

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	2 February 2022
<b>Application Number</b>	20/11236/OUT
<b>Site Address</b>	Land to the south west of The Street, Latton, Swindon, SN6 6EH
<b>Proposal</b>	Outline application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT)
<b>Applicant</b>	Latton Parish Council/ Latton Parish Community Trust/ Oram Settlement Trust
<b>Town/Parish Council</b>	Latton Parish Council
<b>Division</b>	Cricklade and Latton
<b>Grid Ref</b>	409070 195512
<b>Type of application</b>	Outline Planning
<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 Jones because it is recommended for refusal when there is considered to be community benefit.

### 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 refused.

### 2. Report Summary

The application has been the subject of consultation and publicity, including neighbour notification, publication on the Council's website and the display of a site notice. Representations have been received from 21 people; 12 supporting and 9 objecting to the proposed development.

Latton Parish Council is one of the joint applicants and naturally supports the proposal.

The main issues for consideration are:

- Principle of the development;
- Heritage assets;
- Character and appearance;

- Flood risk and drainage;
- Transport and access;
- Ecology;
- Archaeology; and
- Community facilities.

### 3. Site Description

The site comprises 0.49 hectares of land forming part of a field on the south-west side of The Street, Latton. Latton is a small village and has no defined settlement boundary. Therefore, the site is in open countryside. The field is relatively flat and is currently grazed by horses. The site fronts The Street and is bordered to the south-west by the A419 dual carriageway. There is residential development to the north-west and south-east of the site, and on the opposite (north-east) side of the road. The site lies within the setting of three listed buildings; Cross, Gosditch Grade II, Street Farmhouse Grade II, and Elm Farm, 7, 8 and 8A Ermin Street Grade II. The site is within an area at risk of groundwater flooding with levels at or near 0.025m of the ground surface. A public right of way (bridleway LATT3) runs to the north-west of the site between The Street and a bridge over the A419 dual carriageway.

### 4. Planning History

19/08877/OUT – Outline application (with all matters except access reserved) for a village recreation hall, all weather tennis court, parking and erection of nine houses and construction of two vehicular accesses. Refused – 10 January 2020

The application was refused for the following reasons:

*“1. The development is outside the defined limits of development as set out in the development plan and is not development that would be considered an exception to spatial strategy allowing permission to be granted outside the settlement boundary. The proposal does not consist of an infill development as set out in paragraph 4.34 of the WCS. The proposal is therefore contrary to policies CP1, CP2 and CP19 of the Wiltshire Core Strategy (2015), saved Policy H4 of the North Wiltshire Local Plan 2011, as well as the principles set out within NPPF (paragraph 9) which confirms that the planning system should play an active role in guiding development to sustainable locations and that planning should be genuinely plan-led (paragraph 15) and with paragraph 12 that states that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.*

*2. The location of the proposals will result in the loss of part of an existing pastoral field through urbanisation which currently provides separating green space between loose knit village areas. The proposed development would result in an incongruous development in this village edge setting within Latton resulting in harm to the character, appearance and visual amenity of the locality. The proposed development would therefore be contrary to CP57 (iii, vii) and CP51 (ii) Wiltshire Core Strategy (2015) as well as paragraph 170(b) of the NPPF.*

3. *Latton, a small village in terms of the Core Strategy, is an unsustainable location for the development proposed. The lack of local facilities, employment sites and the distance to the nurseries, primary, secondary schools would lead to an increased reliance on journeys by private motor car. Consequently, the proposal does not meet the aims of the NPPF and the Core Strategy which seek to reduce growth in the number of motorised car journeys. The development would be contrary to NPPF paragraphs 102, 103, 108 and 110 and policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy (2015).*

4. *The proposed development would harm the setting of the designated heritage assets, Elm Farm and Street Farmhouse, Grade II listed. The harm to the setting of the designated heritage assets would arise through the reduced intervisibility, urbanisation of the surroundings and erosion of the historic open space resulting in less than substantial harm to the setting of the designated heritage assets. The benefits of the proposal have been fully considered in accordance with the requirements of paragraph 196 of the NPPF, but are not considered to clearly and demonstrably outweigh the harm identified. The development would be contrary to section 66(1) of the Act, paragraphs 193, 194, 196 & 197 of the NPPF, as well as CP57 (i & iv) & CP58 of the Wiltshire Core Strategy.*

5. *The application site has the potential to include heritage assets of archaeological interest. The application contains insufficient information to enable a full assessment of the impact upon the archaeological features that could be affected by the development. In the absence of this information it is not possible to fully assess the archaeological value of the site, impact of development and any potential harm arising as a result. As such the proposals conflict with paragraph 189 of the NPPF and CP58 of the Wiltshire Core Strategy (2015)."*

## **5. The Proposal**

The application seeks outline planning permission with all matters reserved for a village recreation hall, all-weather tennis court, parking, access and the erection of six houses. It seeks to establish the principle of the development only.

