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## Appeal Decision

Inquiry Held on 27-30 June, 3 July-7 July and 5-8 September 2017

Site visit made on 19 July 2017

**by Lesley Coffey BA Hons BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 December 2017**

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**Appeal Ref: APP/Y3940/W/16/3164255**

**Land North of St Georges Road, Semington BA14 6GA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Oxford Law against the decision of Wiltshire Council.
  - The application Ref 16/06956/OUT, dated 15 July 2016, was refused by notice dated 4 November 2016.
  - The development proposed is residential development for up to 50 dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The inquiry and sat for 9 days from 27 June – 30 June and 3 July -7 July. It resumed for a further 4 days on 5 September 2017. There was an accompanied site visit on 19 July 2017 and I carried out unaccompanied site visits to the site and surrounding area at various times before and during the inquiry.
3. The application as submitted was for 72 dwellings. It was submitted in outline with all matters reserved for subsequent consideration. Prior to the commencement of the inquiry the appellant amended the scheme and the number of dwellings was reduced to 50. A revised illustrative plan was submitted. This shows how the appeal site could be developed. The appellant carried out consultation with local residents, the Parish Council, and other interested parties. I am satisfied that the reduction in the number of dwellings proposed would not be prejudicial to any party and I have considered the appeal accordingly. In reaching my decision, I have taken into account the responses received in relation to the appellant's consultation exercise.
4. The appeal was heard together with an appeal by Richborough Estates relating to an outline application for the erection of 75 dwellings, including affordable housing, with ancillary public open space and play areas and access from Pound Lane. The Inquiry heard evidence in relation to both appeals, including evidence on the effect of the two appeal schemes in combination. All of that evidence has been taken into account in both appeal decisions. Although some of the issues are common to both appeals, my findings in respect of these issues reflect the differences between the proposals and the specific

circumstances of the individual sites. Richborough Estates was a Rule 6 party in respect of this appeal.

5. An agreement under s106 of the Town & Country Planning Act 1990 was submitted by the appellant. This covenants to make financial contributions towards early years, primary and secondary education, as well as towpath improvements and waste and recycling. It also covenants to provide 30% of the dwellings as affordable housing. Two deeds of variation were submitted. These clarified the use of the primary education contribution and the trigger for the transfer of the affordable housing. The Council is satisfied that the submitted Agreement would overcome its fourth reason for refusal, namely the lack of available primary school places. I have considered the appeal accordingly.
6. The appellant did not present any evidence in respect of the 5 year housing land supply, and during the adjournment accepted that it is likely that the Council does have a 5 year supply of housing land. For reasons summarised briefly below, I agree with that position.
7. Following the close of the inquiry, the Government published a follow-on consultation on proposals within the Housing White Paper "Fixing our broken housing market". On 6 November 2017 the Council published the Swindon and Wiltshire Strategic Housing Market Assessment. The parties were provided with an opportunity to comment on both of these publications and I have taken their respective views into account in reaching my decision.
8. The Council's reasons for refusal did not allege harm to the setting of St Georges Hospital, a Grade II listed building on the opposite side of the road from the appeal site. However, Richborough Estates, a Rule 6 Party, raised this as a concern and I have considered the matter below.

### **Main Issues**

9. I consider the main issues to be :
  - The effect of the proposal on the character and appearance of Semington and the surrounding rural landscape;
  - The effect of the proposal on the setting of St Georges Hospital, a Grade II listed building designated and any undesignated Heritage Assets; and
  - Whether the proposal would be in an acceptable location and of an appropriate scale having regard to development plan and national policies.

### **Reasons**

#### ***Development Plan and Emerging Plan***

10. The development plan includes the Wiltshire Core Strategy (adopted January 2015), the saved policies of the West Wiltshire Local Plan 2004 and the Chippenham Sites Allocation Plan (CSAP) (adopted May 2017). Although the appeal site does not come within the CSAP area, the housing allocations within the CSAP contribute to the housing land supply for the North West Wiltshire Housing Market Area (NWWHMA) in which the appeal site is located.
11. The Wiltshire Site Allocations Development Plan Document (WHSAP) is an emerging plan and will allocate future housing sites outside of Chippenham. A

Pre-submission draft was published for public consultation between July 2017 and September 2017. Given the very early stage of plan preparation and that public consultation has only just commenced I cannot afford this plan any significant weight.

12. The National Planning Policy Framework (NPPF) is a material consideration. It confirms that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. It also states that planning should be genuinely plan-led.
13. Together policies Core Policy 1 (CP1) and Core Policy 2 (CP2) of the Core Strategy set out the settlement hierarchy and delivery strategy for Wiltshire. CP1 identifies four tiers of settlements. These range from principal settlements such as Chippenham, Market Towns, Local Service Centres to Large and Small Villages. The accompanying text explains that the settlement boundaries will be reviewed as part of the Wiltshire Site Allocations DPD. At Large Villages, such as Semington, housing development is generally restricted to fewer than 10 dwellings and development outside of the boundaries is strictly controlled.
14. Policy CP2 sets out minimum housing requirements for each of the Housing Market Areas. It states that there is a presumption in favour of sustainable development at larger villages, which include Semington. Outside the defined limits of development, policy CP2 restricts development to that falling within the exception policies listed at paragraph 4.25 of the Core Strategy. Paragraph 4.26 sets out indicative housing requirements for each community area. The aim is to direct development at a strategic level to the most suitable and sustainable location. The underlying principle of the delivery strategy is to ensure that communities have a better balance of jobs, services, facilities, and homes.
15. Policy CP15 sets out the strategy for the Melksham Community Area, which includes Semington. It proposes 2,370 new homes within the Melksham Community Area over the plan period, 2,240 should be provided within Melksham with about 130 provided in the remainder of the community area.

