing position to suit farming and agricultural needs. To reach a decision on whether any rights should

be recorded north of NTID11 it is necessary to evaluate where the physical tracks in this area have been at different points in time and what public rights those tracks may have had as per the evidence adduced.

15.31 Using the map below , a number of routes are depicted labelled A - F. Route A depicted by a dark blue line, B- light blue line, C- red line, D- yellow line, E – pink line and F by a black line. These are the approximate routes depicted on a selection of various maps that have been viewed. The table below shows the years these routes appear on the maps viewed, and also the category of evidence those maps fall within.



15.32

Route	Years route appears	Category of evidence
A	1773,1808,1866	Category E.(+ railway overview plan)
B	1773,1808,1810,1880	E
C	1900,1924	E
D	1808,1820,1829	E
E	1810	E
F	1866	A – railway sections plan

15.33 Maps used to produce the above plan and table are, Andrews and Dury's 1773, OS 2 inch 1808, Andrew and Drury's 1810, Greenwoods 1820, Carys 1829, 1866 railway overview and sections plans, OS 1:2500 1880, OS 1:2500 1900 and OS 1:2500 1924. These maps cover a period of over 150 years and from a number of different surveyors.

15.34 This evidence demonstrates that physical routes north of the current route of NTID11 have deviated and changed over time. This is not unusual on down land where routes are often unsurfaced and can be grazed. The key point of evidence for this section of the application is the 1866 railway sections plan which is considered category A evidence as it demonstrates a route was considered a public road. The purpose of these plans was to depict public highways which were to be affected by the railway. There was no incentive for the railway companies to depict a public highway which was not one as they would be required to identify how they proposed to accommodate the highway affected by the railway, likely only to increase their costs. This railway was not constructed and therefore the full process was not carried out as such this evidence is not as strong as if the process of building the railway was seen through to completion.

15.35 Route F depicted on the map at 15.31 is the route shown on the railway sections plans, the plans do not show the route meeting CDUC21 as the scope of the plan does not reach this far , however it is a reasonable assumption the identified public

road continued in its southerly direction to reach what is now CDUC21. This reasonable assumption is supported by other maps showing this route as a physical feature on the ground. The route of CDUC21 has not been investigated and is subject to a separate application, 2005/61, which applies to upgrade the whole of CDUC21 that is currently recorded as bridleway to a BOAT.

15.36 Taking into account the adduced evidence it is deemed that, on the basis of a reasonable allegation, that the route depicted as route F on the table at 15.31 should be recorded as a BOAT, as no incontrovertible evidence has been found which defeats the evidence adduced that shows this route as a public road or that those rights have been extinguished by an act of legislation, therefore it is a reasonable allegation that these rights still exist. It is clear any physical route north of what is now CDUC21 has changed its course and position over the last few centuries, the other routes depicted in the map and table, those being routes A,B,C,D and E do not have sufficient evidence to record them on the definitive map and statement.

15.37 As a result of the above it is deemed that on the basis of 'test A', based on a reasonable allegation that public rights subsist over the route depicted as route F at 15.31 carried a public vehicular right prior to the enactment of s.67 NERCA 2006; that is the 2nd May 2006.

15.38 It is therefore appropriate to consider whether the right for the public to drive a mechanically propelled vehicle (MPV) over the route was extinguished by s.67 of the NERCA 2006 or whether it was preserved.

16.0 Natural Environment and Rural Communities Act 2006 (NERCA 2006)

16.1 The NERC Act 2006 came into force on 2nd May 2006 and section 67(1) of this Act had the effect of extinguishing the right to drive any mechanically propelled vehicle on any route that, immediately before commencement:

S.67 (1) (a) was not shown in a definitive map and statement, or

(b) was shown in a definitive map and statement only as a footpath, bridleway or restricted byway.

Subject to subsections (2) to (8)

S.67 (2) to (8) are parts of the Act that detail exemptions to the extinguishment of vehicular rights.

s.67 (2) states that subsection (1) does not apply to an existing public right of way if

–

- (a) it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles*
- (b) immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c.66) list of highways maintainable at public expense),*
- (c) it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles*
- (d) it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles, or*
- (e) it was created by virtue of use by such vehicles during a period ending before 1st December 1930.*

S.67 (3) states that subsection (1) does not apply to an existing public right of way if

–

- (a) the relevant date, an application was made under section 53(5) of the Wildlife and Countryside Act 1981 (c.69) for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic,*
- (b) before commencement the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of such an application, or*
- (c) before commencement a person with an interest in land has made such an application immediately before commencement, use of the way for mechanically propelled vehicles –*

- (i) *was reasonably necessary to enable that person to obtain access to the land or*
- (ii) *would have been reasonably necessary to enable that person to obtain access to a part of that land if he had an interest in that part only.*

S.67 (4) states that the relevant date in England means January 2005

S.67 (5) deals with private rights

S.67 (6) states that for the purposes of subsection (3) an application under section 53(5) of the 1981 Act is made when it is made in accordance with paragraph 1 of Schedule 14 to that Act

16.2 It is appropriate to consider each exemption in turn:

S.67 (2)(a) *'it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles'.*

No evidence of use by MPVs, other than apparent use over some of the route to access fields has been adduced for the period 2001 to 2006 and officers are not aware of any other evidence of MPV use.