The application is accompanied by a location plan, illustrative site plan and street elevation, a planning, design and access statement (December 2020), a habitat and protected species survey report (October 2019) and a flood risk assessment (October 2019).

The illustrative site plan shows a single means of vehicular access from The Street, opposite the junction with Gosditch. A village hall, car park and tennis court are shown south of the intended access, adjacent to the south-eastern boundary. Two detached and two pairs of semi-detached houses are shown north of the access, in a line facing The Street. The houses would be served by an access road and car parking spaces to the rear. The indicative street scene shows two-storey houses, with accommodation also in the roof space.

## **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 43: Providing Affordable Homes  
Core Policy 45: Meeting Wiltshire's Housing Needs  
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 58: Ensuring the Conservation of the Historic Environment  
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

National Planning Policy Framework 2021 (NPPF)

Paragraphs 2, 8, 11, 12, 14, 38, 47, 55, 84, 85, 92, 93, 110, 111, 112, 130, 167, 174, 180, 194, 195, 197, 199, 200, 202-204.

## **7. Consultations**

Highways England – No objection subject to Conditions

Highways England has no objection to the development in terms of traffic impact but does have concern about the proposed drainage strategy, which includes the use of a culvert beneath the A419. It also notes that an existing bund may provide a degree of mitigation from traffic noise, but consultation will be required on any additional measures that come forward with the potential to impact on the bund or the A419 highway boundary. Additionally, the proposed tennis court would be expected to be provided with perimeter netting. Highways England recommend that suitably worded conditions be imposed on any planning permission that may be granted to deal with the detailed design and maintenance of the drainage system and the erection and maintenance of suitable netting or fencing around the perimeter of the tennis court.

Thames Water - Comments

1. Would expect the developer to demonstrate the measures to be taken to minimise groundwater discharges into the public sewer.
2. Would have no objection if the developer follows the sequential approach to the disposal of surface water.

3. Has no objection with regard to capacity of the waste-water network and sewage treatment works.
4. Advises that the development is located within proximity of a strategic water main and requests the use of a condition to prevent construction works within 5m of the water main.
5. Advises that the site is within a Source Protection Zone for groundwater abstraction and highlights the Environment Agency's approach to groundwater protection.

Wiltshire Council Drainage Engineer – No objection subject to a condition

Wiltshire Council's latest Strategic Flood Risk Assessment shows this area to be at risk of groundwater flooding. However, the Flood Risk Assessment for this application already has some provisional findings demonstrating the depth of groundwater to be about 2.2m and also an alternative option should infiltration not be possible. A pre-commencement condition is recommended to deal with infiltration testing and soakaway design or an alternative method of surface water drainage.

Wiltshire Council Highways – Objection

No details have been provided regarding the access, which should have a minimum carriageway width of 5.5m and 4.5m radii and should allow priority for cyclists and pedestrians to cross safely without detour. However, this could be addressed at the reserved matters stage. Latton is classed as a small village in the Wiltshire Core Strategy and as such has no development boundary. Whilst sustainable transport can be offered by a single hourly bus service between Cirencester and Swindon, the site is considered to be development within the open countryside. There are no community services within the village (shops and school) and all future occupiers of the dwellings will be reliant on private car journeys to access daily services. Therefore, the proposal attracts a highways objection due to concern about the sustainability of the site for residential development.

Housing Enabling Team – Comment

It is noted that the proposed development includes 6 residential dwellings on a site of 0.49ha. As such there is no policy requirement to provide affordable housing.

Archaeologist – Objection

"As it stands, the application contains insufficient information to enable a full assessment of the impact upon the archaeological features that could be affected by the development. In the absence of this information it is not possible to fully assess the archaeological value of the site, impact of development and any potential harm arising as a result. As such the proposals conflict with paragraph [194] of the NPPF and CP58 of the Wiltshire Core Strategy (2015)."