### ***Landscape***

16. The appeal site is about 2.2 ha in area and currently comprises two agricultural fields. It adjoins the existing village to the east and is located opposite St Georges Hospital, a grade II listed building originally built as a workhouse. The southern and northern boundaries adjoin agricultural land and are defined by established hedgerows interspersed with native trees. The eastern boundary adjoins a public footpath (SEMI 9) which links St Georges Road and Pound Lane. The southern part of the footpath borders a large formal garden set behind a chain link fence, as well as a tennis court and small parking area, whilst the northern part adjoins existing residential development. St Georges Road terminates adjacent to the appeal site where it adjoins footpath SEMI 9A. Whilst Pound Lane terminates adjacent to the eastern boundary of the site and adjoins footpath SEMI 8. Therefore the site occupies an edge of settlement location and visually and functionally contributes to the rural setting of Semington.
17. Core Policy 51 of the Core Strategy requires development to protect, conserve and where possible enhance landscape character. Any negative impacts must be mitigated as far as possible through sensitive design and landscape

- measures. The policy sets out aspects of landscape character which should be conserved. These include the locally distinctive character of settlements and their landscape settings; the transition between man-made and natural landscapes at the urban fringe; landscape features of cultural, historic and heritage value; and tranquillity and the need to protect against intrusion from light pollution, noise, and motion.
18. Core Policy 57 seeks a high quality of design in all new development. It sets out a number of criteria which will be taken into account when assessing proposals.
  19. Although the proposal is in outline with all matters reserved, the illustrative plan shows how the site could be developed. The vehicular access would be from St Georges Road with a further access for use by pedestrians and cyclists at Pound Lane. The layout shows the proposed dwellings located to the west of the spine road with an area of open space immediately to the east. The proposal includes the re-instatement of the hedgerow across the centre of the site forming two clusters of residential development. The scheme includes an area of open space around the WWII pill box and a landscape buffer along the western and northern boundaries of the appeal site.
  20. Although St Georges Hospital originally occupied an isolated position, it is now adjoined by residential development to the west, which includes St Georges Place a development of about 25 dwellings. Immediately opposite the hospital is a tennis court enclosed by a chain link fence with a parking area. In addition, planning permission was granted for the residential development of land to the east of the listed building in 2016. Whilst the permission is in outline, the illustrative plans show dwellings situated across the width of the site, extending close to the boundary with St Georges Hospital, with allotments to the rear of the site.
  21. The rural character of the appeal site is reinforced by the change from a formal carriageway to a public footpath (SEMI 9A). Notwithstanding this, the land to the south and the east St Georges Road is clearly part of the settlement, and will be consolidated once the Hannick Homes scheme is built.
  22. The footpath adjacent to the eastern boundary of the site marks the boundary between the existing village and the countryside beyond. The boundaries to the dwellings in Pound Lane extend up to the footpath and form an abrupt edge to the village. The tennis courts and parking area at St Georges Road form a similarly harsh boundary. Beyond the historic core of Semington, which is focussed on the High Street, much development takes the form of small cul de sacs, many of which were built in the period between 1970 and 1990.
  23. The appellant acknowledges that there would be some harm arising from the proposal in that it would introduce development into the open countryside. However, it was considered that the extent of any harm could be mitigated by planting.
  24. The illustrative plans show the proposed dwellings located to the west of the spine road, and those on the southern part of the site would not extend in front of the listed building. Whilst the dwellings to the north occupy the full width of the site these would be a considerable distance from the listed building and on slightly lower ground. Therefore in views from St Georges Road the proposal

- would not be harmful to the setting of the hospital, provided a landscaped area similar to that shown on the illustrative plan is provided.
25. The proposal would generally retain the existing hedgerows other than in the vicinity of the access and it is intended re-instate a hedgerow across the centre of the site. Areas of landscaping are proposed towards the northern boundary and adjacent to the boundaries of the site to mitigate the appearance of the proposal. These elements, together with the low density of the proposed development, would assist with providing a transition between the man-made and natural environment in accordance with criterion iii of CP51. They would replace the more abrupt existing boundary, which has a distinct urban quality formed by the tennis courts, and the dwellings in Pound Lane that presently adjoin the footpath. However, the Council is concerned that the proposed landscaping could in itself be at odds with the rural character. Whilst the boundaries of the site would be able to accommodate some additional planting to supplement the existing vegetation, the areas of open space would need to be carefully designed in order to integrate with the surrounding landscape.
  26. The proposal would change the character of the appeal site in that the settlement boundary would move westwards and the open countryside that currently occupies this part of St Georges Road would be lost, but it would not alter the overall character of this part of St Georges Road, which is subject to numerous urban influences.
  27. The illustrative layout shows the proposed dwellings separated from the Pound Lane frontage by an area of landscaping. This frontage is more rural in character than the St Georges Road, with agricultural fields adjoining the site to the north and west. The existing houses are set behind substantial hedges, and although it is evident that these are domestic hedges due to their species height and form. The proposal would adopt a similar approach, but the dwellings would be set further back from the road and there would be a much more substantial area of planting. It is not proposed to provide a vehicular access onto Pound Lane, and therefore the integrity of the existing hedgerow would be retained.
  28. Due to the sloping nature of the site it is visible from footpaths SEMI 6 and SEMI 1 as well as from part of the towpath. It would not however breach the skyline in that the site slopes away from St Georges Road and therefore the roofline of the proposed dwellings would be likely to be lower than the existing properties on St Georges Road, including the hospital. Moreover, since the proposal is in outline form, when the reserved matters are submitted it would be possible to ensure the proposed dwellings did not break the skyline.
  29. The proposal would be noticeable in views to the east of the swing bridge, but it would be seen against the backdrop of existing residential development and would have a limited impact on the character of Semington and the rural landscape. From the swing bridge and the footpath to the west of it, the proposal would be much more noticeable and would clearly be identified as an extension to Semington. In these views the proposal would change the setting of the listed building.
  30. The existing rural footpath along the eastern boundary affords long open views to the west and south. As a consequence of the proposal they would be screened by the proposed landscaping and therefore the openness on which these views depend would be lost.

