

# AGENDA

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**Meeting:** Northern Area Planning Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Wednesday 27 April 2022

**Time:** 2.00 pm

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Please direct any enquiries on this Agenda to Ben Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718656 or email [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk)

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## Membership:

Cllr Tony Trotman (Chairman)  
Cllr Howard Greenman (Vice-Chairman)  
Cllr Chuck Berry  
Cllr David Bowler  
Cllr Steve Bucknell  
Cllr Gavin Grant

Cllr Jacqui Lay  
Cllr Dr Brian Mathew  
Cllr Nic Puntis  
Cllr Martin Smith  
Cllr Elizabeth Threlfall

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## Substitutes:

Cllr Clare Cape  
Cllr Ruth Hopkinson  
Cllr Peter Hutton  
Cllr Bob Jones MBE

Cllr Dr Nick Murry  
Cllr Ashley O'Neill  
Cllr Tom Rounds

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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 - 16*)

To approve as a true and correct record the minutes of the previous meeting held on 2 March 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 20 April 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 22 April 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 **Planning Appeals and Updates** (*Pages 17 - 20*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **PL/2021/08063 - Meadow View, The Common, Minety, Malmesbury, SN16 9RH** (*Pages 21 - 36*)

Demolition of existing residential dwelling and garage, and construction of a replacement dwelling and garage plus associated works.

7b **PL/2021/03235 - Land at Rosehill Close, Bradenstoke, SN15 4LB** (*Pages 37 - 62*)

Construction of four dwellings and associated works.

8 **Urgent Items**

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

### Northern Area Planning Committee

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#### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 2 MARCH 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall, Cllr Dr Nick Murry (Substitute) and Cllr Tom Rounds (Substitute)

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#### 16 **Apologies**

Apologies for absence were received from Councillor Jacqui Lay, who had arranged for Councillor Tom Rounds to attend the meeting in her absence. Apologies were also received from Councillor Dr Brian Mathew who had organised for Councillor Dr Nick Murry to attend in his absence.

#### 17 **Minutes of the Previous Meeting**

The minutes of the meeting held on 2 February 2022 were presented for consideration, and it was;

#### **Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 2 February 2022.**

#### 18 **Declarations of Interest**

Councillor Howard Greenman stated that he would not speak and would also abstain from the vote in relation to item 7b; having spoken to the Wiltshire Council Legal Team and due to his Chairmanship of the Strategic Planning Committee.

#### 19 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

#### 20 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

21 **Planning Appeals and Updates**

Councillor Gavin Grant moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Elizabeth Threlfall.

**Resolved:**

**To note the Planning Appeals Update Report for 2 March 2022.**

22 **Planning Applications**

The Committee considered and determined the following planning applications:

**22a 20/11035/FUL 20 Bargates, Box, Wiltshire, SN13 8LT**

**Public Participation**

James Rainbow spoke in support of the application.

Councillor Richard Campbell spoke on behalf of Box Parish Council.

Development Management Team Leader, Simon Smith presented a report which outlined the proposed new driveway entrance to replace existing, with alterations to the existing driveway layout.

Details were provided of the site and issues raised by the proposals, including the principle of the application; green belt; design, scale and materials; impact upon nearby Heritage Assets; Impact on Residential Amenity; Landscape Considerations; Highway Safety.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the difference in height between the property driveway and of Quarry Hill with it clarified that the property hedgerow would have to be a maximum of 900mm to ensure visibility. Additionally, it was clarified by the officer that the layout of the driveway was not part of the application and that the applicant could shut off the current existing access if they chose to with no planning permission needed and that a condition could be added to keep it closed.

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

Councillor Gavin Grant then spoke on behalf of the Local Unitary Member, Councillor Dr Brian Mathew regarding the application. Councillor Grant passed on the gratitude of Councillor Dr Mathew to the Parish Councillors, Chair Sheila Parker and Councillor Richard Campbell. The statement provided expressed concerns of safety from a Highways perspective, with it noted that speed is

gained travelling down Quarry Hill and that if permitted the new entrance could lead to an accident due to added complication for road users. The statement noted that the integrity of Bargates should be preserved and suggested that the application should be turned down as the proposals could potentially conflict with Core Strategy Objective 6 which looks to improve safety of all road users and reduce the number of casualties.

At the start of the debate a motion to refuse the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant, with reasons for refusal cited as road safety and that the proposals would lead to an unacceptable change of appearance in Quarry Hill. However when later voted upon the motion fell due to the number of votes against.

Consequently, a motion to accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Nic Puntis, with an additional condition that the existing vehicular access to Bargates should be closed and permanently stopped up prior to the first use of the new access to Quarry Hill. Additionally, that the existing vehicular access onto Bargates should not be reopened unless otherwise agreed in the form of a separate planning permission in that regard.

During the debate the issues included the potential need for a condition to be added to the officer's recommendation to close the previous exit if the new proposal was to be accepted. The potential danger of exiting the existing access was referenced, with it stated that the proposed new access could provide greater safety, with the access also being connected to a road with a 30mph speed limit. It was posed that the visibility splay would be reliant upon the upkeep of the hedgerow and how this could potentially impact on the aesthetic of Quarry Hill. Additionally, it was posed whether the proposal would lead to Quarry Hill being regularly blocked by deliveries or refuse removal for the property.

Further issues that were debated were that the hedgerow would not be completely removed in order to allow for a visibility splay of 70 metres, but would rather be kept to a maximum height of 900mm. It was also acknowledged that there could be the potential to impose a condition to plant more hedging at the rear of the visibility splay. Reference was drawn to the Highways contribution of the report, with it noted that no concerns had been raised regarding visibility and that the applicant could potentially seek to place a mirror on the wall opposite to the access in order to give further visibility of oncoming traffic. Core Policy 57 (ii) was cited, with it suggested that the proposal would conflict this policy due to the cutting of the hedgerow, which would go against the retention and enhancement of landscaping and natural features.

Regarding the access points, it was queried whether it would be possible to keep both access points in order to allow for a one-way entrance and exit system; this was however not part of the proposal, with it also noted that previously Highways had not been in favour of such arrangements. It was also stated that a Topographic survey would potentially have been useful in allowing

the Committee to know what the height difference between Quarry Hill and the driveway was.

At the conclusion of the debate, it was,

**Resolved:**

**To approve in accord with officer recommendation subject to the following additional condition and associated informative reflecting debate:**

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

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

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

**Design and Access Statement Dated 8th December 2020**

**Existing Site Plan 20BAR/11**

**Location Plan 20BAR/00**

**Proposed Site Plan 20BAR/12**

**Proposed Site Plan 1:500 20BAR/13**

**Received – 10.12.2020**

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

**3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved drawings.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

**4 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres either side of the access from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.**

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



**5 The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

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

**6 In accordance with the approved plans, the existing vehicular access to Bargates shall be closed and permanently stopped up prior to the first use of the new access to Quarry Hill, hereby granted planning permission. The existing vehicular access onto Bargates shall not be reopened unless otherwise agreed in the form of a separate planning permission in that regard.**

**REASON: In the interests of highway safety and for the avoidance of doubt.**

**INFORMATIVES TO APPLICANT:**

**In respect of condition 06, the applicant should be aware that during their consideration of the application, the Northern Area Planning Committee were of the opinion that the retention of a pedestrian access onto Bargates would be welcomed. Please note that no planning permission is required from the Local Planning Authority to create a new pedestrian access onto the public footway.**

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

**The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.**

**Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.**

**The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.**

**If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**

**Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.**

**The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).**

**22b PL/2021/04258 Land to the Rear of Arms Farm, High Street, Chippenham, Sutton Benger, SN15 4RE**

Public Participation

Martin Verspeak spoke in objection of the application.

Marc Willis spoke in support of the application.

Senior Planning Officer, Charmian Eyre-Walker presented a report which outlined the erection of 4 dwellings and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of development, conflict with the emerging neighbourhood plan, impact on residential amenities of adjoining neighbours, impact on character and appearance of the area, impact on the setting of the listed buildings and Sutton Benger Conservation Area, previous appeal decision.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that the existing and proposed developments were outside of the existing framework boundaries and that the land had been used for agricultural use. It was additionally clarified that the neighbourhood plan had not been fully developed yet. Reference was also drawn to the agenda supplement which stated that originally the archaeologist

had objected, however it was clarified by the officer that they had since seen the proposed conditions and would be happy with pre-commencement.

Further details were clarified that the Council would not have control over the landscape planting and the consequent impact that if turned into a woodland the land would not be dissociated from being farmland. The recent inspector's decision in regard to the Filands proposal was referenced, with the inspector noting that the Council had a modest shortfall of the 5-year housing land supply in January of 4.1 and that the 4 proposed homes would be insignificant in contributing towards this. The potential inclusion of EV charging and air source heat pumps was questioned, with it being clarified by the officer that these had not been considered but both suggestions could be added through conditions. Additional clarification was provided that the proposal included no affordable housing but rather 4- or 5-bedroom large houses.

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

The Local Unitary Member, Councillor Howard Greenman did not speak regarding the application.

At the start of the debate a motion to move and accept the officer's recommendation to refuse the application was moved by Councillor Tony Trotman and seconded by Councillor Gavin Grant.

During the debate the praise was given to the officer's report which recognised the challenges faced as a local authority. Core Policy 10 was cited by means of exception sites that relate to a local need for affordable housing, with it argued that this proposal did not have affordable housing nor did it speak to the local need as heard from the neighbourhood planning steering group. In addition, Core Policies 57 and 58 were cited with it stated that the proposal does not meet these policies and that the village of Sutton Benger had already provided large amounts of development. This was further supported as due to their being no 1- or 2-bedroom homes in the proposal, it could be argued that this proposal was an exercise of profiteering at the expense of a local community; with no economic benefit provided along with sustainability issues potentially created for schools and surgeries. It was also stressed that voice and weight should be given to the emerging neighbourhood plan, which represented the voice of the community.

Further issues that were debated were that the proposed development did not have much resemblance to the previously proposed larger development and that a planning inspector might take a difference stance and that aesthetically, it could be argued that the whole development would need this proposal in order to provide a completed appearance to the wider site.

It was also postulated what impact, if approved, the proposal would have on the aesthetics of footpaths running through Sutton Benger, particularly in winter when the properties would not be covered by trees. It was also noted that

though the Government had given Wiltshire Council parameters of housing that needed to be fulfilled, it would be essential to place these in the right places.

At the conclusion of the debate, it was,

**Resolved:**

**That the application be REFUSED for the following reasons :-**

**1. The site is located in the countryside outside of the limits of development of Sutton Benger as defined on the Policies Map and by virtue of its scale and location would conflict with the sustainable development strategy of the plan as expressed in Core Policies 1, 2 and (community area strategy policy) of the Wiltshire Core Strategy. The proposed residential development does not fall to be determined under any of the 'exception policies' defined at paragraph 4.25 of the plan within Core Policies 10 & 44 of the Core Strategy, or relate to a site allocated in the development plan for residential use. It would therefore constitute unsustainable development in the countryside.**

**2. The proposal would result in the loss of open farmland which is considered to historically and positively contribute to the setting and significance of the Grade II listed Buildings forming the Arms Farm complex, contrary to Policies CP57 and CP58 of the Wiltshire Core Strategy and to section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF (paras 197, 199, 200, 202 and 206) and BS7913. The harm caused is not considered to be outweighed by the public benefit of providing 4 detached dwellings.**

**3. The proposal would result in the loss of views from the conservation area out to the countryside beyond, particularly through the Arms Farm complex to the open farmland to which it is historically connected. This is contrary to policies CP57 and CP58 of the Wiltshire Core Strategy and to section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the NPPF (paras 197, 199, 200, 202 and 206 in particular). The harm caused is not considered to be outweighed by the public benefit of providing 4 detached dwellings.**

**4. The proposal would cause an unacceptable loss of amenity and privacy to the residents of Arms Close, adjacent to the site, by reason of loss of privacy given the close proximity of the access road and front gardens that are proposed to serve the new. It is considered that the proposal is contrary to Policy CP57 in this respect.**

**22c PL/2021/09418 13 The Beeches, Lydiard Millicent, Swindon, SN5 3LT**

**Public Participation**

Ben Williams was unable to attend therefore Democratic Services Officer, Ben Fielding read out a provided statement in support of the application.