Conservation Officer – Objection

The reduction in number of houses is not an adequate decrease in development to address concerns raised in the previous application. The proposals would harm the significance of the heritage assets and their setting, exacerbated by the suggested addition of rooflights on the front elevations of the new houses, and the height that these houses will need to be in order for the attic space to be habitable. The harm caused would be less than substantial, but that is harm nevertheless. The proposed development would be contrary to section 66(1) of the Act, the NPPF (paras. [197], [199], [200] & [202]) and the BS7913.

### Ecologist – No objection subject to conditions

The Council's ecologist considered the habitat and protected species survey report (October 2019) as part of the previous application and raised no objection to the proposed development subject to the imposition of conditions requiring the submission, approval and subsequent implementation of:

1. A wildlife protection and enhancement scheme to secure net gains for biodiversity; and
2. A lighting design strategy to prevent disturbance to species sensitive to light pollution.

Dorset & Wiltshire Fire and Rescue Service – Recommend the use of sprinklers to improve safety and reduce property loss in the event of fire.

### Latton Parish Council – Support

The Parish Council believes that the application, with the reduced number of houses, proposes a viable scheme that will deliver an asset to the community of Latton and the surrounding parish. They state that the current hall is in an extremely dilapidated state requiring much to be spent to remediate serious structural problems. It is not fit for purpose, with spaces that were designed for a very small school and not that of a useful and practical village hall. A purpose-built facility would greatly benefit the village as it would enable local people to use it for physical activity and community events without having to travel outside the parish. The Parish Council recognises that the site lies between two Grade II listed buildings. They state that Elm Farm is hidden from the site by recent development, while space between Street Farmhouse and the new housing is maintained by a reduction in the number of houses and size of the rear access road when compared with the previous application. They add that there is no view from Street Farmhouse to the site as there are no windows in the gable end of the house and hedgerows screening views from the front and rear of the property. They also consider that the proposal provides an opportunity to carry out highway improvements, to reduce traffic speed and improve the safety of cyclists and pedestrians.

## **8. Publicity**

As a result of publicity, representations have been received from 21 people; 12 supporting and 9 objecting to the proposed development.

Comments made in support of the proposal include:

- The existing village hall facility, owned by the church, is beyond economic repair and no longer fit for purpose.
- The community needs a meeting place for social gatherings.
- The proposed hall will be large enough to provide indoor recreational facilities such as badminton and 5-a-side football.
- The hall and tennis courts would improve the sense of community and make the location more desirable for people to move to.
- The Community Trust will ensure that the proposed facilities are operated in a fair manner for the benefit of the whole community.
- The land on which the development is proposed is not suitable for agriculture and is not well maintained.

- The site is within easy walking distance of all parts of the village.
- The provision of housing would attract more families to a vibrant village.
- The housing would be a benefit to the village by screening noise from the A419 road surface.
- It would be a positive addition to a growing village.
- The proposed facilities will reduce the need to drive elsewhere.
- A generous gift to the community.

Comments made against the proposal include:

- Additional traffic.
- Inadequate road infrastructure.
- Traffic exceeding the speed limit.
- The proximity of public transport and bus stops to the site entrance, including their use by school buses.
- Lack of visibility due to parking in laybys.
- The proposed access should be relocated, and a mini roundabout provided at the monument.
- The proposed housing should be set back a good distance from the main road or built in the village.
- The village hall is a historic building and should be retained for the community.
- The proposed housing is in the wrong location in terms of road safety.
- Does not address the issues raised previously.
- Outside the development envelope for the village of Latton.
- The need for more housing in Latton is questioned.
- The proposed development is unsustainable as there are no shops, amenities, employment or school in the village.
- The lack of community support for the development.
- The lack of mains sewerage and odour from private systems.
- Increased noise, light and traffic pollution.
- Effect on the setting of adjacent listed buildings.
- Disruption to wildlife.
- Concerns about the potential for crime, fire risk and the choice of external materials.
- Inadequate car parking facilities.

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 noted that The Habitat & Protected Species Survey Report October 2019 has no provision at all for nesting birds. It recommends the use of a model condition to secure the installation of 6 integral swift nest bricks in the development.

## **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 and the Wiltshire Housing Site Allocations Plan 2020.

#### 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. Latton 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.”

There is similar provision for new dwellings required to meet the employment needs of rural areas in Core Policy 48 Supporting Rural Life.