31. The proposal would maintain the character and landscape setting of Semington in that it would remain a rural village surrounded by agricultural fields. There would be some loss of views from the footpaths in the locality, including from part of the towpath. The appellant considers that these views would be of short duration because people would be moving along either the canal or the footpaths. In the case of the canal and the towpath views the proposal would be noticeable from the swing bridge, this is a place where both canal users and pedestrians wait whilst the bridge is opened or closed and also a place where people naturally pause due to the intersection of several footpaths.
32. Overall I conclude that the proposal would harm the character and appearance of Semington and the surround rural landscape contrary to policy CP 51. In particular there would be a loss of tranquillity and views from the footpath adjacent to the site.

### **Heritage Assets**

#### *St Georges Hospital*

33. The appeal site is situated on the north side of St Georges Road, close to St Georges Hospital, a grade II listed building, which was originally built as a workhouse. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This duty is reflected in the Framework. Core Policy 58 (CP58) of Core Strategy confirms that designated heritage assets and their settings will be conserved and where appropriate, enhanced in a manner appropriate to their significance.
34. The officer's report at the time of the application found less than substantial harm to the setting of the listed building and judged that this would be outweighed by the public benefits of the proposal. For this reason the Council's decision did not refer to any harm to the setting of the listed building or other heritage harm. The Council explained that it was inferred that this meant that the identified harm was at the low end of the less than substantial bracket. At the inquiry, Mr O'Donaghue, on behalf of the Council, stated that the officer's report focussed on the harm to near views of the listed building rather than the wider landscape setting. In his opinion the views from the swingbridge/towpath form part of the setting of the listed building and should also have been considered by the Heritage Officer when considering harm to the significance of the listed building. Taking these views into account, Mr O'Donaghue stated that he disagreed that the public benefits outweigh the harm, irrespective of the 5 year supply issue. Notwithstanding this, in the light of the Council's decision he confirmed that it did not seek to rely on the last indented paragraph of NPPF paragraph 14.
35. The workhouse was built in 1836-1838 in response to the Poor Law Amendment Act 1834. The Melksham Union Board of Guardians agreed that the new workhouse, which served several parishes, would be located in Semington. The building became a hospital in 1948, and in 2002-3, it was converted into 25 flats and a further 25 dwellings were built within the grounds.



36. The building was designed so that its principal elevation faced north onto Knap Lane (now St Georges Road). The main elevation of the building is three storeys high, with the central bays projecting forwards with a pediment above, and is faced in limestone ashlar. The building adopts a cruciform layout and was designed to segregate men, women and children. It has been subject to a number of extensions and alterations over the years, prior to being listed in 1988, and is now occupied as flats.
37. The architectural interest of the building derives from its architect, Henry Edward Kendall. The historic interest of the building derives from its example of a workhouse built in response to the Poor Law Amendment Act 1834. At the time it was constructed the workhouse was located outside of Semington in a relatively isolated location. The parties agree that this was probably due to the cheaper land outside of the village and the social stigma associated with the workhouse.
38. The original setting of the building has been eroded due to the construction of housing on land to the south and west of the building, and an enclosed tennis court immediately opposite. In addition, planning permission was granted in December 2016 for the construction of 22 houses on land to the east of the workhouse. This development would effectively close the gap between the existing dwellings within the village and St Georges Hospital.
39. Richborough Estates considers that the rural setting and isolation of the building is important to the appreciation of the history of the workhouse and its architecture, particularly in views from the canal. The appellant disagrees that the building was designed to have significance in the landscape.
40. Many workhouses constructed in the C18 and C19 were located at the edges of settlements. Dr Miele suggests that this was due to the cheaper land and social stigma associated with the workhouse. He submitted details of several workhouses within Wiltshire. It is apparent that such buildings were generally built outside of settlements. Overtime, it would seem that most have been absorbed into the closest settlement.
41. St Georges Hospital is situated on higher land than much of Semington and is visible from the canal and towpath. Views from the towpath extend from the west of the swing bridge to a point slightly to the east of the site. In views from the east, the upper part of the former workhouse is visible, and is seen against the residential properties that occupy the foreground. Therefore from this direction the building is not seen as an isolated building, but as part of the townscape. In views from the west of the swing bridge, the building is seen in a pastoral setting, albeit some distance from the towpath. The appeal site forms part of this setting and the proposed development would intrude upon it.
42. The extent to which the rural fields on the opposite side of the road contribute to the setting of the listed building is doubtful. Neither the historic maps, nor the accounts of the workhouse, suggest that the workhouse had a functional relationship with the surrounding rural landscape. Indeed the only reference, within the submitted evidence to work carried out by the residents of the workhouse, relates to stone crushing by 'casuals'. It is apparent that this work took place within the curtilage of the building.
43. St Georges Hospital has to a large extent been absorbed into the Semington in a similar manner to the examples of other workhouses submitted by Dr Miele.