Councillor Mel Allsop spoke on behalf of Lydiard Millicent Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined an erection of single storey front, rear and first floor extensions and replacement roofs with roof lights

Details were provided of the site and issues raised by the proposals, including the principle of development; impact on the character, appearance, visual amenity of the locality; impact on the residential amenity; access, parking and highway safety.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the distance between the second storey of the proposal and the neighbouring bungalow; which was clarified to be 7 metres from the east boundary and in excess of 24 metres from the north boundary. The make up of the neighbouring properties of the Beeches was queried and it was clarified by the officer that the applicant would not be able to demolish the existing property to build a replacement as this was not within the proposal. It was also clarified that though the neighbourhood plan was not silent within this proposal, it did not specifically relate to this location.

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

The Local Unitary Member, Councillor Steve Bucknell then spoke regarding the application. Councillor Bucknell stated that the proposal looked to turn a modest 3-bedroom single storey bungalow into a family home with an additional 2 storeys and a total of 5 bedrooms. In turn, the proposal would increase the ridge height of the property from 7 metres to 12 metres. The impact of parking for the proposal was stressed, with there being no bus services to Lydiard Millicent or nearby shops; therefore meaning that cars would be necessary with there potentially being 5 cars required by the property due to the proposed number of bedrooms. This would therefore potentially cause issues as the proposals showed no increase in parking provision, with the current drive suitable at most for 3 cars; thus causing cars to have to park on the narrow road.

Councillor Bucknell acknowledged that to an extent the report was true when it referred to a mix of homes; however these follow a definite pattern with the outside ring of homes being 2 or 3 storey family homes, with the inside ring being bungalows. Regarding the bungalows, Councillor Bucknell stated that there are Core Policies which require the Council as an authority to build lifetime homes, suitable for those who want to downsize in their retirement years, it would therefore be contradictory to replace such a bungalow with a family house.

Councillor Bucknell stated that the proposals were contrary to Wiltshire Core strategy Core Policy CP57 (i) (iii) (vi) (vii) (xi) (Jan 2015) as the proposal would break the current pattern of The Beeches, which would impact the amenities of existing occupants through potential parking issues and through Highways

stated that the proposed parking wouldn't breach standards, these were minimal.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tom Rounds and seconded by Councillor Trotman, however when later voted upon the motion fell due to the number of votes against.

Consequently a motion to reject the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant. The reason being that following debate and receipt of representations at the meeting, members considered that the development by virtue of its scale, bulk, mass, form, positioning and design features would result in harm to the character, appearance and visual amenity of the locality; and harm to and loss of residential amenity by virtue of overbearing impact, loss of outlook; loss of privacy and overlooking and loss of daylighting. The proposals were therefore contrary to Wiltshire Core strategy Core Policy CP57 (i) (iii) (vi) (vii) (xi) (Jan 2015). It was also referenced that the proposals result in a discordant development out of character with the locality resulting in harm to visual amenity; do not retain accommodation suitable for elderly and vulnerable persons contrary to para 6.55 of the WCS; and would result in harm to and loss of existing residential amenity for neighbouring properties.

During the debate the issues included that having used Google Street view to travel down The Beeches, the proposal would look odd with the inner ring being bungalows and the outer ring being larger family homes. It was acknowledged that The Beeches most likely had been constructed to meet the diverse needs of the community of Lydiard Millicent and that such a proposal would set a precedent within the inner ring of bungalows. Furthermore, it was argued that the proposal would be conflict with Core Policy 57 (vii) as the proposal would not be in character with the neighbouring inner buildings. Regarding the design of The Beeches, it was argued that the neighbourhood had been constructed with the future in mind by providing family accommodation and then accommodation for the older to later move into and to allow this proposal could potentially break this up.

Further issues that were debated were that the proposal would not have an overbearing impact as there were 3 storey properties immediately opposite the proposal. It was also argued that the neighbourhood impact of loss of sight and warmth was not addressed by Core Policies and that regarding parking, it would be legal for the applicant to park on the road.

At the conclusion of the debate, it was,

**Resolved:**

**To refuse contrary to officer recommendation as the proposals result in a discordant development out of character with the locality resulting in harm to visual amenity; do not retain accommodation suitable for elderly and vulnerable persons contrary to para 6.55 of the WCS; and would**

result in harm to and loss of existing residential amenity for neighboring properties.

Refused for the following Reason:

The development by virtue of its scale, bulk, mass, form, positioning and design features would result in harm to the character, appearance, and visual amenity of the locality; and harm to and loss of residential amenity by virtue of overbearing impact, loss of outlook; loss of privacy and overlooking and loss of daylighting. The Proposals is therefore contrary to Wiltshire Core strategy Core Policy CP57 (i) (iii) (vi) (vii) (xi) (Jan 2015).

**22d 20/08205/FUL Land Adjacent to Sherston C of E Primary School, Sherston**

It was noted that this application had been withdrawn prior to the Committee and was therefore not debated or decided upon during the Committee meeting.

23 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 5.25 pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail [Benjamin.Fielding@wiltshire.gov.uk](mailto:Benjamin.Fielding@wiltshire.gov.uk)  
Press enquiries to Communications, direct line (01225) 713114/713115

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**Wiltshire Council**  
**Northern Area Planning Committee**  
**27<sup>th</sup> April 2022**

Planning Appeals Received between 18/02/2022 and 14/04/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/00653/ENF	14 Keels, Cricklade Swindon, Wiltshire SN6 6NB	Cricklade	Erection of fence over 1m high to front of property	DEL	Written Representations	-	15/03/2022	No
20/01449/FUL	Land South of Bridge Paddocks, Leigh Swindon, Wiltshire SN6 6RQ	Purton	Creation of a 4 Pitch Gypsy/Traveller Site Comprising the Siting of 4 Mobile Homes, 4 Touring Caravans, and the Erection of 4 Dayrooms	DEL	Written Representations	Refuse	05/04/2022	No
20/03487/FUL	Land at Sutton Lane Sutton Bengier SN15 4RR	Sutton Bengier	Residential development for 21 dwellings with associated infrastructure, landscaping and construction of new access onto Sutton Lane	DEL	Written Representations	Refuse	23/03/2022	No
20/03876/OUT	Land to the east of Church View Sutton Bengier Wiltshire, SN15 4FD	Sutton Bengier	Outline planning permission, with all matters reserved except for access, for up to 24 dwellings and associated infrastructure	DEL	Written Representations	Refuse	11/03/2022	No
20/08187/FUL	Land adj. Bridge Paddocks, Leigh Swindon, SN6 6RQ	Purton	Creation of a 4 Pitch Gypsy/Traveller Site Comprising the Siting of 4 Mobile Homes, 4 Touring Caravans, and the Erection of 4 Dayrooms	DEL	Hearing	Refuse	05/04/2022	No
20/09302/LBC	Home Farmhouse 2 Honey Knob Hill Kington St Michael Chippenham Wiltshire, SN14 6HX	Kington St. Michael	Retrospective repairs to existing stone boundary wall and lintel.	DEL	Written Representations	Refuse	11/03/2022	No
20/10607/FUL & 20/11380/LBC	Ryleys Farmhouse Grittleton, Wiltshire SN14 6AF	Grittleton	Single storey rear orangery extension together with addition of car port to rear garden (Resubmission of 19/11171/FUL)	DEL	Written Representations	Refuse	11/03/2022	No
20/11001/FUL	Manor Farm Main Road, Corston Malmesbury, Wiltshire SN16 0HF	St. Paul Malmesbury Without	Use of Holiday Accommodation/Ancillary Accommodation as Separate Dwelling. Extension to the building and change of use of land from agriculture to residential (retrospective)	DEL	Written Representations	Refuse	21/02/2022	No
21/00066/ENF	The Stoneyard Potley Lane, Corsham SN13 9RX	Corsham	Alleged unauthorised removal of trees & hedgerow and erection of 3 large white tents	DEL	Written Representations	-	13/04/2022	No
21/002142/CLE	The Stoneyard Potley Lane, Corsham SN13 9RX	Corsham	Certificate of Lawfulness for the Existing of Use of land for storage (Class B8); use of existing building for light industrial use (Class E(g)(iii)) and siting of 3no. portable storage shelters.	DEL	Written Representations	Refuse	15/02/2022	No
PL/2021/03826	West Street Farm West Street Great Somerford SN15 5EH	Great Somerford	Change of Use of Land & 2No. Agricultural Buildings for the Purposes of Self-Storage	DEL	Written Representations	Refuse	11/03/2022	No

PL/2021/04295	The Grain Barn The Hillocks Lyneham, SN15 4DJ	Tockenham	Retrospective application for change of use from grain store to kennels for 50 greyhounds and provision of portaloo, 2 storage containers and 4 dog runs	DEL	Written Representations	Refuse	11/03/2022	No
PL/2021/04555	Malmesbury By-Pass, Land Adjacent to Waitrose, Malmesbury, SN16 9FS	Malmesbury/St. Paul Malmesbury Without	Construction of a 2m high gabion wall as an enclosure	DEL	Written Representations	Refuse	21/02/2022	No
PL/2021/08453	Land to the north of Whychurch Farm and to the south of Filands, Malmesbury	Malmesbury	Outline planning application (all matters reserved except means of access) for residential development, including the construction of dwellings, the creation of a new vehicular access with footways and cycle ways and ancillary road infrastructure, public open space, children's play area, allotments, landscape planting, surface water attenuation and associated infrastructure	DEL	Written Representations	Refuse	24/03/2022	No

Planning Appeals Decided between 18/02/2022 and 14/04/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/00792/ENF – Appeal against Enforcement Notice	Henley Court Henley Lane Box, Corsham Wiltshire, SN13 8BX	Box	Alleged unauthorised opening of aperture in NE stone gable end	DEL	Written Reps	-	Varied & Part Upheld	18/02/2022	None
20/00792/ENF – Appeal against Listed Building Enforcement Notice	Henley Court Henley Lane Box, Corsham Wiltshire, SN13 8BX	Box	Alleged unauthorised opening of aperture in NE stone gable end	DEL	Written Reps	-	Upheld	18/02/2022	None
20/08255/FUL	Land to the North of Bath Road, Pickwick Corsham, Wiltshire SN13 0BT	Corsham	Construction of an 80 Bedroom Care Home (Use Class C2), with Associated Access, Parking, Landscaping and Site Infrastructure	DEL	Inquiry	Refuse	Dismissed	08/04/2022	None
21/00026/LBC	Henley Court Henley Lane Box SN13 8BX	Box	Creation of window opening in first floor North East Gable End of the Old Stables at Henley Court (Retention of)	DEL	Written Reps	Refuse	Dismissed	18/02/2022	None
21/00940/FUL & 21/01546/LBC	Sundawn, Chapel Hill Lacock, SN15 2LA	Lacock	Proposed semi-underground extension and creation of a Garden-room in extension of an existing garage	DEL	Written Reps	Refuse	Dismissed	24/02/2022	Appellant applied for Costs - <b>REFUSED</b>
21/01357/FUL	Hulberts Cottage Braydonside Brinkworth, SN15 5AR	Brinkworth	Erection of carport and equine rug and laundry room	DEL	Written Reps	Refuse	Dismissed	25/02/2022	None
PL/2021/03351	The stables east of Penrose, Tytherton Lucas, SN15 3RH	Bremhill	Contemporary vernacular conversion to dwelling incorporating the addition of a garage	DEL	Written Reps	Refuse	Dismissed	23/02/2022	None
PL/2021/06470	10 Pickwick Road, Corsham, SN13 9BP	Corsham	Proposed external elevation and roof alterations together with replacement of rear conservatory for single storey rear extension.	DEL	Householder Appeal	Refuse	Part Allowed	11/04/2022	Appellant applied for Costs - <b>REFUSED</b>

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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	27 <sup>th</sup> April 2022
<b>Application Number</b>	PL/2021/08063
<b>Site Address</b>	Meadow View, The Common, Minety, Malmesbury, SN16 9RH
<b>Proposal</b>	Demolition of existing residential dwelling and garage, and construction of a replacement dwelling and garage plus associated works
<b>Applicant</b>	Mr and Mrs Richardson
<b>Town/Parish Council</b>	Minety Parish Council
<b>Division</b>	Minety
<b>Grid Ref</b>	403916 189396
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Perry Lowson

### Reason for the application being considered by Committee

The application has been called to committee by Cllr Chuck Berry because:

- The older building is simply not viable for a full 'green up' so to take it down and rebuild is the most appropriate.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

### 2. Report Summary

There were three comments received from consultees and no comments from neighbouring parties. These are summarised within the Sections 7 (Consultations) and 8 (Publicity) of this report.

Those issues deemed to be most pertinent to the determination of the application are as follow:

- Principle of Development
- Impact on the Character and Appearance of the Site & Locality
- Impact on Residential Amenities
- Highways Safety
- Ecology
- Lawfulness

### **3. Site Description**

The site is located outside any defined settlement boundary. Accordingly, for planning purposes, the site is considered to be within the open countryside.