The applicant’s Planning, Design and Access Statement draws attention to the supporting text for Core Policy 48 which states that additional dwellings may be justified in certain circumstances. It is suggested that this is a case where such circumstances apply. However, the text explains that the relevant circumstances are where the dwellings are required “in the interests of supporting rural employment” and it provides equestrian activities as an example where accommodation for a worker may be needed on site. No evidence has been presented in the application to demonstrate that any of the proposed houses are connected with the needs of employment essential to the countryside.

Core Policy 48 supports the community ownership and/or management of local shops, pubs and other services where appropriate to retain a local facility through measures including appropriately scaled enabling development, where this is environmentally acceptable and justified through a supporting viability study and where it can help maintain and enhance the community uses provided. The “enabling development” in this instance is not sought to retain an existing local facility and it is not justified through a supporting viability study.

The applicant has also 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.”

They state that the proposal meets these three policy requirements.

However, the proposal does not meet the definition of an infill site, 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 site is not a small gap within the village but is part of a sizeable field at the edge of the village and the proposal is for a hall, car park, tennis court and six dwellings; in excess of what can reasonably be considered limited infill.

The proposed development does not accord with Core Policies 1, 2 and 19 of the Wiltshire Core Strategy 2015 and saved Policy H4 of the North Wiltshire Local Plan 2011.

It is however 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 4.56 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 Inspector 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. 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 Council has since then published the Housing Land Supply Statement December 2020 (base date April 2019) which states that the Council can demonstrate 4.56 years of supply at the unitary level. This is at the midway point in the range of supply considered by the Inspector, and higher than the lowest end of the range which the Inspector considered and yet still attached significant weight 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 HMA 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 December 2020 (base date April 2019), shows that in the remainder of the Royal Wootton Bassett and Cricklade Community Area, 428 dwellings have been completed, with a further 254 units identified as being developable by 2026. This means that the indicative requirement has been exceeded by 297 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.

Since publication of the latest HLSS, the Council has resolved to grant planning permission (21/01155/OUT) for up to 47 dwellings on land at Restrop Road, Purton.

Additionally, an appeal (APP/Y3940/W/20/3253204) was allowed and planning permission granted on 22 November 2021 for the erection of up to 200 dwellings on land at Green Farm, Chippenham Road, Lyneham, in the same Community Area. Two further appeals have been allowed recently in this housing market area. Filands, Malmesbury 21/01641/OUT; 20/05470/106; 21/01363/OUT - 3278256, 3282365 and 3278923 including up to 70 dwellings; and Land to the south of Chilvester Hill, Calne 20/06684/OUT; APP/Y3940/W/21/3275477 for up to 32 dwellings.

The decision to allow the appeal in respect of 21/01363/OUT at Filands Malmesbury is the most recent decision 05.01.2022 and has confirmed that the Council has a shortfall in the housing land supply and this is 4.41 years. This is now the confirmed position for Wiltshire.

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 11d is engaged. The site, whilst in the open countryside, lies directly adjacent to the village of Latton and so cannot be considered remote or isolated. The amount of development is limited at 6 dwellings and this is considered reasonably well related to the scale of the settlement itself.

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.

Heritage Assets

Section 66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any special architectural or historic features it possesses.

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to a heritage asset. Core Policy 57 of the WCS requires, among other matters, new development to be sympathetic to and conserve historic buildings. Core Policy 58 requires development to protect, conserve and where possible enhance the historic environment.

A Grade II listed wayside or preaching cross is located to the north-east of the site. The significance of the cross is derived from: its evidential value, identifying the settlement's historic associations with the medieval era. It is not considered that the proposal harms the cross.

Street Farmhouse Grade II listed, to north-west of the site, is believed to have been constructed around 1800. It is set back from the road and sits below road level. The former farm buildings associated with the house are now converted to separate residential units with shared driveway access along the historic farmyard track. The building's significance is derived from: its aesthetic value, in terms of appearance and architectural quality; in evidential value, in terms of its historic fabric and construction and its historic relationship with the village, with its separation from the main body of the settlement vital to the appreciation and preservation of the asset.

Elm Farm Grade II listed, is located to the south-east of the site. Given the list entry details, the building's significance is derived from: its aesthetic value, in terms of appearance and architectural quality; in evidential value, identifying historic associations with the village and farming; and its historical value, as an illustrative remnant of Latton on the village edge.

The Council's Conservation Officer objected to the proposal the subject of the previous application and concluded that the amount of development proposed with the removal of the historic open landscape would harm the setting and significance of the rural buildings. The reduction in the number of new houses has not addressed those earlier concerns.