There is development to the west in the form of a suburban housing estate, the houses on the opposite side of the road form an almost continuous frontage up to the junction with High Street. Immediately opposite is a tennis court enclosed by a chain link fence about 4 metres high with an associated parking area. The permitted scheme on the adjoining land will further consolidate built development along St Georges Road. Although there is some planting to the front boundary of the workhouse, the forecourt is dominated by a large expanse of tarmac and a surface car park which further dilute any contribution that its original rural setting makes to the significance of the setting of the listed building.

44. The illustrative layout shows the proposed dwellings towards the front part of the site located to the west of an estate road, with an area of open space on the opposite side of the access road. The dwellings towards the rear part of the site would be a considerable distance from the building. Accordingly the proposed dwellings would not intrude on short to medium distance views of the listed building.
45. I find that the wider rural landscape does not contribute to either the architectural or historic interest of the former workhouse. The building no longer occupies an edge of settlement location, and I therefore conclude that the proposal would not harm the setting of the listed building.

#### *Pill Box*

46. There is WWII pill box on the appeal site. The parties agree that it is a non-designated heritage asset. It was constructed as part of the GHQ Blue Stop Line of defence along the Kennet and Avon Canal to protect London and central England from a potential German invasion. Pill boxes are not especially rare with about 6,500 surviving nationally and about 400 along the Kennet and Avon Canal. The pill box has historic significance as an example of WWII defences against invasion, but is of limited architectural interest.
47. It is intended that the pill box will be retained. Based on the indicative layout, the sightlines to the canal and swingbridge would be lost and consequently the historic relationship between them would be diluted. This would give rise to some limited harm. Balanced against this, the proposal would allow public access to the site of the pill box. I conclude that overall the proposal would have a neutral effect on the significance of the pill box.

#### ***Principle of Location***

48. The appeal site lies outside of the limits to built development. The appellant acknowledges that the proposal would fail to comply with policies CP1, CP2 and CP15 of the Core Strategy. However, the appellant contends that the weight to be afforded to these policies should be reduced because the settlement boundaries on which they rely are derived from a previous development plan and will need to be revised; and the Council does not yet have a complete development plan since the site allocations plan is still at a very early stage. During the course of the inquiry the appellant conceded that it is likely that the Council does have a 5 year supply of housing land.
49. Policy CP2 is underpinned by an aspiration to ensure that communities have a better balance of jobs, services, facilities and homes in order to achieve a sustainable pattern of development. The settlement boundaries on which it



relies have been brought forward from the previously adopted District Local Plan and were not reviewed to inform the Core Strategy. The Core Strategy Inspector considered that the efficacy of the plan was partially undermined by the absence of robust evidence to support of the identified limits for each settlement. He considered that whilst a combination of commitments, windfalls and strategic allocations may ensure a supply of development land to meet needs in the shorter term, the effectiveness of CP2, in combination with CP1, is dependent upon a timely review of settlement limits. He was however satisfied that this matter could be resolved by the Sites DPDs.

50. The settlement boundaries are intrinsic to the overall settlement strategy, but they are only one component of it. The strategy also relies on the settlement hierarchy, and the distribution of housing and employment land between and within the Community Areas. The strategy for the Melksham Community Area, as set out at CP15, proposes that the majority of dwellings should be situated within Melksham. It aims to improve the economic self-containment of Melksham and focus the delivery of services and infrastructure within the town.
51. Within the Melksham Community Area 1,362 dwellings were delivered in the period up to April 2016, against a requirement of 2,370 for the plan period. Of these, the majority were within Melksham. Within the remainder of the community area 83 dwellings were delivered, against a target of 130 dwellings. When development commitments for Melksham are taken into account the indicative minimum requirement is exceeded by 15%. It is therefore probable that by the need of the plan period the number of houses delivered both within Melksham and the remainder of the community area will exceed the aspirations of the policy CP15. Accordingly there is no evidence to indicate that the settlement boundaries that underpin policy CP2 are constraining development within the Melksham Community Area. Consequently development outside of the settlement boundary is not necessary to meet the housing needs of the Melksham Community Area.
52. However, neither the overall housing requirement for Wiltshire, nor the housing target for the Melksham Community Area, represents a ceiling. Paragraph 4.30 of the Core Strategy is clear that the disaggregation of housing to Community Areas is not intended to be inflexible, but aims to clarify the Council's intentions in the knowledge of likely constraints in terms of market realism, infrastructure and environmental capacity. I therefore see no reason in principle why some additional housing could not be delivered within the Melksham Community Area to offset the shortfall within the adjoining Trowbridge Community Area. However I note that the shortfall is within Trowbridge town rather than the remainder of the community area where 242 dwellings have been delivered against a target of 165. Consequently there is no pressing need for the identification of additional land at the present time. Moreover, any additional housing should generally be compliant with settlement hierarchy at policy CP2 and the intention of the Core Strategy to achieve a better balance between homes and jobs.
53. At the present time there are about 400 dwellings within the village. The appeal proposal would significantly increase the size of the village, both in terms of the number of dwellings and also the extent of built development. The 50 dwellings proposed would considerably exceed the indicative threshold of less than ten dwellings permissible within larger villages. Whilst this figure is not a ceiling it does provide an indication of the level of development