The site constitutes a detached dwelling, with associated extensive private amenity space to the rear. The dwelling itself is two storeys with a gabled roof. Exterior materials constitute painted render, interlocking roof tiles and white uPVC fenestration. The dwelling benefits from a single storey extension incorporating a garage to the northeast elevation and partly wrapping around the northwest elevation.

With regard to the site surroundings, the site is located on The Common, which constitutes a linear string of disconnected residential and agricultural development poorly related to the built-up area of Minety, which is situated to the northwest. There is no dominant architectural style on The Common.

In terms of physical constraints, a review of constraints mapping indicates that the site is not subject to any major constraints which would prevent development of the proposed nature.

In terms of policy constraints, the site is not within any designated area.

### **4. Planning History**

Note that the below is not necessarily an exhaustive list and only includes those applications deemed to be of relevance to the current proposal.

#### 20/08854/FUL

Erection of replacement dwelling. Refused 25<sup>th</sup> February 2021.

#### 2661 (HJL/PB/U.47/69)

Erection of dwellinghouse and demolition of existing dwelling at The Common, Minety for Mr. G. C. V. Hicks. Approved with conditions 2<sup>nd</sup> June 1969.

There is no history of pre-application advice having been sought for the proposed development.

Pertinent to the determination of this application, there is no history of planning permission being granted for the single storey rear extension connecting the garage to the main dwelling, nor the garage itself, and as such it is considered likely it was constructed under permitted development rights.

Additionally, reference is given in latter sections of the report to additional applications, these are listed below for reference:

#### 20/04360/FUL

Dudgemoor Farm, Hayes Knoll, Purton Stoke, SN5 4JJ. Replacement dwelling and associated works. Refused 23<sup>rd</sup> July 2020, allowed at appeal 15<sup>th</sup> April 2021.

#### 20/10220/FUL

Cherry Patch Cottage, Chippenham Road Biddlestone East to Sheldon Corner, Sheldon, SN14 0RH. Replacement dwelling and associated landscaping. Approved with conditions 28<sup>th</sup> January 2021.

#### 16/04520/FUL

Bodega Cottage, Bath Road, Colerne, Chippenham, SN14 8AT. Replacement Dwelling. Approved with conditions 18<sup>th</sup> August 2016.

16/02780/FUL

Avalon, Wick Hill, Bremhill, Wiltshire, SN11 9QL. Demolition and replacement of existing bungalow and outbuildings with a new house. Approved with conditions 15<sup>th</sup> June 2016.

16/12421/FUL

Oaklands, Wood Lane, Braydon, SN5 0AH. Erection of replacement dwelling, new garage with ancillary accommodation above, new stable building and widened access. Approved with conditions 1<sup>st</sup> March 2017.

18/10159/FUL

Oaklands House, Wood Lane, Braydon, SN5 0AH. Erection of replacement dwelling, new garage with ancillary accommodation above, new stable building and widening access (minor alterations pursuant to extant planning permission 16/12421/FUL). Approved with conditions 14<sup>th</sup> February 2019.

## **5. The Proposal**

Planning permission is sought for the demolition of the existing dwelling and the construction of a replacement dwelling with detached garage and associated works.

The replacement dwelling would be of two storeys with a gabled roof and repositioned and reoriented within the site to be set back and southwest facing. Exterior materials would constitute Cotswold rubble stone with case dressing walls, natural slate roof tiles and aluminium fenestration. Exterior detailing constitutes an open gable porch, sills and lintels, decorated quoins and significant full height glazing on the rear elevation. The garage would be timber clad.

## **6. Planning Policy**

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Neighbourhood Plan

The site is located within Minety CP. Minety is an undesignated area and does not benefit from a neighbourhood plan at this time.

Wiltshire Core Strategy (2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 13: Spatial Strategy for the Malmesbury Community Area

Core Policy 44: Rural Exceptions Site

Core Policy 48: Supporting Rural Life

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51 Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Wiltshire Housing Sites Allocation Plan (2020)

Settlement Boundary Review

North Wiltshire Local Plan 2011 (2006)

## H4 Residential Development in the Open Countryside

### National Planning Policy Framework (2021)

Paragraphs 2, 8, 11, 12, 80, 124, 130, 134, 180 and 188

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Places

## **7. Consultations**

### Minety Parish Council

No objection raised.

### Wiltshire Council Ecology

Confirmed no comment.

### Wiltshire Council Highways

No objection. The Highways Officer noted that parking and access is adequate and that the replacement dwelling will not place additional vehicles on the local road network. With regard to the garage, the following condition was recommended:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To ensure that adequate provision is maintained for parking in the interests of highway safety and amenity.

### Wiltshire Council Building Control

Comment. The Building Control Officer summarised the issues raised within the two building surveys as follows:

#### Main Dwelling:

- Large areas of damp to exterior and internal walls, attributed to rising damp bypassing the DPC.
- Likely lack of cavity wall insulation.
- 'Wet' readings on ground floor attributed to likely lack of damp proof membrane. Also likelihood of no thermal insulation given age. The latest report states dampness to be a "progressive and live issue".
- Damp readings to ceilings and staining to roof timbers attributed to water ingress at chimney flashings and/or lack of roof felt.
- Some 'spring' noted to first floor joists attributed to potential over spanning of some joists.
- Out of date wiring.
- Potential lead pipes in water supply.

#### Single Storey Extension:

- Single storey part to the rear adjudged as being structurally unsound and showing signs of progressive movement. It is noted that the front elevation has "significant cracking...indicative of foundation failure and lack of lateral restraint." The latest report states that "the building shows further signs of progressive structural movement to the single storey part which makes up a significant proportion of the dwelling". Given that monitoring has established that the cracking is progressive, it is likely as the report concludes to continue to worsen over time. This, in conjunction



with the 14mm crack width now seen, is indicative that a major intervention in both terms of repair/rebuilding and prevention will be required for the affected areas. The report does not highlight any cracking to the two storey part of the building and does not suggest that the structural integrity of the two storey part of the dwelling has been, or will be impacted by the cracking in the single storey part of the dwelling.

- Some sagging of single storey roof. The latest report states that there are “now failures in the external envelope (roofs) allowing penetrating damp to the inside and further deterioration to fixtures and finishes”. Image 5 in the new report mentions failure of roof finish, and appears to be in the single storey part of the dwelling, as does image 6. I have therefore taken this latest statement about failures of roofs to be limited to the single storey extension.
- Likelihood of asbestos materials in elements such as single storey roof sheeting, soffit boards and artex.
- “Electrical” fire to single storey part as well.

The Building Control Officer concluded that the reports indicate that, by the provision of Table A, that the property can be retained. However, it is noted that the report states that there is little value in doing this on cost benefit analysis grounds and that the retention would be extremely difficult to meet the client’s development brief, which in turn is considered to lead to the conclusion that the building has reached the end of its life cycle.

With regard to the latest report, the Building Control Officer considered that it did encompass the whole dwelling, but that “further signs of progressive movement” and “failures in the external envelope (roofs) allowing penetrating damp to the inside and further deterioration to fixtures and finishes” mentioned appear to be confined to the single storey elements of the building.

The new report is considered to expand upon the cost benefit analysis approach by including the “structure has reached the end of its life cycle, repairs are no longer a practical option and demolition is the only viable option”. The Building Control Officer noted that in particular local underpinning was also being ruled out. The Building Control Officer considered that the report’s author is right that partial underpinning can be problematic. A more extensive remedial solution and/or rebuild would likely now be required, involving further investigation works as to the causes of the cracking and the nature of the existing foundations as a precursor. This would undoubtedly tilt the CBA argument further towards a complete demolition and rebuild.

## **8. Publicity**

No neighbour responses were received.

## **9. Planning Considerations**

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Wiltshire Housing Site Allocations Plan (Adopted February 2020); and the ‘saved’ policies of the North Wiltshire Local Plan (NWLTP) 2011 (Adopted June 2006).

### Principle of Development

The application site is located within the open countryside outside of any defined settlement. Core Policy 2 of the Wiltshire Core Strategy states other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. New residential development in the open countryside outside of any defined settlement boundaries is strictly controlled, to restrict homes being built in unsustainable locations, remote from local services, facilities and which necessitates access and travel by private motor vehicle for day to day needs in accord with the provisions of the framework.

As referenced above, Paragraph 4.25 lists a number of exception policies whereby development may be permitted outside settlement boundaries. Those exception policies include: Additional Employment Land (Core Policy 34); Military Establishments (Core Policy 37); Development Related to Tourism (Core Policies 39 and 40); Rural Exception Sites (Core Policy 44); Specialist Accommodation Provisions (Core Policies 46 and 47); and Supporting Rural Life (Core Policy 48). Additionally, provision is made within those 'saved' policies of the North Wiltshire Local Plan, including Policy H4 Residential Development in the Open Countryside.

With initial regard to the Core Policies, the proposal would: not accord with Core Policy 34 because it does not relate to employment; not accord with Core Policy 37 because it does not relate to a military establishment; not accord with Core Policies 39 and 40 because it is unrelated to tourism; would not accord with Core Policy 44 because it would not be an affordable dwelling; would not accord with Core Policies 46 and 47 because it would not be a form of specialist accommodation; and finally would not accord with Core Policy 48 because it is not an agricultural workers dwelling.

Turning to Saved Policy H4, it is noted that Policy H4 (ii) makes provision for replacement dwellings. With relevance to the proposal, Policy H4 states:

*New Dwellings in the Countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that:*

- ii. It is a replacement for an existing dwelling where:*
  - a. The residential use has not been abandoned; and*
  - b. The existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and*
  - c. The replacement dwelling is of a similar size and scale to the existing dwelling within the scale curtilage.*

A replacement dwelling must accord with all three criteria set out within Policy H4 (ii) to be acceptable.

With initial regard to criterion 'a', Paragraph 6.14 of the supporting Planning Statement reiterates that the Council accepted the residential use is ongoing as part of application 20/08854/FUL. The Planning Statement states that the applicants still reside within the dwelling and the Council holds no information to the contrary and as such the proposal is considered to accord with criterion 'a'.

With regard to criterion 'b', the applicant has submitted two supporting building surveys with the intention of demonstrating that the future retention of the dwelling is unviable and the matter is also covered at length within the Planning Statement at Paragraphs 6.16 through 6.25.

The originally submitted building survey (17<sup>th</sup> August 2021) states that the building has reached the end of its effective life cycle. It is identified that the extension element has had

*“little (if any) maintenance for a considerable period of time and has fallen into substantive disrepair”*. The surveyor states that irrespective of the defects within the two-storey part, the single storey part is in a dangerous condition and the cost benefit analysis of remediating the many defects does not stack up. The surveyor goes on to state that when viewed from a realistic perspective, the sheer scope of all necessary repairs and upgrading work is such that the overall project cost of undertaking such work would outweigh the actual benefit and that resolving all inherent issues with the existing structure will be very costly and will add little if any value.

The original report goes on to list a series of defects with the building which are summarised within the comment made by the Building Control Officer. The report concludes that the building would be extremely difficult to alter, extend or adapt in line with the applicant's developing requirements, and establishes a case that there is little value in trying to retain any element of the structure. Justification for this statement is set out at Table A, where the cost of retaining the dwelling in its entirety is calculated.

However, this building survey has been submitted previously as part of 20/08854/FUL. As part of the Officer Report for this application, the Case Officer considered that the building survey fails to demonstrate that the existing dwelling is incapable of retention, only that the works would be expensive, and the resultant house would not suit the applicant. Furthermore, by the submission of Table A, it is shown that the structure is capable of retention and less costly than a replacement (Table B).

Further to this initial report, the agent submitted an additional revised building survey on 21<sup>st</sup> December 2021 identifying that the situation at the site had worsened since the originally submitted survey. As part of this report, the surveyor has identified that the building has suffered further progressive and significant deterioration, and that the building is fundamentally at the end of its life cycle. Further assessment is provided at Sections 7 and 8 covering the condition of the building. Other sections defer to the original report, and it is therefore understood that the reports should be read in conjunction with one another.

Section 7 of the revised building survey covers Structural Movement, identifying that the building shows signs of further progressive structural movement to the single storey (extension) part of the building. It is identified that this would be impractical to repair. Section 7 concludes that the only viable solution is demolition. However, it is noted that Section 7 fails to cover any structural defects with the main dwelling and focusses wholly on the single storey extension which connects the main two-storey section of the dwelling to the garage.