The proposal would erode an historically open landscape within the setting of two listed buildings and would obscure views of that landscape in perpetuity. The proposal would harm Street Farmhouse in that it would erode the historic relationship with the village characterised by its separation from the main body of the settlement. Additionally, the proposal would harm Elm Farm in that it would erode its setting within the historic edge of the village. While it is appreciated that the scale and appearance of the Village Hall are reserved matters, a building with a gross internal floorspace of 200 square metres and the ability to accommodate a range of community activities would create a large mass in close proximity to the listed building, which would harm the appreciation of the asset within its setting. By creating a level of harm, the proposed development would be contrary to Core

Policies 57 and 58 of the WCS. There being conflict with the development plan in this respect, it is necessary to consider what, if any, material considerations might support a decision otherwise than in accordance with the plan. The NPPF is a material consideration of significant weight and paragraph 202 of the framework requires local planning authorities to weigh any identified harm to a designated heritage asset against the public benefits of the development proposed.

The NPPF is clear that where the impact of a proposed development will affect the significance of a designated heritage asset, great weight should be given to the asset's conservation. Further, it states where that harm is less than substantial this should be weighed against the public benefits of the scheme.

It is considered that the scale of harm identified is at the upper end of the range of "less than substantial".

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal has the public benefits of a village hall, land for a tennis court, 6 open market dwellings and construction jobs. The merits of each benefit are examined in detail in the planning balance section of this report. Whilst these are clearly public benefits, they are not considered to be so beneficial as to clearly and demonstrably outweigh the harm to the listed buildings identified above. It is also important to consider the presence of an existing general hall in the village; itself a Grade II listed building (former Village School). This facility could be retained for use if repaired. Details of the necessary repairs and costs have not been provided but there could be an option for a smaller scale of development than that proposed and no consequent requirement to build a new hall in this location with the harmful impact to heritage assets. In short, there could be an alternative scheme that would align more closely with the development strategy of the plan and secure a similar level of public benefit in terms of community facility provision with less harm to the designated heritage assets. This does not appear to have been rigorously considered by the applicant and demonstrably shown to be unachievable. Consequently, the development would be contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 199, 200, & 202 of the NPPF, as well as Core Policy 57 (i & iv) and Core Policy 58 of the WCS.

### Character and appearance

The core of Latton has a closely related built form, but a pattern of loose knit areas as one moves towards the edge of the village. Open spaces provide separation between the village and outer village dwellings or farms.

Core Policy 57 of the WCS states applications for new development must enhance local distinctiveness by relating positively to the landscape setting and the existing pattern of development and be sympathetic to and conserve historic buildings and historic landscapes.

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.

Paragraph 174 b) of the NPPF recognises the intrinsic character and beauty of the countryside.

As an outline application, with all matters reserved, the site layout is indicative only and shows how the site could be developed. However, the development of what has historically been open space would consolidate the built-up area, rather than maintain an existing loose knit pattern of development, eroding the village edge character currently experienced on the approach to Latton. It is not considered that alternative layouts for the amount of development proposed would address these matters, such that conflict with Core Policy 57 would not arise.

The potential urbanisation of this site is likely to generate a number of localised adverse landscape and visual effects. The proposal would also impact upon the setting of the heritage assets as already examined. Consequently, the proposal fails to meet the requirements of Core Policy 57 (iii, vii) and Core Policy 51 (ii) of the WCS, as well as paragraph 174(b) of the NPPF.

#### Flood risk and 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 submitted Flood Risk Assessment and Drainage Strategy states that, subject to on-site soil permeability testing and confirmation of groundwater levels, the use of infiltration SuDS will be the primary method to deal with surface water runoff generated from the development. If full infiltration is not possible due to low soil permeability or high/perched groundwater, surface water runoff will be discharged into the existing culverted watercourse at the western boundary of the site.

As required by Thames Water, the strategy follows the sequential approach to the disposal of surface water and therefore gives rise to no objection.

The Council's Drainage Engineer has also raised no objection and recommended the use of a pre-commencement condition to deal with infiltration testing and soakaway design or an alternative method of surface water drainage.

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

#### Transport and access

The location plan and illustrative site plan indicate a single point of vehicular access to the site from The Street. No details have been provided, as access is one of the reserved matters. Nonetheless, the Council's Highway Engineer has advised that a minimum carriageway width of 5.5 m with 4.5 m radii will be required and should allow for pedestrians and cyclists to cross safely without detour. This is capable of being addressed through the use of a planning condition and considered at the reserved matters stage.