considered appropriate. The strategic objectives of the Core Strategy include modest growth, proportionate to the size of the settlement. When the dwellings proposed on the Richborough Estates site are included the cumulative increase would be in excess of 30%. Consequently the proposal, whether considered by itself, or together with the Richborough Estates scheme, would not represent modest growth proportionate to the size of the settlement. It would therefore conflict with the delivery strategy due not only to its location outside of the settlement boundary, but also because of the number of dwellings proposed.

54. The development plan will not be complete until the WHSAP is adopted, in that all of the land necessary to deliver the Core Strategy housing requirement has not yet been identified. However, the Core Strategy Inspector was satisfied that there would be a sufficient supply of land to meet development needs in the short term, and as explained above I find that the Council currently has a five year supply of housing land. Therefore there is adequate land at the present time to deliver the housing strategy within the development plan.
55. The Council are currently progressing the WHSAP and anticipate that the examination will take place in 2018, with adoption later the same year. The emerging WHSAP is at a very early stage and therefore cannot be afforded any significant weight. In Semington some minor changes to the settlement boundaries are proposed to reflect development that has already occurred, rather than to accommodate additional development. Whilst there are proposals to modify the settlement boundaries of some villages, these represent areas where either the housing needs for the plan period have not already been accommodated, or alternatively, addressed by way of neighbourhood plans. These proposals are subject to consultation, and the modification of these boundaries through a Site Allocations DPD is in accordance with policy CP2 and is consistent with the plan led process advocated by the NPPF.
56. I therefore find that the relevant policies for the supply of housing are not absent silent or out of date at the present time. Accordingly I afford policies CP1, CP2 and CP15 significant weight.
57. Paragraph 55 of the NPPF states that within rural areas housing should be located where it will enhance or maintain the vitality of rural communities. I have also had regard to the *Living Working Countryside The Taylor Review Of Rural Economy And Affordable Housing* published in 2008, and was a precursor of the NPPF. The Council confirmed that the Taylor Review was one of a number of documents that helped to inform the *Topic Paper 3: Settlement Strategy* and *Topic Paper 4: Rural Signposting* which formed part of the evidence base for the Core Strategy.
58. The Taylor Review highlighted the importance of building affordable homes to enable people who work in rural communities to continue to live in them. It stated that in many cases just a handful of well-designed homes, kept affordable in perpetuity for local people, would make all the difference to the sustainability of the community and its services. It also referred to the need to consider the benefits of development for villages rather than focusing on the negative effects. The housing strategy within the Core Strategy provides for some additional housing within rural villages through policies CP1 and CP2 and is consistent with the principles of the Taylor Review. Moreover, it is evident

- that the Council adopt a flexible approach development within villages, and have permitted schemes for in excess of 10 dwellings where the proposal would deliver significant community benefits.
59. The appellant considers that the proposal would provide a number of benefits, including the delivery of affordable housing, economic benefits in the form of jobs during the construction phase and thereafter through increased expenditure through new residents, ecological benefits, the provision of open space and benefits to the pill box.
60. The proposal would provide 30% of the proposed homes as affordable dwellings. The Parish Needs Survey indicated a need for 3 affordable homes. The Parish Needs Survey is likely to have underestimated the need for affordable homes within the village due to the low response rate, the demographic, social and economic profile of the village, and also because it only sought to address needs for the period up to July 2017. At the present time there are 27 affordable dwellings within Semington, with about 2 re-lets a year. I understand that there have been no affordable housing completions in Semington for the last 7 years.
61. However there is just 1 household on the housing register listing Semington as a first preference, compared to 119 for Melksham and 306 in the case of Trowbridge. On behalf of Richborough Estates, Mr Stacey suggested that this was because there was a more realistic prospect of obtaining an affordable home within Melksham or Trowbridge, however listing Semington as a first preference does not exclude applicants from applying for homes within Melksham.
62. Whilst I agree that the need for affordable homes within Semington is likely to be greater than indicated by the Parish Needs Survey, the recently permitted Hannick Homes scheme would provide 7 affordable homes. Although I do not doubt that the delivery of affordable homes would be a significant benefit of the proposal in terms of the overall affordable housing needs in the area, I am not persuaded that it would be a positive benefit for the village or would add to, or maintain, the specific vitality of Semington.
63. Whilst there would be some economic benefits arising from the creation of jobs during the construction phase and also through increased expenditure from new residents. There is no evidence to indicate that this would be a benefit to Semington, rather than the nearby towns of Melksham and Trowbridge, or Wiltshire as a whole.
64. There would be some benefit arising from the provision of open space and access to the pill box, although there is no evidence to suggest that there is a need for additional open space in Semington at the present time, or that these facilities would add to the vitality and viability of the village.
65. The pill box will be modified to create a bat roost and areas of native tree planting and improvements to hedgerows are proposed. These would mitigate and potentially enhance the ecological interest of the site. Whilst the proposal would deliver some benefits, looked at in the round I do not consider that the proposal is consistent with paragraph 55 of the NPPF.
66. Semington has a primary school, a public house, a village hall and a part time post office. In addition there are existing employment opportunities at