Section 8 raises concern over progressive damp, which is considered to be a live issue, with 'high' readings taken in all ground floor locations.

Whilst it is accepted that the revised building survey identified progressive structural issues, it is apparent that these issues are limited to the extension element of the building only. The building survey fails to identify any major structural concerns to the main, two-storey, section of the dwelling. Given that the single storey section is an extension, it is not considered likely that it contributes to the overall structural integrity of the main dwelling and no evidence has been provided within the building survey to indicate that this is the case. Further to this, it is pertinent to note that this extension does not benefit from planning permission. Accordingly, whilst it is accepted that there are structural concerns with the extension, it is not considered that these impact the structural integrity of the original two storey element of the dwelling.

This stance accords with advice received from Wiltshire Council Building Control as part of the consultation process. The Building Control Officer stated that the original supporting building survey indicates that the property can be retained, but that the survey goes on to argue that there is little value in doing this on cost benefit analysis grounds and that the

retention will make it extremely difficult to meet the applicant's development brief, hence the survey's conclusion that the building has reached the end of its 'effective' life cycle. It is noted that whether or not the current building meets the applicant's development aspirations/brief is not a material planning consideration. It is also important to note that this dwelling is itself a replacement dwelling of only a maximum of 53 years in age, in this context a conclusion that the building has reached the end of its lifecycle is not considered reasonable. In assessing the revised survey, the Building Control Officer advised that the structural movements appear to be confined to the single storey elements of the dwelling only.

With regard to Section 8, whilst it is noted that the building surveys raise concern over damp issues, it is also noted that within the survey the surveyor only states that they do not 'believe' that there is a suitable damp-proof membrane. No evidence has been provided to confirm that this is the case. However, a review of the plans approved under application 2661 for the main dwelling include provision of a Visqueen Membrane, which would appear to exist below the floor and provide protection to the bases of the walls above the damp proof course.

With regard to the supporting Planning Statement, Policy H4 (ii)(b) is addressed at Paragraphs 6.16 to 6.25, however, it is noted that the Planning Statement acknowledges at Paragraph 6.18 that the building is capable of retention, albeit requiring significant investment to bring up to modern day living standards, investments which are considered to be 'not viable given the likely returns on such costs'. As part of the Planning Statement's argument that the proposal complies with Policy H4 (ii)(b), it makes three key points: the assessment criteria for 'capability of retention' is undefined (Paragraphs 6.20-6.22); that financial viability should be a material planning consideration (Paragraphs 6.23-6.24); and that Policy H4 should carry limited weight in decision making (Paragraph 6.25).

In terms of the assessment criteria for a buildings 'capability of retention', the applicant draws attention to appeal decision APP/Y3940/W/20/3259635, an appeal of application 20/04360/FUL. Paragraph 7 of the appeal decision states the following:

*"There is no definition of what is meant by 'incapable of retention in its current state' in the supporting text for policy H4, nor a comprehensive explanation of its intended purpose. As such, the policy does not state whether this means the existing dwelling must be structurally unsound or financially unviable to improve. Neither does it clearly establish whether the approach should be a stringent or pragmatic one. Consequently, there is some ambiguity as to where the threshold of the test lies."*

Within Paragraph 9, the Inspector goes on to state that Policy H4 (ii)(b) necessitates a judgement as to whether the existing property is incapable of retention in its current state. Considering NPPF Paragraphs 127 e) (it is understood the Inspector was referring to f)) (Paragraph 130 in 2021 revised NPPF) and Paragraph 148 (now Paragraph 152 in 2021 revised NPPF), the Inspector took the ordinary interpretation of the term to mean:

*"whether the existing dwelling could reasonably be brought into a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity"*.

With the assessment criteria clearly defined by the Inspector, the current Planning Statement continues, stating that on the basis of the Inspector's definition, it would "seem illogical to require the retention of the existing building, which is of no architectural or historic merit, offers poor living conditions for its occupiers and to which repair works to bring the building up to modern day living standards are cost prohibitive", leading into the agent's second point around viability being a material planning consideration.

To consider the application against the Inspector's description of Policy H4 (ii)(b), regard must be had to what, in this instance, would be considered reasonable to bring the current dwelling into a state whereby it could function appropriately using modern day standards for the dwelling to provide high standard of amenity. Reviewing the original Building Survey, Table A effectively sets out a property renovation at items 2, 3, 4 and 5. These items cover the works necessary to bring the main, two-storey element of the dwelling, to a high standard of amenity in accordance with the Inspector's description. Property renovations are common in older buildings such as Meadow View and it therefore follows that items 2, 3, 4 and 5 are considered to be entirely reasonable.

Separately of the above, item 1 effectively seeks a new extension, and it is imperative to decouple item 1 from items 2, 3, 4 and 5. Both the original and revised Building Surveys together with the Planning Statement place undue weight on the defects of the extension which override and dilute the needs of the main dwelling itself. Whilst the defects of the extension are not debated, it is not the purpose of Policy H4 to facilitate the replacement of dwellings in their totality due defects of an adjoining single storey extension. The replacement of extensions are common and are dealt with under householder applications.

Moving on to the second point the Planning Statement makes in regard to H4 (ii)(b), Paragraph 6.23 states that the previous refusal Officer Report (20/08854/FUL) indicates that the Council does not consider the viability of any repair works to be material to the consideration of the proposal. The Planning Statement goes on within the same paragraph to reference consented application 20/10220/FUL, stating that 20/10220/FUL is directly comparable to the current proposal and takes the viability of repair works into account. The Planning Statement contends that the current proposal provides comparable evidence to 20/10220/FUL and that the defects of the dwelling subject to 20/10220/FUL are comparable to those of Meadow View.

In addressing this, it is initially noted that the financial viability of the capability of retaining a dwelling forms a component of considering an application against Policy H4 (ii)(b), but that the weight afforded to this differs on a case-by-case basis according to an application's individual constraints. It is noted that the Officer Report for 20/08854/FUL states at no point that the financial viability of the retention of the dwelling is immaterial and it is therefore considered that the Planning Statement misrepresents matters in this regard.

With regard to the comparisons made to 20/10220/FUL, whilst it is acknowledged that this dwelling also suffered from cracking to the single storey extension, the issues related to the main part of the dwelling were far more significant. A review of the Structural Report for this application outlined the requirement for the removal of cement mortar, which would cause significant damage to external walls; chimney damage; exposed purlin ends in addition to further exposed timberwork forming part of the roof structure; exposed timber wall plates, for which a repair of the underlying issue was not possible; damage to lintels; decay of roof trusses; undersized rafters and purlins causing significant bowing; and evidence of deteriorating floor joists/primary timber beams. Cumulatively, and irrespective of damage to the extension, the main dwelling had reached a stage where it was structurally unsafe and had gone beyond the point where it could be considered reasonable to bring the dwelling back to a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity. It is therefore considered that the case is not comparable to the current application and assertions within the Planning Statement that the same conclusions can be reached for Meadow View are without merit.

The Planning Statement continues at Paragraph 6.24, questioning the Council's consistency in decision making and raising applications 16/04520/FUL and 16/02780/FUL, highlighting the 'light touch' approach to assessing Policy H4 (ii)(b).

It should be made clear at this stage that regardless of any historical decisions, no matter their perceived relevance to a current application, it is a statutory requirement that each application must be determined upon its own merits. Accordingly, whilst consistency is desirable, it does not override statute and no two proposals are exactly the same. A consistent approach at the current site would lead to a refusal in accordance with 20/08854/FUL.

With initial regard to 16/04520/FUL, the Council was provided with sufficient evidence from the applicant in the form of site photographs which clearly demonstrated structural defects with the main dwelling. On this occasion, due to the clear evidence provided to the Council in the form of photographs, a structural survey was not considered necessary to demonstrate that the condition of the property was such that it could not be reasonably brought into a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity. The current application has failed to do this and as such the cases are not considered to be comparable.

Regarding 16/02780/FUL, a review of the Officer Report indicates that there were other material considerations which warranted a departure from the development plan in terms of compliance with Policy H4 (ii)(b). However, the approach taken by a previous Case Officer in a decision that was in excess of five years old at the time the current application was received cannot be used to influence the decision-making process of the application at Meadow View. Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan and Saved Policy H4 forms a part of that development plan.

In addition to the above, the Planning Statement then goes on to identify that decisions made by the Council for application 16/12421/FUL and its subsequent amendments under 18/10159/FUL were silent in respect of any assessment of the proposal against the criterion of Policy H4 (ii)(b). However, reference to Policy H4 (ii)(b) is provided within 16/12421/FUL, but more importantly the applications follow a line of previous approvals at this site which predate major changes to the development plan including the adoption of the Wiltshire Core Strategy. Accordingly, there are significant material considerations in the form of past approvals which need to be accounted for which is not the case at Meadow View. Accordingly, the cases are not considered to be comparable.

Following this, at Paragraph 6.25, the Planning Statement moves onto its third and final key point with regard to Policy H4 (ii)(b), stating that Policy H4 should carry very limited weight in any decision taking. The Planning Statement states that Policy H4 is aged and originates from a time expired plan, and is considerably more restrictive than the applicable and more recently adopted policies of the Wiltshire Core Strategy and of the spirit of the most up-to-date national policy. However, recent appeal APP/Y3940/W/18/3202551 accepts that whilst weight afforded to Policy H4 is diminished, largely for the reasons set out within the Planning Statement, the Inspector considers that it continues to provide an important function in recognising the intrinsic character and beauty of the countryside in accordance with the Framework. Therefore, the Inspector attached moderate weight to conflict with Policy H4. The decision was challenged at High Court (Ref C1/2020/1917/PTA) on the basis that the Inspector had misinterpreted a policy, however the Inspector was considered to have interpreted policy correctly and the case was refused.

Taking the above into account, it is considered that the proposal fails to supply sufficient evidence to demonstrate that the dwelling is incapable of retention in its current state and, on the basis of the information presented to the Council, it is concluded that the existing

dwelling could reasonably be brought into a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity. On this basis, the proposal fails to accord with Policy H4 (ii)(b).

With regard to criterion 'c', the footprint of the replacement dwelling is greater than that of the existing dwelling and the overall massing and bulk of the proposed dwelling is substantially greater. Accordingly, the proposal would fail to comply with the provisions of H4 (ii)(c).

In conclusion, the proposal is considered to be unacceptable in principle through failing to accord with the provisions of H4 (ii)(b) and (c). The proposal is tantamount to the construction of new residential development outside the limits of development, which, in accordance with the provisions of Core Policy 2, will not be permitted. Further to this, the proposal would fail to meet the criteria of any of the exception policies within the development plan, namely Core Policies 34, 37, 39, 40, 44, 46, 47 and 48.

#### Impact on the Character and Appearance of the Site & Locality

Section iii of Core Policy 57 of the WCS states new development must respond positively to existing townscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines. Moreover, Paragraph 130 states developments should be visually attractive as a result of good architecture and be sympathetic to local character.

Additionally, Core Policy 51 states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

From the principal elevation, the dwelling would appear significantly larger within the site, primarily due to the reorientation of the dwelling and the increased bulk and massing of the design. As a consequence, the visual amenity and character and appearance of the site will be substantially altered by the proposal.

Additionally, in terms of assessing the impact upon the character and appearance of the locality, it is considered that the overall scale and massing of the proposal would be significant when viewed from the street. However, given the varied nature of dwellings along The Common, it is not considered that this would be of detriment to the character and appearance of the area, nor the surrounding landscape such that consent ought to be refused on this basis.

#### Impact on Residential Amenities

Section vii of Core Policy 57 of the WCS refers to the need to protect the amenities of existing occupants and to make sure that appropriate levels of amenity are achievable within the development itself. Additionally, Paragraph 130 (f) of the NPPF states planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the equality of life or community cohesion and resilience.

By virtue of mass, form, scale, position and design, alongside existing boundary treatments from the farm buildings, and the distance to the nearest neighbouring residential properties, it is not considered that residential amenities would be adversely impacted above and beyond the existing situation enjoyed by residents. Furthermore, the proposed development would secure an acceptable level of residential amenity for future occupants of the proposed dwelling.

### Impact on Highways Safety

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed site layout demonstrates adequate provision for parking and access to serve the proposed development. No objection is raised in this respect and the proposal are considered to accord with the relevant policies of the plan and provisions of the framework.