Core Policy 60 of the WCS states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. One of the ways it seeks to achieve this is by planning developments in accessible locations. Paragraph 6.155 of the WCS adds: "Planning developments in locations that are, or can be made, accessible means that communities can access their needs (e.g. shops, schools and employment) easily and without always needing a car". Core Policy 61 states specifically that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

The applicant's Planning, Design and Access Statement highlights the existence of a bus stop adjacent to the site, with services connecting Latton to Cirencester, Cricklade, South Cerney and Swindon. The applicant states that the site is therefore in a location accessible to frequent bus services to larger settlements. As well as having good access to the public transport network, they add that the site is in a good location to minimise private car journeys and they state that the area is renowned for cycling activity.

The Council's Highway Engineer has commented that, while sustainable transport can be offered by a single hourly bus service between Cirencester and Swindon, there are no community services within the village in the form of shops or a school and all future occupiers of the dwellings will be reliant on private car journeys to access these services. Consequently, they object to the scheme on sustainability grounds.

It is agreed that the proposed housing is located where it would be difficult to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. Therefore, the development would be contrary to Core Policies 1, 2, 19, 60 and 61 of the WCS and paragraphs 104, 105, 110 and 112 of the NPPF.

### Ecology

The submitted habitat and protected species survey report describes the grass field as being of limited ecological value and confirms that virtually all of the boundary vegetation, which is scrappy or open, would be retained and protected. All plants recorded were common/widespread species and no notifiable invasive plant species were recorded. It found no protected species associated with the development site and concluded that no specific mitigation is necessary other than maintaining the grassland in its current grazed/low sward condition.

The Council's ecologist considered report in the determination of the previous application and raised no objection to the proposed development subject to the imposition of conditions requiring the submission, approval, and subsequent implementation of:

1. A wildlife protection and enhancement scheme to secure net gains for biodiversity; and
2. A lighting design strategy to prevent disturbance to species sensitive to light pollution.

The ecological enhancement scheme would include details of the provision of bat roosting features and nesting opportunities for birds, including but not exclusive to swifts.

The submitted report was up to date at the point of submission and registration of the application.

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

### Archaeology

The County Archaeologist stated previously that the area is of high archaeological potential. The desk-based Heritage Impact Assessment, which accompanied the previous application, indicated the potential for archaeological remains to be present and impacted upon. Consequently, the Archaeologist advised that field evaluation by means of geophysical survey and trial trenching was required prior to determination of the application. No survey or trial trenching was carried out, so this became one of the reasons for refusal of the application.

In paragraph 7.9 of the Planning, Design and Access Statement submitted with their current application, the applicants state that they are "...prepared to undertake field evaluation by a geophysical survey and trial trenching prior to determination of the application should the Council resolve to permit the development and delegate the decision to officers subject to the outcome such archaeological investigations and the signing of a section 106 Agreement to secure provision of the village hall and tennis courts". They state that the costs for undertaking the type of survey requested by the archaeologist are expensive for an application when the outcome is uncertain. Nonetheless, paragraph 194 of the NPPF states that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation". The archaeologist considers that a field evaluation is necessary in this case prior to determination. At the time of preparing this report, no field evaluation has taken place.

Therefore, as with the previous application, there is insufficient information to enable a full assessment of the impact of the proposal on archaeological features that could be affected by the development. In the absence of this information, it is not possible to fully assess the archaeological value and impact of development, and so there is conflict with Core Policies 57 (i. & iv.) and 58 of the WCS and paragraph 194 of the NPPF.

### Community facilities

Paragraph 84(d) of the NPPF states that planning decisions should enable development of accessible local services and community facilities. In paragraph 85, the NPPF states decisions should recognise that sites to meet community needs in rural areas may have to



be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Paragraph 85 further notes, in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Latton Parish Council's website explains that the current village hall is owned by the Church of England and is no longer fit for purpose. It is beyond economic repair and its owners are minded to sell. The Oram Settlement Trust (OST) has offered the village an alternative hall. It proposes development, on part of the paddock opposite the preaching cross, including a village recreation hall, all-weather tennis court, six houses and associated car parking. The houses will not be started until the village hall has been provided. OST will gift the land required for the hall, tennis court and car park, construct the access road, utility services and drainage infrastructure, the costs of which are estimated to be in excess of £65,000, and will make a £100,000 contribution towards building costs. When completed, the facility will be managed by the Latton Parish Community Trust. The Parish Council states that there are various sources of funding available to support village halls and they will be submitting applications to them to raise the money to complete the build.