Semington Dock, and the employment units in St Georges Road. The proposal would not provide any employment opportunities in Semington other than during the construction period. Therefore most residents in employment would need to commute out of the village to work. Balanced against this, the appeal site is not particularly remote from Melksham or Trowbridge. It lies within 3.6km of major industrial estates at Bowerhill which accommodate over 4,000 jobs. The Bowerhill employment area is accessible by a car free cycle route, and is also served by a bus route linking Semington with Melksham and Trowbridge. The service is reasonably frequent in the morning peak period, but less so during the evening.

67. Semington does not have a shop, and the mobile post office visits two mornings a week. There is no early years provision either planned or existing within Semington. Therefore nursery aged children would need to travel out of the village and residents would need to travel out of the village on a daily basis to meet most of their day-to-day needs.
68. In terms of primary education there would be additional capacity within the village due to the educational contribution which would contribute to the provision of an additional classroom. Notwithstanding this, the proposal would be likely to give rise to a significant increase in the number of residents commuting out of the village to work, for shopping, education (other than for primary education), leisure and nursery/child care. Some of these journeys would not be especially long given the proximity of Melksham and Trowbridge. Nevertheless, due to the number of dwellings proposed and the absence of any commensurate increase in employment or other facilities, the proposal would be likely to lead to an increased reliance on the use of cars to access employment, shops, services and other facilities which are regarded as reasonably necessary to modern life. It would therefore conflict with the settlement strategy of the Core Strategy which seeks to ensure that communities have a better balance of jobs, services, facilities and homes in order to achieve a sustainable pattern of development. When considered together with the Richborough Estates proposal the overall number of journeys to and from the village would be even greater. Even with the additional classroom the primary school would have insufficient capacity to accommodate all of the potential primary age children from both developments, and therefore these journeys would be likely to include children travelling to and from primary school
69. I am aware that the Council has granted planning permission for more than 10 dwellings both in Semington ( the Hannick Homes site) and Allington. Moreover both sites were located outside of the settlement boundary.
70. In the case of Hannick Homes the Officer's report was clear that although the proposal was contrary to the development plan because the site was located outside of the limits of development, but that other considerations weighed in favour of the proposal. These other factors included the delivery of affordable housing and allotments. The Council considered that the absence of harm to the character of the area combined with these benefits justified the grant of planning permission. The scheme at Allington included 24 dwellings, a community building, and a recreation ground. This scheme followed a previous permission for 18 dwellings where the Council decided that the benefits of the scheme justified an exception to policy. In both cases the Council considered that although the schemes conflicted with the development plan, other material

considerations, including the benefits of the proposals, justified granting planning permission. The Council is entitled to reach this judgement which forms part of the overall planning balance. However, by their very nature the material considerations that were taken into account in these decisions will vary from scheme to scheme. Therefore these decisions do not set a precedent for further development outside of the settlement boundary, or indeed represent schemes of the scale proposed.

71. I therefore conclude that the proposal would not be in an acceptable location and of an appropriate scale having regard to development plan and national policies. In reaching this conclusion I have taken account of other appeal decisions that have been brought to my attention, including the Love Lane decision where the appeal was allowed despite the finding that there was a five year supply of housing land. The context of the Love Lane appeal differs from this appeal in that Wiltshire has a recently adopted Core Strategy.

### **Other Matters**

#### *Housing Land Supply*

72. Although the appellant no longer relies on the lack of a 5 year housing land supply, substantial evidence in relation to this matter was presented to the inquiry and it remains a material consideration in relation to this appeal. On the basis of the evidence submitted by the Council and Richborough Estates, and dealt with in detail in the other appeal, I have found that the Council does have a five year supply of housing land. Since this matter is no longer disputed by the appellant I shall briefly summarise my findings in relation to this matter below.
73. In summary I concluded that there is no justification to use a different housing requirement to that within the Core Strategy. Moreover, the inclusion of gypsy and traveller sites within the housing completions is acceptable. On this basis there is a residual housing requirement of 12,984 dwellings over the remainder of the plan period. Using the Liverpool method and applying a 5% buffer there is a five year housing requirement for 6,817 dwellings against a housing land supply sufficient for 6,867 dwellings. Consequently the Council does have a 5 year housing land supply.

#### *Affordable Housing*

74. The proposal would deliver 30% affordable housing in accordance with policy CP43 of the Core Strategy. There can be little doubt that there is a pressing need for affordable housing both within Wiltshire and the country as a whole. The Core Strategy anticipates that 13,000 affordable homes will be delivered over the plan period. The Council does not dispute the need for affordable housing, but suggest that there is not a demonstrable need for affordable housing within Semington. It considers that Semington is the wrong location to meet the district-wide need for affordable housing and would require out commuting in order to access many services and facilities.
75. The Parish Needs Survey identified a need for 3 affordable homes within Semington and the Council consider that this has been met by the recently permitted Hannick Homes scheme. However, the survey was clear that this was a minimum need and that it was a description of the housing requirements of those who responded to the survey. It acknowledged that it may



underestimate the total need for affordable housing within Semington. It noted that at April 2014 there were 10 households on the housing register seeking affordable accommodation within Semington Parish. Therefore whilst the Parish Housing Needs Survey provides a useful snapshot of the affordable housing needs of those resident in the village at the time it was undertaken, it is possible that it does not take account of all those wishing to live in Semington or the need for affordable housing beyond 2017.