### Lawfulness

As part of the application process a review of planning history for the site was undertaken. The only planning history relating to the site are applications 20/08854/FUL and 2661. Application 20/08854/FUL relates to the previously refused proposal for a replacement dwelling (25<sup>th</sup> February 2021), whilst application 2661 relates to an approved replacement dwelling (2<sup>nd</sup> June 1969). The proposed plans for application 2661 match those now submitted as existing plans for the dwelling and as such the approved application 2661 is understood to have been implemented.

As part of application 2661, no provision is made for the single storey extension to the north elevation, nor is provision made for the garage. Accordingly, it is understood that these have been built without express planning permission. Historic satellite mapping indicates that the single storey extension and the garage have both been in place since at least December 1999. No certificate of lawfulness either for proposed or existing development exist at the site but a review of the current and previous Town and Country Planning General Development Orders indicates that the development would not constitute permitted development in any event.

This is material to the assessment given the conclusion set out above in respect of the structural assessments which demonstrate that it is the extension is in poor condition. Given that this element of the property is not considered to be lawful the replacement of the entire structure due to its poor condition is not considered to be justified.

### Five Year Housing Land Supply

Paragraphs 6.30 to 6.38 of the Planning Statement covers the five-year housing land supply situation, stating that Wiltshire is unable to demonstrate a five-year housing land supply and as such this renders its housing policies out of date. On this basis, the Planning Statement asserts that the proposal falls instead to be assessed against paragraph 11 of the NPPF and the presumption in favour of sustainable development. The Council does not dispute this position having recently published a new Housing Land supply Statement which identifies that the council has 4.72 years supply with necessary buffer.

However, regard is had to recent appeal APP/Y3940/W/18/3202551, within which the inspector considered that the assessed five-year land supply shortfall at that time of 4.41 years was modest, that actions are being taken to recover it and that permissions have been given which will likely deliver in the current 5-year period (1 April 2018 – 31 March 2023).

Furthermore, in respect of the status of the development plan, paragraphs 11 d) and 14 of the NPPF do not make the out-of-date development plan policies irrelevant to the determination of applications. The development plan is still the starting point for determining planning applications.

The Planning Statement asserts that the proposal would “*provide many economic, social and environmental benefits*”, however, it is considered that the only benefit provided by the replacement dwelling would be a minor economic benefit through the hiring of construction



companies. The proposal makes no net contribution towards the Council's five-year housing land supply in the area. The application therefore provides an extremely modest benefit which can be afforded very little weight in the decision-making process but will nonetheless be considered within the concluding planning balance.

## **10. Conclusion**

The proposed development is unacceptable in principle. The Council's development plan is the starting point when determining an application and whether or not a proposal constitutes sustainable development.

The information presented to the Council does not demonstrate that the existing dwelling is incapable of retention. The submitted information suggests that the existing dwelling could reasonably be brought into a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity. Accordingly, the proposal therefore conflicts with Saved Policy H4 (ii)(b) of the North Wiltshire Local Plan.

Limited benefits of the proposal have been identified, which relate to economic benefits associated with the hiring of construction companies. However, these limited benefits do not outweigh the harm caused through the proposal's conflict with Saved Policy H4 (ii)(b).

Whilst limited harm is identified to the character and appearance of the site over the increased bulk and massing of the proposal, given the varied streetscene and character of development in the locality it is not considered that the proposal would cause harm to visual amenity, nor the surrounding landscape and as such it is not considered reasonable to refuse the application on this basis. Similarly given this conclusion in this instance it is considered that the identified conflict with Saved Policy H4 ii (c) provides a sound and justifiable basis for refusal.

Furthermore, in the context of impact upon residential amenity, ecology and highways, the proposal is not considered to be significantly harmful. However, compliance with the relevant provisions of the plan and the framework in these respects does not outweigh the harm arising from the in-principle conflicts with the plan identified above.

In summary, it is considered that the conflict with the principle of development/plan strategy arising from the proposal would significantly and demonstrably outweigh the limited benefits of development, and the proposal would not constitute sustainable development and is in conflict with the development plan and the provisions of the framework. In accordance with paras 11 and 12 of the framework refusal is recommended.

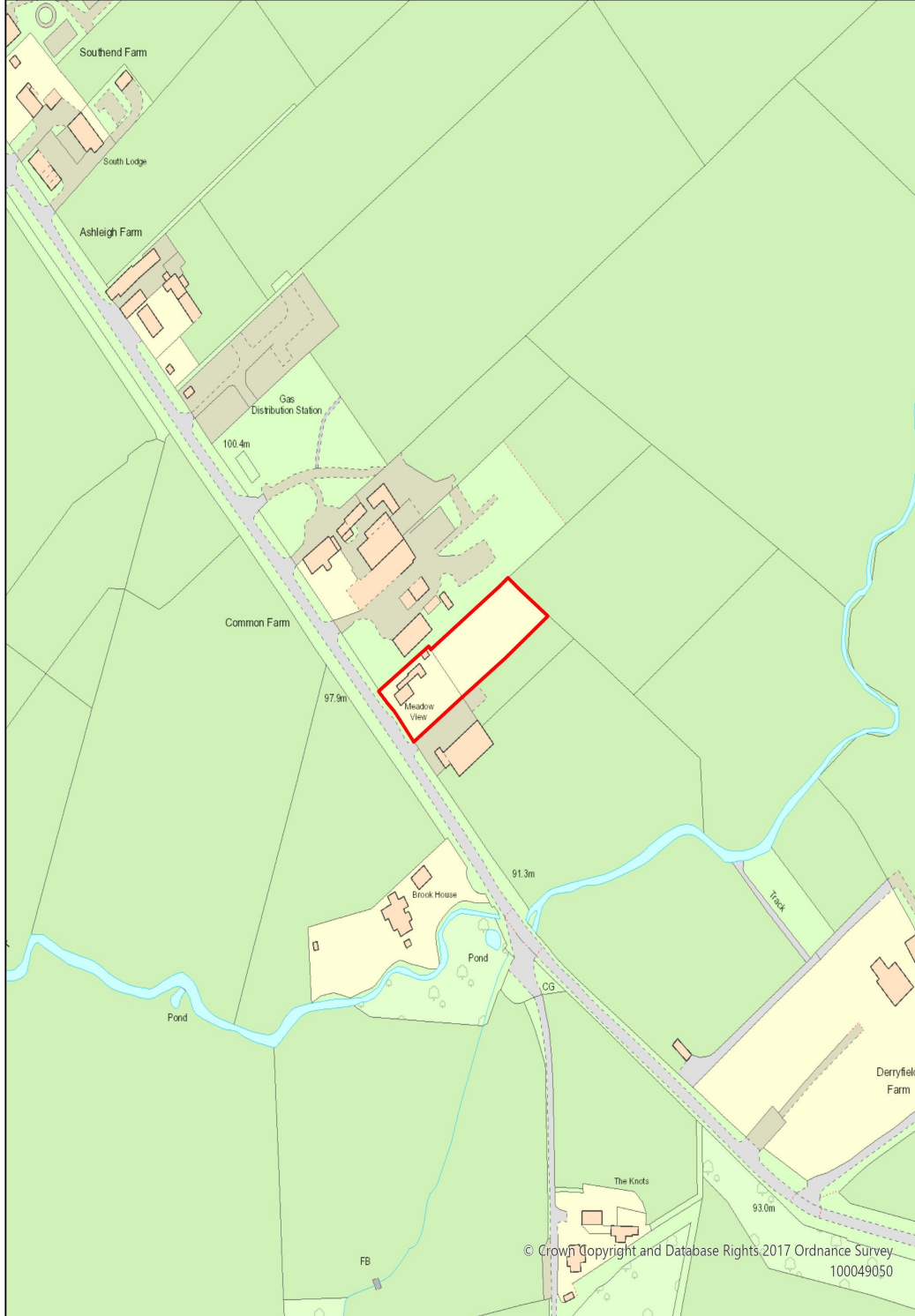
## **RECOMMENDATION**

Refuse

## **REFUSAL REASONS**

1. The proposal is located within the open countryside where new residential development is not permitted unless it satisfies the exception policies set out within the development plan. The existing building is not incapable of retention, nor is it unsightly or out of character with its surroundings and as such the proposal does not comply with CP1, CP2 CP13 of the Wiltshire Core Strategy (Jan 2015), and Saved Policy H4 criterion b) of the North Wiltshire Local Plan (2011); and paras 11 and 60 of the National Planning Policy Framework (July 2021).

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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	27 April 2022
<b>Application Number</b>	PL/2021/03235
<b>Site Address</b>	Land at Rosehill Close, Bradenstoke, SN15 4LB
<b>Proposal</b>	Construction of four dwellings and associated works
<b>Applicant</b>	Rosehill Homes Ltd
<b>Town/Parish Council</b>	Lyneham and Bradenstoke Parish Council
<b>Division</b>	Lyneham
<b>Grid Ref</b>	400503 179558
<b>Type of application</b>	Full planning permission
<b>Case Officer</b>	Raymond Cole

### Reason for the application being considered by Committee

The application has been called-in by the Division Member Councillor Allison Bucknell to consider the scale of development, its visual impact upon the surrounding area and its relationship to adjoining properties.

#### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

#### 2. Report Summary

The application has been the subject of consultation and publicity, including neighbour notification and publication on the Council's website. Representations have been received from 28 people; 1 supporting and 27 objecting to the proposed development.

Lyneham and Bradenstoke Parish Council objects to the proposal.

The main issues for consideration are:

- The principle of the development in this location;
- The design and effect of the proposed development on the character and appearance of the locality;
- The impact on residential amenity;
- Highway safety and parking;

- Drainage; and
- Ecology.

### 3. Site Description

The site comprises 0.6 hectares of land located on the eastern edge of Bradenstoke outside of any defined settlement boundary. It is situated to the north of Rosehill Close, from which access is taken. This is a short residential cul-de-sac of three detached houses that rise gently up a slope. To the west of the site is existing residential development, while to the north and east are agricultural fields. A public right of way (footpath LYNE31) runs along the northern boundary.

The current use of the site is described in the application form as being vacant and its last use as “open land”. The site comprises Grade 3 agricultural land according to broad areas identified by Natural England. However, it is not currently being farmed and it is predominantly overgrown scrub.

### 4. Planning History

14/10007/FUL – Erection of 4 Dwellings. Refused – 20 January 2015. The proposed layout included the construction of a dwelling in the north-east corner of the site, whereas the current proposal excludes development in that area. The application was refused for the following reasons:

1. *The proposal is for 4No new dwellings in the countryside with no special justification. The development does not represent 'limited infill' and is thus contrary to saved policy H4 of the North Wiltshire Local Plan 2011, Core Policy 2 of the Emerging Wiltshire Core Strategy and Paragraph 55 of the National Planning Policy Framework.*
2. *The proposed housing is considered to be overdevelopment of the site with cramped plot sizes (plots 4 & 5) with the potential for overlooking between properties. The proposal is therefore considered to be contrary to Core Policy 3 of the North Wiltshire Local Plan 2011 and Core Policy 57 of the Emerging Wiltshire Core Strategy*
3. *The proposal, located remote from services, employment opportunities and being not well served by public transport, is contrary to the key aims of NPPF which seeks to reduce growth in the length and number of motorised journeys*

An appeal against this decision was dismissed on 14 August 2015. The inspector considered that the proposal would elongate the village and would unacceptably intrude development into the countryside. They concluded that the proposal would have significant adverse environmental impacts and that, taken as a whole, it would not constitute sustainable development. The Inspector considered that the proposal would not have had an adverse impact upon the living conditions of the surrounding occupiers.

14/07651/OUT – Erection of Dwelling. Withdrawn – 8 September 2014.

## **5. The Proposal**

The application seeks full planning permission for the construction of two semi-detached three-bedroom dwellings and two detached four-bedroom dwellings, together with associated works including the construction of an access road, turning head and areas of hardstanding for car parking.

The proposed layout features an extension of the existing private road in a straight line, with the four new houses to the west, a turning head and pedestrian connection to the public footpath to the north, and land retained for habitat mitigation and enhancement to the east.

## **6. Planning Policy**

### Wiltshire Core Strategy 2015 (WCS)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area

Core Policy 45: Meeting Wiltshire's Housing Needs

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Core Policy 62: Development Impacts on the Transport Network

Core Policy 64: Demand Management

Core Policy 67: Flood Risk

### Saved Policies from the North Wiltshire Local Plan 2011 (NWLP)

H4 Residential development in the open countryside

NE14 Trees and the control of new development

NE18 Noise and pollution

### Wiltshire Housing Site Allocations Plan 2020

Paragraph 4.12: Spatial Strategy

### Lyneham and Bradenstoke Neighbourhood Development Plan 2020 to 2030 – Made October 2021 (NDP)

Policy 1: Small Scale Residential Development

Policy 2: Design

Policy 7: Safe and Sustainable Travel

### National Planning Policy Framework 2021 (NPPF)

Paragraphs 2, 8, 11, 12, 14, 38, 47, 55, 60, 85, 92, 110, 111, 112, 124, 130, 167, 174, and 180.