It should be noted that the agent has advised that the expected cost of construction of the hall has risen significantly since the previous application was made. Consequently, it is now proposed that the housing development will not commence until the hall is "substantially or externally complete". They have advised that the landowners would be willing to accept a condition of planning permission phasing the development in such manner.

The applicant's Planning, Design and Access Statement (at paragraph 9.3) explains the mechanism for delivering the community benefit. It states: "...*discussions have taken place with Latton Parish Council and a charity, the Latton Parish Community Trust is being set up to control the land, the trustees of which have been appointed by Latton Parish Council. Funding will be provided to this charity for the construction of the hall. The precise details of this can be the subject of a Section 106 Agreement to ensure that the housing development provides the community benefit that is being offered*". A draft section 106 agreement has not yet been submitted. Additionally, the Latton Parish Community Trust does not yet appear to have been registered with the Charity Commission for England and Wales.

An undertaking that a landowner pay money to a fund to provide for community benefits that are directly related to the proposed change in the character of the use of the development land would, as in this case, have a sufficient connection with the proposed development to qualify as a "material consideration" in relation to it. That said, in accordance with paragraph 57 of the NPPF, planning obligations must meet three tests. They must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

While the first two tests may be met, the application contains insufficient information to demonstrate that the contributions that have been offered are fairly and reasonably related in scale and kind to a development of six houses.

The estimated cost of constructing a village hall with a gross internal floorspace of 200 square metres and an all-weather tennis court, with perimeter fencing and lighting have not been provided. Nor has the total estimated sales value of the proposed housing been provided, as the floor area of the dwellings has yet to be determined. The Council's Strategic Projects and Development Manager has advised that the [NPPG] and RICS Guidance apply a range of 15-20% of Gross Development Value for developer profit. However, the actual figure will depend upon the level of risk associated with scheme. The absence of all of this information means it is not possible to carry out an appropriate assessment to determine whether the contributions are reasonably related in scale and kind.

Paragraph 85 of the NPPF states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The existing hall is well-related to the settlement; located approximately 380m north-east of the application site. It is situated next to the church and opposite a recreation ground with a playing pitch and play equipment. No structural or building survey report has been submitted with the application. No details of the works required to be carried out to make it fit for purpose have been submitted. Nor has the estimated cost of repairs been provided to demonstrate that it would be prohibitive against the cost of new build. Consequently, there is an absence of evidence to justify a departure from paragraph 85.

#### 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.

An ascending scale can be adopted in terms of weighting – limited, moderate, significant, substantial.

The benefits of the proposal are considered to be the village hall, tennis court, six open market dwellings and construction jobs.

#### *Village Hall*

While the provision of land and funds for a hall would be considered a benefit of the scheme overall, there is a lack of information regarding how the hall will be managed, a supporting financial viability study and explanation why the existing hall repairs/remodelling have not been considered by the applicants. Given the lack of information and justification surrounding the Village Hall proposal, only moderate weight can be afforded to this benefit.

#### *Land for a tennis court*

A tennis court would provide benefit in terms of opportunities for residents to improve their physical health and well-being. However, it is not evident how full funding would be achieved to construct and maintain the facility. Therefore, given the lack of information the deliverability of this benefit is called into question. Consequently, it is afforded limited weight.

#### *Six open market dwellings*

While the provision of market housing would be considered a benefit of the scheme overall, it is given reduced weight by the Council because the proposed housing is not in a sustainable location. The proposal would contribute only six dwellings to the Government's objective of significantly boosting the supply of homes. 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.

#### *Creation of construction jobs*

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. Furthermore, in the context of housing, the construction of six dwellings is a 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 harms that arise are due to conflict with the spatial strategy of the WCS and with the policies set out in the NPPF.

#### *Development Plan*

The expansion of Latton, 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.

#### *Setting of listed buildings*

The Council's Conservation Officer has objected to the proposal and concluded that the amount of development proposed and the loss of historic open landscape would harm the setting and significance of the rural buildings. There is conflict with the development plan in this regard (Core Policies 57 and 58 of the WCS). Moreover, it would fail to preserve the setting of the listed buildings contrary to the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF is clear that where the impact of a proposed development will affect the significance of a designated heritage asset, great weight should be given to the asset's conservation. The public benefits of the proposal were not considered so beneficial as to clearly and demonstrably outweigh the harm to the listed buildings. The less than substantial harm to the heritage assets is afforded considerable importance and substantial weight.