16.3 **S.67 (2)(b)** *'immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c.66) (list of highways maintainable at public expense, also known as the List of Streets).*

The route does not appear in the councils list of streets. Public vehicular rights are therefore not preserved by this section.

16.4 **S.67 (2)(c)** *'it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles'.*

It is known that this road was in physical existence by 1808 as depicted by the OS 2 inch drawing of the area, this is a time before mechanically propelled vehicles were widely in use on public roads.

Therefore, the requirements of Section 67 (2)(c) NERC Act 2006 are not met.

16.5 **S.67 (2)(d)** *'it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles'.*

Public MPV rights have not been preserved by this section.

16.6 **S.67 (2)(e)** *'it was created by virtue of use by such vehicles during a period ending before 1930'.*

The mechanically propelled vehicle did not exist as a distinct class of highway user before the 2nd May 2006; hence it is very difficult to consider this section. It is likely that as mechanically propelled vehicles became more common (in the mid 1800s) people started using them on roads that would support their use. No evidence has been adduced that demonstrates the claimed route appear to have ever been surfaced in a manner that would support MPV use of any significant amount.

Since the distinct category didn't exist and since prior to 2006 the right to drive a horse drawn carriage was the same as the right to drive a motorised one it is not considered that the right was created by any actual MPV use, any such use was merely use continuing.

Public MPV rights are not preserved by this section

16.7 **S.67 (3)(a)** (3) *Subsection (1) does not apply to an existing public right of way over a way if –*

(a) *'before the relevant date, an application was made under section 53(5) of the Wildlife and Countryside Act 1981 (c.69) for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic'.*

This application for a byway open to all traffic is dated 31st March 2004, i.e. before the relevant date of January 2005. As such it is possible that byway open to all traffic status may be applied to this application if the evidence demonstrates that.

16.8 It is concluded that the public's right to drive a motor vehicle over the route have not been extinguished by NERC due to S.67(3)(a). As an application was made under section 53(5) of the wildlife and countryside act 1981 for an order making modifications to the definitive map and statement so as to show a BOAT before the relevant date of January 2005. However relevant case law must also be considered.

17.0 Case Law- Winchester

R (ooo) the Warden and Fellows of Winchester College and Humphrey Feeds Limited and SoSEFRA (Interested party) [2008] EWCA Civ 431 (Winchester)

The following is a summary of what is known as the Winchester case which is relevant to this application.

17.1 Hampshire County Council made a decision to upgrade a bridleway and a restricted byway to byways open to all traffic. The landowners' objected to that decision and took it to High Court. The judge at High Court refused the landowners' appeal against the decision. The case was then appealed to the Court of Appeal (CA). The points to be decided upon at the CA were in principle, whether the applications made to record MPV rights were valid when considering s.67(6) of NERC which refers to the form applications should be made in, as set out in schedule 14(1) of the Wildlife and Countryside Act 1981. Section 67(6) of NERC requires applications to be "made in accordance with paragraph 1 of schedule 14 of that Act" if MPV rights are to be saved from extinguishment by the Act. Schedule 14(1) states:

"An application shall be made in the prescribed form and shall be accompanied by—

(a) a map drawn to the prescribed scale and showing the way or ways to which the application relates; and

(b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application."

17.2 The CA concluded that the requirements of schedule 14(1) are strict and must be complied with when in consideration of s.67 of NERC. The applications in this case had not supplied copies of the documents which they relied upon to record byways open to all traffic and did not meet 14(1)(b) as valid applications and therefore MPV rights were not saved from extinguishment by s.67(1) of NERC. This even applies if the authority may have originals of the documents which the case may rely upon in their archives or other accessible archives. The applicant must supply copies of the evidence they rely upon. In effect unless an application for a byway open to all traffic is accompanied by copies of all evidence it relies upon it will fail to record MPV rights (applications also subject to other sections of NERC).

17.3 The application subject to this report did not supply all the documents it relies upon to supply evidence of a byway open to all traffic, a summary was supplied but not copies of the documents themselves. As such this application fails the 'Winchester' test and

therefore BOAT rights have not been protected from extinguishment. If evidence for BOAT rights are found then the highest right that can be recorded is that of restricted byway, that is a right for pedestrians, cyclists, equestrians and horse and carriage, it does not allow for any MPV rights.