76. At the present time there is 1 household on the register wishing to move to Semington. The affordable housing proposed is a combination of 60% affordable rent and 40% shared ownership. The need for affordable housing in Melksham and Trowbridge is much greater than for Semington and in the light of the considerable shortfall in affordable housing and the proximity of Semington to these locations, the proposed affordable housing is likely to be attractive to many households in need of an affordable home.
77. I am also mindful that policy CP43 only requires affordable housing on sites of five or more dwellings, and consequently the reliance on settlement boundaries and the scale of development anticipated within Larger Villages such as Semington could limit the delivery of affordable housing within rural areas. However, Core Policy 44 does allow for rural exception sites meet any identified need for affordable housing within rural areas. It is apparent from the Hannick Homes scheme that the Council takes a flexible approach to the delivery of affordable housing.
78. For the reasons given above, I do not consider the proposal is necessary to meet the affordable housing needs of Semington, but it would nonetheless help to meet the District wide need for such housing. Given the extent of the need for affordable housing and the shortfall in delivery, I afford this matter significant weight.

### ***Planning Balance***

79. The proposal would deliver affordable and market housing. In the light of the current national housing shortage, and the shortfall in housing delivery within Wiltshire, these considerations add significant weight in favour of the proposal. However, although the Government sees the provision of housing as a priority as evidenced by the recent consultations, it is also eager to ensure that housing is provided in the right place.
80. The proposal would also deliver economic and ecological benefits as outlined above. These matters add weight in favour of the proposal.
81. The NPPF requires development plans to be prepared with the objective of achieving sustainable development and describes Local Plans as key to delivering sustainable development. The proposal would conflict with the strategy for the delivery of housing within the Core Strategy which seeks to deliver sustainable development. It would add to the existing imbalance between housing and employment and give rise to significant harm to the character and setting of Semington. It would conflict with the development plan as a whole. The conflict with the Core Strategy is a matter of considerable weight.
82. I have found that the Council does have a five year supply of housing land and although the emerging WHSAP is still at an early stage, the development plan



is not absent, silent or out-of-date. Consequently paragraph 14 of the NPPF is not engaged.

83. Looked at in the round the proposal would not represent sustainable development. The benefits of the proposal and other material considerations do not outweigh the harm that would arise from the proposal, or justify a decision other than in accordance with the development plan. Therefore the appeal should be dismissed.

**Conclusion**

84. For the reasons given above I conclude that the appeal should be dismissed.

*Lesley Coffey*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Richard Humphreys QC	Of Counsel Instructed by Frank Cain Head of Legal Services
He called Will Harley BSc(Hons) CMLI	Director W H Landscape Consultancy
Ruaridh O'Donoghue BA(Hons) MA TP	Senior Planning Officer Wiltshire Council
Jonathan Lee BSC (Hons)	Managing Director Opinion Research Services
Christopher Roe MSC, MRTPI	Senior Planning Officer Wiltshire Council
David Way	Wiltshire Council
Dorcas Ephraim	Solicitor Wiltshire Council

### FOR THE APPELLANT:

Killian Garvey	Of Counsel Instructed by Oxford Law
He called Dr Jonathan Edis BA,MA,PhD,MCIfA, IHBC	Heritage Collective
Paul Harris BA,Dip LA,CMLI	MHP Chartered Landscape Architects
Peter Frampton BSc(Hons), MRTPI RICS	Framptons Planning Consultants

### RULE 6 PARTY:

Christopher Young	Of Counsel Instructed by Richborough Estates
He called Clare Brockhurst FLI, BSc(Hons),Dip LA	Landscape Consultant Tyler Grange
Dr Christopher Miele MRTPI IHBC	Montague Evans
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James Stacey  
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Neil Hall BA (Hons) BTP  
MRTPI

Amec Foster Wheeler

James Parker

#### INTERESTED PERSONS:

Councillor Morland

Brian Smyth

William Scott

Semington Parish Council

Semington Parish Council

#### DOCUMENTS

- 1 List of Appearances submitted by the Council
- 2 Letter notifying arrangements for the Inquiry submitted by the Council
- 3 Suggested route for site visit submitted by the Council
- 4 Draft Site Allocations Plan and associated reports submitted by the Council
- 5 Education Note submitted by Richborough Estates
- 6 LDS timetable May 2005 – Present submitted by Richborough Estates
- 7 Transcript of Councillor Morland's submissions to Cabinet Meeting dated 20 June 2017 submitted by Richborough Estates
- 8 Appeal ref: APP/F1610/16/W/3151754 Love Lane , Cirencester submitted by Oxford Law
- 9 Marketing information for Oxford Law site
- 10 Hannick Home Officer's Report submitted by Oxford Law
- 11 Submission on behalf of Mr Smyth on behalf of Parish Council
- 12 Extract from West Wiltshire Local Plan Inspector's Report submitted by the Council
- 13 Unilateral Undertaking submitted by Richborough Estates
- 14 Landscape Institute Advice Note 01/11 submitted by Richborough Estates
- 15 Appeal Ref: APP/R0660/A/14/2211721 Willaston, Cheshire submitted by Richborough Estates
- 16 Canalside park and attenuation pond dimensions submitted by Richborough Estates
- 17 Open space calculations submitted by Richborough Estates
- 18 Listing information in respect of other aqueducts along Kennet and Avon canal submitted by Richborough Estates