#### *Archaeology*

The application contains insufficient information to enable a full assessment of the impact upon the archaeological features that could be affected by the development. In the absence of this information, it is not possible to fully assess the archaeological value of the site. The potential harm attracts moderate negative weight.

#### *Character and appearance*

There is also harm to the character, appearance and visual amenity of the locality arising from the loss of this undeveloped site in the open countryside to built development, which is afforded moderate weight.

The adverse environmental impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework and the development plan taken as a whole. The benefits identified could be met in a range of more sustainable locations without the harms that have been identified arising. As such the proposal is not considered to result in sustainable development. Some of the benefits of development could be achieved in different ways without some of the resulting harms from the current proposals. In weighing all the benefits and harms arising, the proposed benefits would not clearly and demonstrably outweigh the harms arising from the development.

## **10. Conclusion**

In conclusion, the adverse impacts of the scheme and its distinct conflict with development plan policy outweigh any of the benefits expressed by the applicants. There are also no other material considerations that would warrant a departure from the statutory development plan, or the policies contained within the NPPF. Accordingly, the application is recommended for refusal in line with the reasons above.

## **RECOMMENDATION**

That planning permission be REFUSED for the following reasons:

1. The site lies outside the defined limits of development as set out in the development plan and the proposal is not development that would be considered an exception to the spatial strategy allowing permission to be granted outside a settlement boundary. The proposal does not constitute infill development as set out in paragraph 4.34 of the Wiltshire Core Strategy (2015). The proposal is therefore contrary to Core Policies 1, 2 and 19 of the Wiltshire Core Strategy (2015) and saved Policy H4 of the North Wiltshire Local Plan 2011, as well as the principles set out in the NPPF which confirm that the planning system should play an active role in guiding development to sustainable locations (paragraphs 7, 8 & 9) and that planning should be genuinely plan-led (paragraph 15).
2. The location of the proposed development would result in the loss of part of an existing pastoral field through urbanisation which currently provides separating green space between loose knit village areas. The proposed development would result in an incongruous form of development in this village edge setting within Latton

resulting in harm to the character, appearance and visual amenity of the locality. The proposed development would therefore be contrary to Core Policy 57 (iii & vii) and Core Policy 51 (ii) of the Wiltshire Core Strategy (2015), as well as paragraph 174(b) of the NPPF.

3. Latton, a small village in terms of the Wiltshire Core Strategy, is an unsustainable location for the development proposed. The lack of local facilities, employment sites and the distance to nursery, primary, and secondary schools would lead to an increased reliance on journeys by private motor car. Consequently, the proposal does not meet the aims of the NPPF and the Wiltshire Core Strategy which seek to reduce growth in the number of motorised car journeys. The development would be contrary to Core Policies 1, 2, 19, 60 & 61 of the Wiltshire Core Strategy (2015) and paragraphs 104, 105, 110 and 112 of the NPPF.
4. The proposed development would harm the setting of the designated heritage assets, the village cross, Elm Farm and Street Farmhouse, Grade II listed, as well as the Scheduled settlement west of Latton and village cross. The harm to the setting of the designated heritage assets would arise through the reduced intervisibility, urbanisation of the surroundings and erosion of the historic open space resulting in harm to the setting of the designated heritage assets, albeit less than substantial harm. The benefits of the proposal have been fully considered, in accordance with the requirements of paragraph 202 of the NPPF, but are not considered to clearly and demonstrably outweigh the harm identified. Such benefits could be delivered by other means with less harm to the designated heritage assets. The proposed development would be contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 199, 200 & 202 of the NPPF, Core Policy 57 (i & iv) and Core Policy 58 of the Wiltshire Core Strategy (2015).
5. The application site has the potential to include heritage assets with archaeological interest. The application contains insufficient information to enable a full assessment of the impact upon the archaeological features that could be affected by the development. In the absence of this information, it is not possible to fully assess the archaeological value of the site, impact of development and any potential harm arising as a result. As such, the proposals conflict with paragraph 194 of the NPPF and Core Policy 58 of the Wiltshire Core Strategy (2015).

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

Application submissions (20/11236/OUT and 19/08877/OUT)

Wiltshire Core Strategy 2015

Wiltshire Housing Site Allocations Plan 2020

NPPF 2021

Housing Land Supply Statement December 2020

Planning appeal decision APP/Y3940/W/20/3253204