## 7. Consultations

### Wessex Water – No objection

Wessex Water has no objections to this application. Their records indicate that the potential for surface water infiltration in this area is good. There must be no surface water connections to the foul sewer network.

### Thames Water – No objection

No comments to make as there are no Thames Water assets at this location that may be affected.

### Wiltshire Council Drainage Engineer – No objection subject to conditions

From a review of data for the area, flood risk appears negligible. Pre-commencement conditions are recommended to secure details of (i) a scheme for the disposal of surface water from the site and (ii) infiltration testing and soakaway design or an alternative method of surface water drainage.

### Wiltshire Council Highways – Comment

The site is outside of the development boundary and as the proposal would increase vehicular movements in a rural setting it would increase carbon emissions. This would be contrary to the Wiltshire Core Strategy and the climate strategy for Wiltshire.

The access is wide enough to accommodate conflicting movements. From a parking and access standpoint the proposal would not warrant an objection.

The carriageway width, of 5m, for the private access to the four new dwellings is sufficient to allow service vehicles to gain access to the new development. The provision of a turning head appears to allow for larger vehicles, including waste collection vehicles, to turn enabling the kerbside pick-up of bins for the existing dwellings as well as the four proposed.

While the site is outside of the development boundary for Lyneham, the access and parking arrangements are acceptable if the principle of development is agreed.

### Wiltshire Council Waste & Recycling – Comment

There is uncertainty whether the contractor's refuse collection vehicles would travel along the private road, due to its narrow width. Residents may need to carry their containers or wheel their bins to the main road, or the developer would have to arrange the collections for the residents.

An indemnity will be required for the Council to operate on private roads prior to their adoption.

### Wiltshire Council Public Protection – Comment

Requested conditions regarding land contamination, hours of construction and the provision of electric vehicle charging points.

### Wiltshire Council Ecologist – No objection subject to conditions



A condition is recommended to ensure that the development is carried out in accordance with the Reptile Mitigation Strategy and Biodiversity Net Gain Post-Development Habitats Map. Two further conditions are recommended to secure the submission, approval and subsequent implementation of a Construction Environment Management Plan and Landscape and Ecological Management Plan.

#### Wiltshire Council Arboriculture – Comment

Requested a plan to show the canopy spread and root protection areas of all trees that could be affected (subsequently submitted).

#### Wiltshire Council Urban Design – Comment

- Questioned the width of the private drive;
- Identified an opportunity for a swale alongside the private drive;
- A means of enclosure would be needed to prevent vehicle encroachment on the open space;
- Clarity is needed on the function and the management and maintenance of the open space;
- Provision should be made for water butts and electric vehicle charging points;
- There is a lack of information on proposed hard and soft landscaping;
- Further details of the dormer windows are required;
- More precise details of the external materials are needed; and
- Planting should be included on the strip of land adjoining the public footpath to soften this edge.

#### Lyneham and Bradenstoke Parish Council – Object

1. The development is not infill. The draft neighbourhood plan illustrated a high degree of opposition from residents to any development on greenfield sites and a wish to protect greenfield areas, rural historic settings and open spaces.
2. The existing water supply and sewerage is inadequate. The proposal would place additional demands on an already failing water system. Parts of the village which have not been consulted on the application would be most affected. The whole of the village should have been consulted.
3. The main road into Bradenstoke is narrow and unsuitable. Future residents would need to commute out of the village for work and leisure which would exacerbate existing highway safety issues.
4. Bradenstoke is an unsustainable location for this development. There are few public transport links, shops, leisure facilities; and there is no nursery or education provision.
5. There is a rich variety of wildlife on the site. There is no gas supply in the village, meaning that houses would need to be heated using oil, adding to the carbon load.
6. There is no need for new houses in the village.

### **8. Publicity**

As a result of publicity, representations have been received from 28 people; 1 supporting and 27 objecting to the proposed development.

Comments made by the supporter include:

- Would enhance the nature and character of the area.
- The proposal would have no impact on the character or historic nature of the original sections of the village.
- The inclusion of office/study space in two of the houses will allow owners to capitalise on new ways of working and reduce reliance upon the car.
- The use of soakaways is proposed so surface water will not enter the public sewer system.
- The foul drainage capacity is in excess of the requirements of the existing and proposed developments.
- Recent developments have had little impact on water supply.
- The access road would be of sufficient capacity for the likely traffic from the development.
- Concern about provision of the access gate to the public right of way which would reduce security and affect privacy.
- The proposals would enhance the environment.

Comments made against the proposal include:

- Utilities in the area are under pressure and cannot accommodate new housing.
- Existing water infrastructure is not able to support the needs of the local area.
- Access in and out of the village is narrow and is unsuitable for additional traffic.
- There are no regular bus services, and it is difficult for pedestrians and cyclists to access the nearest bus route.
- There is no evidence of need for larger homes.
- Increased traffic would exacerbate existing highway and pedestrian safety concerns.
- Rosehill Close is a private road. Additional residents and vehicle movements will result in increased costs to maintain the road and shared drainage system.
- The construction phase will degrade the private road.
- The proposed gate from the adjacent footpath would increase footfall through the area and increase the risk of crime.
- The road is narrow and there are no passing places. This is likely to lead to disputes as a result of damage.
- There is a range of species in the area including slow worms, small mammals, deer, amphibians and snakes. The proposal would have a detrimental impact on these species.
- The proposal would increase the likelihood that the settlement would merge with neighbouring villages.
- There is a lack of adequate broadband connection in the area.
- The site is outside of the village boundary and there is no justification to build in this location.
- The site may have contamination as it was previously a pig farm which suffered from foot and mouth disease. Affected animal carcasses are buried on the land.
- There is no provision for social/affordable housing in the proposal.

- The Lyneham and Bradenstoke Neighbourhood Plan does not sanction the extension of the village, nor does it permit the development of greenfield sites unless they would be of great benefit to the community.
- The proposal does not comply with the development plan.
- The application incorrectly states that there are no trees or hedges on the site and that it cannot be seen from a public footpath.
- The proposal is not infill.
- The location is remote from services, employment opportunities and is not well served by public transport. The proposal is therefore contrary to the aims of the NPPF.
- Loss of agricultural land.
- The development will be visible from the public footpath and will affect the view enjoyed by users of this path.
- Concern that the proposal would erode the separation between Bradenstoke and Lyneham resulting in the loss of its unique character.
- Concern about potential for future development
- The whole village should have been consulted on the application.
- Unsuitable access to the village.
- The proposed houses should have more sustainable sources of energy.
- Would contribute to carbon emissions produced by the village.
- Loss of view from adjacent footpath.
- Loss of privacy for dwellings in Boundary Close.

The North Wiltshire Swift Group also commented that all new developments should provide habitat opportunities for those species such as swifts who prefer, or can adapt to, the built environment. The group recommended that a swift box be incorporated into each of the new dwellings.

## **9. Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Section 70(2) of the Town and Country Planning Act 1990 provides that:

In dealing with an application for planning permission, the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy Adopted January 2015, the Saved Policies of the North Wiltshire

Local Plan 2011, the Wiltshire Housing Site Allocations Plan 2020 and the Lyneham and Bradenstoke Neighbourhood Development Plan 2020 to 2030 Made October 2021.

### Principle of the development

Core Policy 1 of the Wiltshire Core Strategy sets out the settlement strategy for the County. It identifies a hierarchy of settlements to which development will be directed with the aim of achieving sustainable development. Core Policy 2 provides a delivery strategy for housing and employment development and states that, “within the limits of development as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages”. It continues that, other than in specified circumstances (none of which apply in this case), development will not be permitted outside the limits of development as, defined on the policies map.

Core Policy 19 identifies the settlements in the Royal Wootton Bassett and Cricklade Community Area and the category in which they appear in the hierarchy. Bradenstoke is categorised as a Small Village, and it has no defined settlement boundary on the policies map.

Being outside a settlement boundary, the application site is in the open countryside. Saved Policy H4 of the North Wiltshire Local Plan 2011 tackles residential development in the open countryside and sets out the criteria against which proposals should be considered.

Policy H4 states:

“New Dwellings in the Countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that:

- i) It is in connection with the essential needs of agriculture or forestry or other rural based enterprise;
- ii) It is a replacement for an existing dwelling where:
  - a. The residential use has not been abandoned; and
  - b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and
  - c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.”

The proposal meets neither of these two conditions. However, in a supporting statement, the agent has drawn attention to that part of Core Policy 2 which states that:

“At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.”

As set out in paragraph 4.34 of the WCS, “Infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling”.

The agent argues that “a few” can in principle cover four and, while the site does not occupy a gap, the proposal accords with the aims and intentions of the policy because it:

- “is small in scale at four dwellings;
- immediately adjoins the built-up area of the village on two sides i.e. in the adjacent dwellings on Rosehill Close and those located off Boundary [Close], and therefore relates closely to the existing built-up area;
- avoids consolidating existing loose-knit developments;
- has good pedestrian connectivity to the village core;
- does not occupy any sensitive area.”

The agent adds that the development would not protrude beyond the existing built-up eastern limit of the village and would not therefore elongate the settlement. They contrast this with the scheme that was dismissed at appeal in 2015, where the Inspector noted that the plot in the north-east corner of the site in particular would have projected well beyond the edge of the village and was thus considered to unacceptably intrude into the countryside. The current proposal seeks to address this by respecting the existing building line which has been established on the western side of Rosehill Close. As a natural extension to the existing dwellings at Rosehill Close, they consider that it would respect the existing character and form of the settlement.

The current proposal is not within the existing built area, and it would not constitute infill. The site is on the periphery of Bradenstoke and development in this location would extend the village. That was the view of the Inspector who dismissed the appeal in 2015. They found that “...*the proposed houses would not be within the built up area of the village, but would be beyond its existing clearly defined edge. They would elongate the village, extending buildings into the countryside, and would not be, as considered by the appellant, rounding off*”. On this basis, the proposed development does not accord with Core Policies 1, 2 and 19 of the Wiltshire Core Strategy 2015.

Policy 1 of the Neighbourhood Development Plan states that proposals for residential development of 10 dwellings or less within Bradenstoke will be supported subject to other policies within the development plan. As the application proposes four dwellings, it broadly complies with this policy.

The Highway Officer noted that new residential development in this location would usually attract an objection on the basis of the sustainability of the location. It is acknowledged that there are few services, facilities and employment opportunities in Bradenstoke and that future occupiers of the site would therefore be required to travel to higher-order settlements to access the facilities required in day-to-day life. Given the location of the site and the lack of public transport options in this area, in all probability these trips would take place via private vehicle. Therefore, the proposal would increase vehicular movements in a rural setting and by doing so it would increase carbon emissions, which would be contrary to the

Wiltshire Core Strategy and the Wiltshire Climate Strategy 2022-2027. This accords with the findings of the appeal Inspector who noted that there is no school or shop within Bradenstoke and the bus service which was available had limited frequency. Consequently, the Inspector considered that future occupiers would be reliant on the private car. This is a matter which weighs against granting permission in this case.

It is also important to consider the proposal against Core Policy 45 which requires new housing to be designed to address local housing need. It states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. The supporting planning statement explains that the mix of dwellings proposed would match the identified need for housing which is set out in the Lyneham and Bradenstoke Parish Housing Needs Survey (May 2019). However, this survey highlights that the size of homes most sought in this area are two and three bedroomed properties, with less than 10% of respondents requiring a four bedroomed property. The proposed development would provide two three-bedroom houses and two four-bedroom houses. Policy 1 of the Neighbourhood Development Plan, nevertheless, requires proposals to address local needs for family housing and smaller housing among the specified types. Therefore, as the proposal would generally address local housing need, it is considered to be in broad accordance with Core Policy 45. It would not be reasonable to refuse the application on this basis.

#### Other material considerations relevant to the principle of the development

Given the above findings in relation to Core Policies 1, 2 and 19, it is necessary to consider what, if any, material considerations would justify a decision otherwise than in accordance with the strategy of the plan. In this context there are several matters that must be taken in account. Firstly, the Council cannot currently demonstrate an NPPF compliant available and deliverable supply of land for housing for the requisite 5-year period plus buffer. The latest Housing Land Supply Statement (HLSS) identified that the number of years of supply is 4.72 years. As such the policies of the plan most relevant to the determination of the application are considered to be out of date and paragraph 11.d) of The Framework is engaged.