18.0 Conclusion

- 18.1 The evidence discussed in this report has demonstrated that the current route of footpath NTID11 does not have sufficient evidence on the balance of probabilities to upgrade the route. The evidence has demonstrated NTID11, which does not currently have a recorded width is capable of having its historic width recorded, the 1900 1:2500 OS map will be used to depict the width and will be between 3 and 8 metres.
- 18.2 The evidence has shown that there is a reasonable allegation that rights subsist over a route north of NTID11, leading from CDUC21 north across the A342 to meet CDUC19, and that these rights would be that of a byway open to all traffic. However the application is subject to the Winchester case as discussed at 17 of this report, and as a result MPV rights are not saved from extinguishment, therefore the route can only be recorded as a restricted byway (a right for pedestrians, cyclists, equestrians and horse and carriage, but not MPV). The width for this restricted byway is taken from the railway sections plans and will be recorded as between 5 and 7.5 metres, narrower at the northern end and widening south of the A.342.
- 18.3 It is possible that the route to be recorded as a restricted byway could be subject to a proposal to divert this route as its current route is likely to not be viable for land management and is a safety concern where it crosses the A.342. This is not a consideration for the recording of rights but is a proposal which may be discussed with the affected landowners. It is noted currently the proposed order to record the restricted byway has only been considered to pass the reasonably alleged test and therefore it is possible to make an order but for the order to be confirmed the balance of probabilities test must be met, this has not been considered as part of this decision. A further decision would be made as to the orders confirmation depending on order consultation responses and their content.

19.0 Environmental Impact of the Recommendation

19.1 Section 53 of the Wildlife and Countryside Act 1981 does not provide for consideration of issues relating to the environment.

20.0 Equality Impact

20.1 The Equality Act duty is not engaged with WCA81 s.53 duties but may have relevance for any ongoing management of the routes

20.2 The recording of a width for NTID11 will ensure the right to pass and repass over the entire width of the recorded route will be protected which will ensure that obstructions and encroachments may be removed by Order of the Council if appropriate. This could lead to greater accessibility as footpath North Tidworth 11 has no recorded width currently.

20.3 If a route is recorded north of NTID11/CDUC21 as restricted byway it may be used by pedestrians, cyclists, equestrians and horse and cart but not to motorised vehicles as appears to be the main concern in the responses to the public consultation. It may be possible to divert this section of restricted byway , if it is recorded, to a route more amenable for land management and safety purposes..

20.4 The recording of a width and a new restricted byway is in line with the Council's duty under The Equality Act 2010. This is however not a material consideration contained within the Wildlife and Countryside Act 1981.

21.0 Legal Implications

21.1 The making of a definitive map modification order to correctly record the routes is in line with the Council's duty contained within s.53(2) of the 1981 Act to keep the definitive map under continual review.

21.2 If the Council makes an Order which receives objections it may be liable to pay subsequent costs if it acts in an unreasonable manner at public inquiry. Costs awards of this nature are rare and may be in the region of c.£10,000.

21.3 Any final decision made on an order that has been objected to is made by the Secretary of State (SoS) and not Wiltshire Council. Any challenge to that decision is against the SoS and not the Council.

22.0 Risk Assessment

- 22.1 Section 53 of the Wildlife and Countryside Act 1981 (WCA 81) does not provide for consideration of issues relating to health and safety. As discussed it may be possible to make future orders to extinguish or divert routes.
- 22.3 The Council is the surveying authority for the County of Wiltshire (excluding the Borough of Swindon) and has a duty to keep the definitive map and statement under continual review (s.53(2)(b) WCA 81). There is therefore no risk associated with the Council pursuing this duty correctly.
- 22.4 If the Council fails to pursue this duty in this case it is liable to complaints being submitted through the Council's internal procedure leading to the Ombudsman. Ultimately a request for judicial review could be made.

23.0 Financial Implications

- 23.1 The determination of Definitive Map Modification Orders and the continual review of the definitive map are statutory processes for which financial provision has been made.
- 23.2 If orders are made and advertised and no objections are forthcoming the Council will not incur any further costs beyond advertising the confirmation of the order, if appropriate. If the orders attract objections that are not withdrawn they must be forwarded to the Secretary of State for determination. The orders may be determined by written representations (no additional cost to the Council), a local hearing (additional costs to the Council in the region of £300) or a public inquiry (additional costs to the Council in the region of £5000).
- 23.3 If a width is recorded for footpath NTID11 which is greater than the available current width, the management of that recorded width is a separate issue that is not able to be considered as part of the decision. It is possible that any potential recorded historic width may be subject to further orders to reduce that width. If an order is made to record a currently unrecorded restricted byway in the definitive map and statement the highway authority is not placed under a specific duty to produce a suitable surface for use on horseback or for non-mechanically propelled vehicles. However, the authority

is placed under a duty to ensure that the route is safe for use by the general public traffic of the area and has a duty to maintain the surface of the highway to that extent. It is possible that further orders may be made to divert that section of newly recorded restricted byway to a more desirable location than its historic location. Any future possible orders have no bearing on the evidence and recommendation made in this report.

24.0 RECOMMENDATION

- 24.1 An order is made to add a recorded width for footpath NTID11 under section 53(3)(c)(iii) of the Wildlife and Countryside Act 1981 and an order is made to record a section of restricted byway within the parish of Collingbourne Ducis linking bridleway CDUC21 and byway open to all traffic CDUC19 under section 53(3)(c)(i) of the same act and to confirm such orders if no objections are made or any made are withdrawn.**

Craig Harlow

Definitive Map Officer

3rd November 2021