- 19 Note in respect of attenuation pond and safety
- 20 Extract from Planning Listed Buildings and Conservation Area Act 1990 submitted by Oxford Law
- 21 Photograph of canal embankment submitted by Richborough Estates
- 22 Conservation Officer's comment in respect of Oxford Law scheme submitted by Richborough Estates
- 23 Listing details of Embankment and Aqueduct at Brecknock and Abergavenny submitted by Oxford Law
- 24 Claim Form CO/7802/2011 for Cheshire East submitted by Richborough Estates
- 25 Objectively Assessed Housing Need Statement of Common Ground submitted by Richborough Estates
- 26 Email dated 26 May 2017 from Mr O'Donoghue submitted by Richborough Estates
- 27 Appeal Ref: APP/P1615/A/14/2228822 Land North of Ross Road, Newent submitted by Richborough Estates
- 28 Extract from Cheshire East Inspector Report submitted by Richborough Estates
- 29 Extract from PAS: Good Plan Making Guide submitted by the Council
- 30 Zurich Assurance v Winchester City Council[2014]EWHC 758 (Admin) submitted by the Council
- 31 Planning Practice Guidance Housing and Economic Land availability assessment submitted by the Council
- 32 Email dated 26 May 2017 from Mr Humphreys submitted by the Council
- 33 Sajid Javid speech to LGA Conference July 2017 submitted by Richborough Estates
- 34 Barwood Strategic Land LLP v East Staffordshire Council and SoSCLG [2017] EWCA Civ893 submitted by Richborough Estates
- 35 Montage of viewpoints B and D submitted by Richborough Estates
- 36 Distance to supermarkets in Trowbridge and Melksham submitted by Richborough Estates
- 37 Pedestrian and cycle audit by PTB submitted by Richborough Estates
- 38 Size of housing sites south of Cheltenham submitted by Richborough Estates
- 39 Appeal Ref: APP/T3725/A/14/2222868 Radford Semele submitted by Oxford Law
- 40 Landscape sensitivity plans for Radford Semele dated November 2013 and April 2014 submitted by Richborough Estates
- 41 OS Extract of Kennet and Avon canal passing through urban areas submitted by Richborough Estates
- 42 Email dated 27 June 2017 from Clare Medland submitted by Richborough Estates
- 43 SoS decision APP/K3415/A/14/2224354 Curborough, Lichfield submitted by Oxford Law
- 44 Landscape Statement of Common Ground dated 5 July 2017
- 45 Note From Mr Donagh regarding instructions submitted by Richborough Estates
- 46 Technical Note from PTB in relation to Travel to Work Data for Rural Wiltshire submitted by Richborough Estates

- 47 Extract from draft WHSAD showing Semington settlement boundary submitted by Richborough Estates
- 48 Number of jobs within Melksham and Bowerhill submitted by Richborough Estates
- 49 Officer's report land off A338 and Bourne View Allington submitted by Richborough Estates
- 50 Three Wiltshire schemes Cliff Lane has been involved with submitted by Richborough Estates
- 51 Planning Practice Guidance Rural Housing submitted by Richborough Estates
- 52 GP surgeries accepting new registrations submitted by Richborough Estates
- 53 Email dated 14 March 2017 from Ruaridh O'Donaghue submitted by Richborough Estates
- 54 West Wiltshire Local Plan extract submitted by Richborough Estates
- 55 Ofsted report St Georges Semington submitted by Richborough Estates
- 56 Letter dated 4 September 2017 from Mr Read, Chester Commercial's submitted by Richborough Estates
- 57 List of suggested conditions submitted by the Council
- 58 Email dated 6 March 2017 from Mr Roe regarding CSAP sites submitted by Richborough Estates
- 59 Letter dated 31 August 2017 from Rupert Taylor to the Council regarding Bath Road site submitted by Richborough Estates
- 60 E mail dated 7 September from Mr Hunnybun to Mr Way submitted by Richborough Estates
- 61 Appeal decision Franklin Drive
- 62 Laying the Foundations Report submitted by Richborough Estates
- 63 Chester Commercial's response dated 7 September 2017
- 64 Appeal Ref: APP/Y3940/W/17/3173509 Hilltop Way, Salisbury submitted by Richborough Estates
- 65 Consultation responses to Appellant's revised proposal submitted by Richborough Estates
- 66 Mark Carney Article in relation to housing market submitted by Richborough Estates
- 67 Examples of variation to s106 agreement
- 68 Further suggested conditions
- 69 Affordable Housing Officer comments on appeal scheme dated 29 June 2016 submitted by Richborough Estates
- 70 E mail from Clare Medland dated 8 September 2017 submitted by the Council
- 72 Bloor Homes v SoSCLG and Hinckley and Bosworth Council [2014] EWHC 754 (Admin)
- 73 Email dated 8 September from WCC Planning Solicitor
- 74 Email dated 4 September 2017 from Chesters Commercial
- 75 Letter dated 8 September 2017 from Chesters Commercial