As set out in Supreme Court of Appeal decision *Suffolk Coastal District Council v Hopkins Homes Ltd & Anor* [2017] UKSC 37, even where paragraph 11.d) of The Framework is triggered through a lack of five-year housing land supply, the weight to be given to the relevant development plan policies and the NPPF remain questions of planning judgement for the decision-maker. The weighting of those will vary according to the particular circumstances of each case. This can include consideration of the extent of the shortfall of housing supply, as confirmed most recently by *Hallam Land Management v SoS DCLG* [2018] EWCA Civ 1808; the actions being taken by the local planning authority to address any shortfall, and/or the particular circumstances of the restrictive policy. In these respects, it must be noted that the shortfall is relatively limited as was confirmed by the Planning Inspectors considering the Purton Road appeal (Ref APP/Y3940/W/18/3202551; 17/08188/OUT) which was tested through the courts and found to be sound by multiple justices; and more recently the Filands Appeal Decision (Ref APP/Y3940/W/21/3278256 21/01363/OUT) where the inspector found the shortfall to be modest. It is also material to note that the Council has an action plan in place for addressing the shortfall and is taking steps to do so. Importantly this has included granting permission for development on sites

where no significant site-specific harm arises; there is reasonable access to services, facilities and employment opportunities by virtue of good connectivity by a range of modes of transport and proximity to major settlements; and the scale of development proposed is proportionate to adjacent settlements. Indeed, this plan of action has already resulted in the grant of consent on other sites in this community area and elsewhere in this Housing Market Area as set out in the latest HLSS.

A team of officers meets regularly to keep under review other potential sites. Other actions include dedicating additional resource and priority to unlocking stalled strategic allocated sites such as Rawlings Green, Chippenham with a decision to approve now issued. The Wiltshire Housing Sites Allocation Plan has also been adopted since the Purton Road appeal decision identified the shortfall in housing and this will deliver additional sites in this housing market area.

Through the determination of the appeal at Purton Road the Council's Housing Land Supply position was considered and tested. At that time, it was agreed that the five-year housing land supply figure was between 4.42 and 4.62 years. See Inspector's decision letter paragraph 21, where he considered that even at the lower end of the agreed range there is a relatively modest shortfall in housing land in the Wiltshire Council area. The Filands Appeal subsequently established that the shortfall was 4.41 years. The Council has since then published the Housing Land Supply Statement April 2022 (base date April 2021) which states that the Council can demonstrate 4.72 years of supply at the unitary level. This is higher than the range of supply considered by the Inspectors and where significant weight was attached to the conflict with the development plan policies 1, 2, 19, and moderate weight to saved policy H4.

It should be noted that the Wiltshire administrative area is one of the largest in the country in terms of geographical area. Therefore, in accordance with the spatial strategy set out in the WCS there is also a need to consider both the housing market area and community areas to fully comprehend the spatial distribution of homes in the administrative boundary. Although there is a deficit in housing provision within this housing market area, this is due to the under-provision in other community areas namely Corsham, Trowbridge and Warminster, all of which are substantial distances from the application site.

The latest HLSS, published in April 2022 (base date April 2021), shows that in the remainder of the Royal Wootton Bassett and Cricklade Community Area, 587 dwellings have been completed, with a further 189 units identified as being developable by 2026. This means that the indicative requirement has been exceeded by 391 dwellings (when the indicative requirement is 385 dwellings). There is also a surplus in Royal Wootton Bassett itself. This clearly demonstrates that the spatial strategy is delivering the requirement to meet the housing needs in a sustainable manner in this Community Area.

It is also material to note that the Council cannot demonstrate that affordable housing needs in Wiltshire and in this locality are being met.

As such the Council cannot demonstrate the available and deliverable supply of land for housing that is required by the NPPF and the tilted balance under paragraph 11.d) is engaged. The site, whilst in the open countryside, lies directly adjacent to the village of

Bradenstoke and so cannot be considered remote or isolated. The amount of development is limited at 4 dwellings, and this is considered reasonably well related to the scale of the settlement itself. Delivery of the proposed development to a shorter timeframe can be controlled by condition and will assist with boosting the supply of housing.

The overall planning balance is considered in the conclusion to this report. In summary though the proposals do conflict with the development plan in terms of the principle of development in this location.

#### Design and effect on the character and appearance of the locality

Core Policy 57 of the WCS requires a high standard of design in all new developments. It states that development is expected to create a strong sense of place by drawing on the local context and being complementary to the locality. This is reflected in section 12 of the NPPF which requires at paragraph 130 that development is visually attractive and sympathetic to local character including the surrounding built environment and landscape setting.

Core Policy 51 of the WCS states that development should protect, conserve and where possible enhance the landscape character and must not have a harmful impact upon it. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The proposed houses would be 1½ or 2 storeys in height and generally consistent in their scale and materials with the existing houses in Rosehill Close. The proposed semi-detached houses would feature gable ends, front porches and rear extensions, while the detached houses would feature half-hipped roofs and rear catslide roof extensions to minimise their bulk and massing. Re-constituted stone would be used in the walls and roof tiles of the proposed houses, and the window frames and doors would be in aluminium (powder coated grey).

In the design, appearance and choice of external materials, the proposed houses would be similar to the three existing detached houses in Rosehill Close.

It is considered that the size of the proposed dwellings and the size and shape of individual plots are also comparable with many others in the local neighbourhood.

Due to dense boundary vegetation, the development would effectively be screened from Hollow Way, to the south. However, it would be clearly visible from the public right of way to the north (LYNE31). Concern was raised during the public consultation period that the proposal would increase the likelihood that the settlement would merge with the neighbouring villages, and by doing so that it would lose its unique character. It was also highlighted that the development would be visible from the adjacent public footpath and that it would affect the view enjoyed by users of this path.

Whilst these concerns are appreciated, they are not considered to constitute a reason to refuse permission in this case. The proposed dwellings would be situated outside of the existing built area of the village, and they would reduce the gap between Bradenstoke and



Lyneham by developing a currently open site. However, the proposed dwellings would not project further east towards Lyneham than the existing dwellings at Rosehill Close and they would be well related to the existing built form in this location. When viewed from the adjacent public right of way, the proposed dwellings would be read as an extension to the existing development at Rosehill Close and against the backdrop of the dwellings at Boundary Close. As such, when viewed from public vantage points, the proposed dwellings would not appear as wholly alien or incongruous features and they would not therefore cause harm to the wider landscape or the character and appearance of the area.

The design and scale of the proposed dwellings is considered to be appropriate in this location. Following the comments raised by the Urban Design Officer, the design of the proposed dwellings was amended to provide dormer windows with a more traditional appearance, and it is considered that this alteration represents a significant improvement upon what was initially proposed. In accordance with the Urban Design Officer's comments, the proposed turning head was set back from the public right of way, allowing space to create an area of soft landscaping, details of which can be secured via condition. Details of boundary treatments, hard surfacing and electric vehicle charging points are also capable of being secured through the use of conditions. It is considered that the initial scheme submissions as revised from the previous proposal alongside these further design amendments have addressed the previous objections and Inspector's concerns regarding overdevelopment of the site.

In summary, it is considered that the proposed dwellings would be read against the existing built form in this location. They are considered to be acceptable in terms of their design and they would not appear as alien features in this context. The proposal therefore complies with Core Policies 51 and 57 of the WCS, Policy 2 of the NDP and paragraph 130 of the NPPF.

#### Impact on residential amenity

The proposed development would adjoin existing dwellings at Rosehill Close and Boundary Close. The submitted block plan indicates that the proposed dwellings would be approximately 10 metres from the boundary line with the dwellings at Boundary Close, with a back-to-back distance of approximately 47 metres. Whilst the proposed dwellings would be visible from nos. 6 to 8 Boundary Close, given this separation distance it is considered that the proposed dwellings would not give rise to a significant loss of light or an overbearing impact for the existing residents. Moreover, whilst there would be some mutual overlooking between the existing dwellings at Boundary Close and the proposed dwellings, given the separation distance described above this is not considered to be so detrimental so as to warrant the refusal of the application on this basis. This accords with the conclusions of the appeal Inspector who stated that '*the separation between the proposed houses and those around them, combined with their siting and the rise of the land, would not result in unacceptable levels of privacy for existing and future occupiers.*' A minimum distance of 21m is usually applied in such circumstances to maintain satisfactory levels of privacy.

The southern-most dwelling would be approximately 5 metres from the boundary with no. 3 Rosehill Close and a further 13 metres to the side elevation of this neighbour. Given this separation distance it is considered that the proposed dwelling would not give rise to a significant overbearing impact or loss of light that the proposal could reasonably be refused

on these grounds. A first-floor window is proposed in the side elevation of the southern-most dwelling which would face no. 3 Rosehill Close. While the floor plans indicate that the window would serve a hall and landing, rather than a habitable room, it would nonetheless be reasonable to apply a condition requiring it to be glazed with obscure glass. This would ensure that no unacceptable overlooking would occur as a result of the proposal.

Turning to the amenity achievable within the site itself, it is considered that the dwellings would not appear unduly cramped. They would enjoy an adequate level of privacy, and each would benefit from a reasonable size garden. It is considered that the future occupiers would have a good standard of amenity and therefore the proposal complies with Core Policy 57 of the WCS.

### Highway safety and parking

Significant concern was raised during the public consultation period regarding the highway connections to and from the village. It was felt that these were unsuitable for increased traffic and that the proposal would exacerbate existing highway safety issues. The Highway Officer was aware of these concerns and noted that while the proposal would add to the vehicle movements along Hollow Way, the direction of travel will most likely be away from the centre of the village and towards Lyneham and the wider highway network. In this respect the Highway Officer considered that the proposal would not have a severe cumulative negative impact on the public highway as it would produce an additional 12 to 24 daily vehicle movements in a village of many households.

The Highway Officer considered that the access to the public highway from the private drive, Rosehill Close, was wide enough to accommodate conflicting movements. Therefore, from a parking and access standpoint the Highway Officer raised no objection to the proposal.

The NPPF states, at paragraph 111, that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Neither applies in this instance and the Highway Officer raises no objection to the proposal. As such it would not be reasonable to refuse the application on this basis.

The minimum residential parking standard for houses with three bedrooms is 2 spaces, and for a house with four or more bedrooms it is 3 spaces. The proposed block plan shows the correct number of spaces provided at the front of each house, as well as a garage for the four-bedroom homes, and a layby for three visitors' cars on the east side of the private drive. Therefore, the proposal accords with the Wiltshire Local Transport Plan 2011-2026, Car Parking Strategy.

In their supporting statement, the agent explains that covered cycle storage would be provided for Units 1 and 2 (the semi-detached houses), while cycle storage would be accommodated by the garages for Units 3 and 4 (the detached houses). Thus, the proposal would accord with the Wiltshire Local Transport Plan 2011-2026, Cycling Strategy.

In light of the above, it is considered that the proposed development would be satisfactory in terms of highway safety and parking provision, and it would accord with Core Policies 61 and 64 of the WCS.

### Drainage

Core Policy 67 requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground unless site or environmental conditions make these measures unsuitable.

The supporting planning statement explains that surface water would be discharged via soakaways in gardens and the road verge, as is the case with the existing properties at Rosehill Close. Wessex Water, in its response to consultation on the application, indicated that the potential for surface water infiltration in the area is good.

The application confirms that foul water would be discharged via an existing chamber in Rosehill Close which is connected to Wessex Water's main on Hollow Way. Wessex Water has not raised any concerns regarding sewer capacity.

Further details of the proposed drainage scheme are capable of being secured via conditions. The Council's Drainage Engineer concurs with this approach, and they noted that flood risk mapping data for the area indicates that flood risk is negligible.

Thus, it is considered that the requirements of Core Policy 67 of the WCS and paragraph 167 of the NPPF have been met.

### Ecology

The application was accompanied by a Preliminary Ecological Appraisal report. A Phase 2 report was subsequently submitted following surveys for reptiles and badgers. More recently, a reptile mitigation strategy, a plan showing the proposed new habitats and a biodiversity spreadsheet were submitted. The Council's Senior Ecologist has reviewed all of the documents and raises no objection to the proposal subject to conditions.

A condition is recommended to ensure that the development is carried out in accordance with the Reptile Mitigation Strategy and Biodiversity Net Gain Post-Development Habitats Map. Two further conditions are recommended to secure the submission, approval and subsequent implementation of a Construction Environment Management Plan and Landscape and Ecological Management Plan.

Subject to the use of these conditions, the proposal is considered to accord with Core Policy 50 of the WCS and paragraph 174(d) of the NPPF.

### Other matters

Concern was raised during the public consultation period regarding potential land contamination. It was highlighted that the site was previously used as a pig farm which suffered from foot and mouth disease. It was stated that animal carcasses which had been

affected by this disease are buried on the land. The Public Protection Officer requested a condition requiring an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses which will help to negate the risk associated with land contamination. However historical biological contamination is not covered by Contaminated Land legislation. The Public Protection team confirmed that they would not object to the proposal on that ground, and they noted the long period of time which has elapsed since the foot and mouth disease was prevalent in the UK.

Concern was raised about the impact that the proposal would have upon existing infrastructure in the area. It was highlighted that existing water infrastructure is not able to support the needs of the local area and that the broadband connection is inadequate too. Thames Water has raised no objection to the proposal and as noted by the appeal Inspector, there is no evidence that the existing services would be compromised by the additional dwellings proposed. As such limited weight can be attached to this issue.

A comment highlighted that the proposal does not include provision for social or affordable housing. The development is not of a scale which would trigger an affordable housing contribution or the provision of an affordable unit on the site itself. Therefore, it would not be reasonable to refuse the application on this basis.

Concern was raised regarding the potential for future development on the site. Whilst this concern is appreciated there is no precedent in planning terms and each application must be assessed on its own merit. It does not follow that what is found to be acceptable on one site will also be acceptable on another.

A comment stated that the proposed dwellings should have more sustainable sources of energy. Whilst the provision of solar panels and other green energy sources are encouraged, these features and broader matters regarding sustainable construction are being addressed through building regulations. In this case the application includes other environmentally friendly features such as electric vehicle charging points.

Concern was raised about how the application was publicised by the Council and it was felt that the whole village of Bradenstoke should have been consulted on the application. The Council sent notification letters to the neighbours surrounding the site and this approach fulfils the Council's duty to consult as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Bradenstoke contains a large number of homes, and it would be unnecessary and disproportionate for the Council to send notification letters to all for what is a 'minor development' on the edge of the village.

Concern was raised that additional occupants on Rosehill Close and their associated vehicle movements would result in increased costs to maintain the road and shared drainage system. The financial implications of maintenance would be a private legal matter between the individuals involved and it would not be reasonable to refuse the application on this basis.

Concern was raised regarding the impact of the construction phase of the development. However, the disturbance caused by the construction phase of the development could be controlled and mitigated through the submission and approval of a construction management plan, secured through the use of a condition. It should be noted that any damage caused to

third party property as a result of the proposal would be a private legal matter between the individuals involved.

It was suggested that the proposed gate to the public footpath would increase footfall through the area, and thereby increase the risk of crime. There is no evidence that additional pedestrians walking along Rosehill Close would increase the risk of crime and it would not be reasonable to refuse the application on this basis. Indeed, Policy 7 of the Neighbourhood Development Plan requires the design of new development to encourage walking and cycling and take every available opportunity to improve and enhance the existing network through the provision of new footpaths and cycleways and connections to the existing network.

## **10. Conclusion (Planning Balance)**

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, thus engaging the 'tilted balance' set out at paragraph 11d) of the NPPF. This means granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The site, whilst in the open countryside, lies directly adjacent to the village of Bradenstoke, so cannot be considered to be remote or isolated. The amount of development is limited to 4 dwellings and is considered to be reasonably well related to the scale of the settlement.

The benefit of the proposal is considered to be the provision of additional homes that would help to address local needs for family housing and for smaller housing in accordance with Policy 1 of the NDP and Core Policy 45 of the WCS. Early delivery of the site to support increased supply can be controlled through condition. However, the proposal would deliver a relatively small number of homes in the context of the housing land supply shortfall and the stated objective of the NPPF to significantly boost the supply of housing. The Council's housing land supply shortfall is relatively modest, and the lack of supply is not persistent. Consequently, moderate weight is afforded to this benefit.

There would be some economic benefit through construction jobs in the short-term and potential support for local shops, services and facilities in the long-term. There is no guarantee that the construction jobs would be locally sourced. It is likely that some of the jobs would be sourced locally but this depends very much on market forces at the time and what skill levels are available locally. The construction of four dwellings is a relatively small development and therefore, will not generate a substantial number of construction jobs over a long period of time. Limited weight is given to this benefit.

The harm that arises is due to conflict with the spatial strategy of the WCS and with the policies set out in the NPPF. The expansion of Bradenstoke, where existing services are limited, would conflict with the development strategy of the plan. It would perpetuate the

need for future residents to travel by motor vehicles to access shops, schools, employment and other essential services. Therefore, additional residential development in this location would not contribute to a sustainable pattern of development. This attracts significant negative weight.

There would be some harm to the character, appearance and visual amenity of the locality arising from the loss of an undeveloped site in the open countryside to built development. However, this would be limited due to the context in which the development would be visible against the background of existing housing on adjoining land.

The proposal has been designed to be sympathetic to the surrounding built environment and landscape setting, avoiding conflict with paragraph 130c of the NPPF. There is limited conflict with paragraph 174b of the NPPF relating to the intrinsic character and beauty of the countryside.

The proposal would make use of an existing access to the public highway with no adverse impact on highway safety. There would be no adverse impact on existing trees, while landscape and biodiversity enhancements can be secured through the use of planning conditions. The proposal would not cause harm to the amenities enjoyed by the occupiers of neighbouring residential properties. Such matters weigh neither in favour nor against the proposal as they would be required to be addressed in any scheme. Nonetheless, they can assist the decision-maker in reaching a conclusion where cases are more finely balanced.

It is considered that the adverse impacts of granting planning permission (i.e., conflict with the spatial strategy) in this case would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework and the development plan taken as a whole. Accordingly, the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

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

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 3712-01 Rev. F – Location Plan

Drawing No. 3712-02 Rev. H – Block Plan & Street Elevations

Drawing No. 3712-03 Rev. A – Semi Detached Houses Units 1 and 2 Plans & Elevations

Drawing No. 3712-04 Rev. B – Detached Houses Units 3 & 4 Plans, Elevs & Section

Drawing No. 3712-05 Rev. J – Proposed Site Plan

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

3. No development shall commence on site until a scheme for the discharge of surface water from the site, including any sustainable drainage systems and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

4. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

5. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of each dwelling and permanently retained thereafter.

REASON: To comply with Core Policy 55: Air Quality of the Wiltshire Core Strategy (Adopted January 2015) which requires measures to be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

6. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with the contamination and provide a written remedial statement to be followed by a written verification report that confirms the works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. The development hereby permitted shall be carried out in strict accordance with the following documents:
- Reptile Mitigation Strategy, by Darwin Ecology, dated April 2022
  - Biodiversity Net Gain Post-Development Habitats Map, by Darwin Ecology, dated 29/03/22

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- 8 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g., exclusion fencing.
  - b) Working method statements for protected/priority species, such as nesting birds and reptiles.
  - c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
  - d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.
- Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

- 9 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.



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

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

10 No development shall commence on site (including any works of demolition) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details as appropriate, including the following:

- i. the anticipated number, frequency, and types of vehicles used during the demolition and construction;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant, materials and waste;
- iv. the storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding;
- vi. wheel washing facilities;
- vii. measures to control the emission of noise, vibration, dust and dirt during the demolition and construction phases of the development;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix. hours of materials/construction related deliveries;
- x. the location and use of generators and temporary site accommodation; and
- xi. details of public engagement both prior to and during construction works.

REASON: To protect the amenities of the occupiers of neighbouring residential properties, the amenities of the area in general, and in the interests of highway safety. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

11. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To protect the amenities of the occupiers of neighbouring residential properties.

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

REASON: To prevent pollution and to protect the amenities of the occupiers of neighbouring residential properties.

13. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

15. Before the development hereby permitted is first occupied the window at first floor level in the side elevation of Unit 1 shall be fixed shut and obscure glazed and shall be retained as such thereafter.

REASON: In the interests of residential amenity and privacy.

#### INFORMATIVE

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

#### INFORMATIVE

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

#### INFORMATIVE

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

#### INFORMATIVE

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

#### INFORMATIVE

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

#### **Background Documents Used in the Preparation of this Report:**

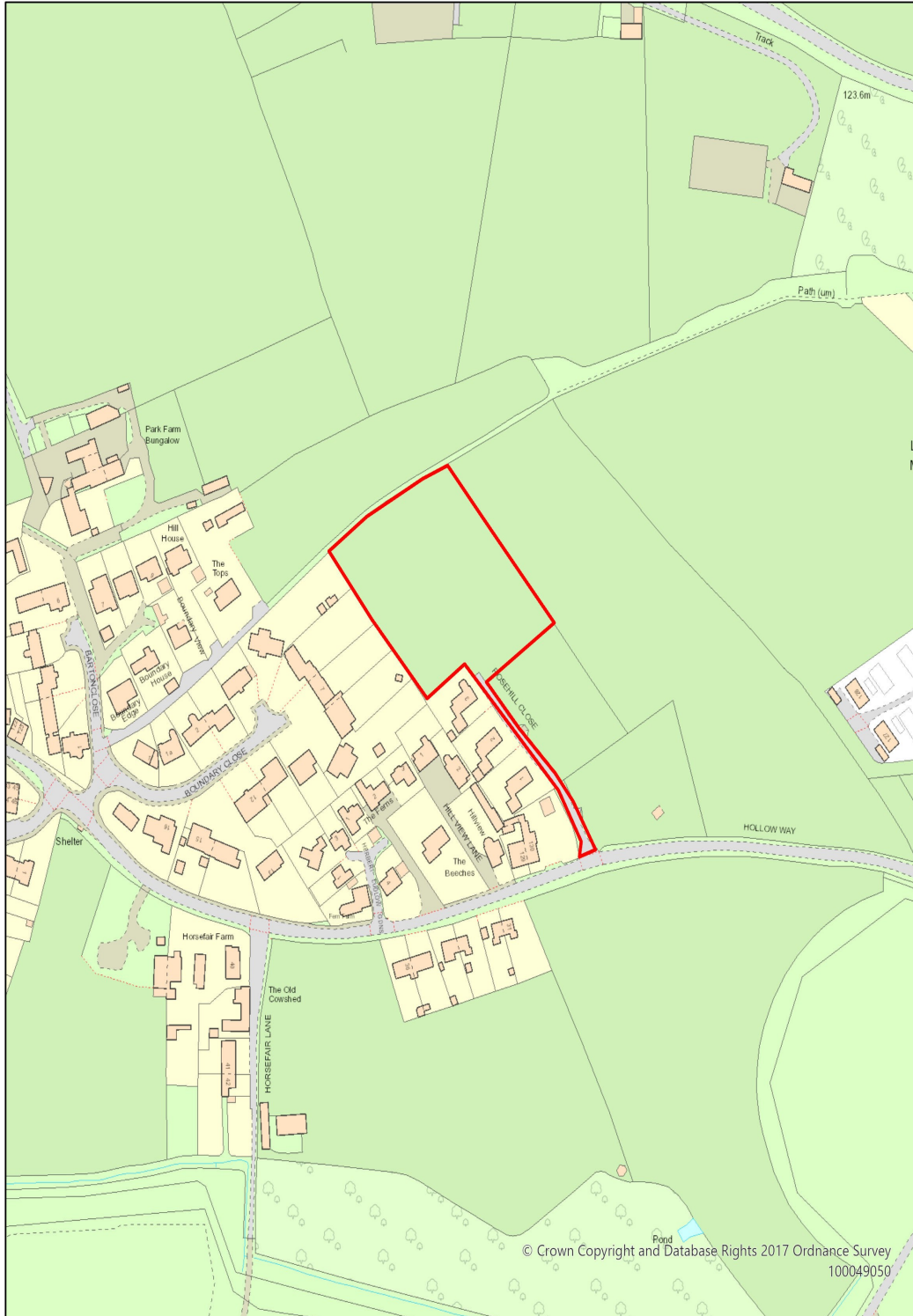
Application submission (PL/2021/03235)

Wiltshire Core Strategy 2015

Wiltshire Housing Site Allocations Plan 2020

Lyneham and Bradenstoke Neighbourhood Development Plan 2020 to 2030

National Planning Policy Framework 2021  
Housing Land Supply Statement April 2022  
Wiltshire Local Transport Plan 2011-2026 - Car Parking Strategy  
Wiltshire Council Local Transport Plan 2011-2026 - Cycling Strategy  
Planning appeal decision APP/Y3940/W/15/3004345



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