

## Strategic Planning Committee

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 23 FEBRUARY 2022 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall and Cllr Stewart Palmen (Substitute)

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#### 65 **Apologies**

Apologies for absence were received from:

- Cllr Sarah Gibson, who was substituted by Cllr Stewart Palmen, and
- Cllr Robert Yuill.

#### 66 **Minutes of the Previous Meeting**

The minutes of the meeting held on 12 January 2022 were presented for consideration, and it was,

#### **Resolved:**

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

#### 67 **Declarations of Interest**

There were no declarations of interest.

#### 68 **Chairman's Announcements**

There were no announcements.

#### 69 **Public Participation**

The rules on public participation were noted.

#### 70 **Planning Appeals and Updates**

There was no appeals report or updates.

## 71 **Planning Applications**

The following planning application was considered.

### **71a 21/01950/FUL - Land at Broadfield Farm, Broadfield Farm, Great Somerford, SN15 5EL**

#### Public Participation

Helen Lennox spoke in objection to the application

Christopher Blount spoke in objection to the application.

Peter Rawlinson, (applicant) spoke in support of the application.

Cllr Mark Hammond of Great Somerford Parish Council spoke in objection to the application.

Andrew Guest, Head of Development Management presented a report which recommended that authority be delegated to the Head of Development Management to grant planning permission with conditions, subject to a s106 agreement for the development of 21 residential dwellings, vehicular access from Broadfield farm, ancillary works and associated infrastructure.

The officer referred attendees to the detailed report within the agenda which would be taken as read. The officer explained that the site was adjacent to but located outside of the settlement boundary of the large village of Great Somerford in the open countryside in planning terms and therefore conflicted with Wiltshire Council Core Policies.

The officer referred to the fact that the Planning Authority could not demonstrate a five year housing land supply. The Council was now only able to demonstrate a housing land supply of 4.41 years. The Wiltshire Core Strategy was over five years old meaning that housing need was assessed at a unitary level. It was explained that the National Planning and Policy Framework (NPPF) at paragraph 11 stated:

“...where the local planning authority cannot demonstrate a five year supply of deliverable sites (with the appropriate buffer) ...” then “policies which are most important for determining the application are out of date”, and permission should be granted unless:

- i) There is a clear reason for refusal due to protection policies as listed in footnote 6 e.g. Green Belt; Local Green Space; Area of Outstanding Natural Beauty; designated heritage assets; or
- ii) Any adverse impacts would significantly and demonstrably outweigh the benefits

This was sometimes referred to as the ‘tilted balance’ affecting the weighting awarded to policies. For this site the officer stated that in planning terms there were no designated assets of particular importance such as AONB or a site of special scientific interest and that there were no adverse impacts that demonstrably outweighed the benefits. It was further explained that the Great

Somerford Neighbourhood Plan was over 2 years old, so under paragraphs 11 and 14 of the NPPF now carried less weight.

The officer detailed a recent appeal decision, which was upheld by the [Planning Inspectorate](#) regarding an application in Filands Road, Malmesbury due to the lack of a five year land supply. Other appeals which had been upheld at Westbury and Worton were also cited. It was stated that the situation had not changed since those decisions, hence the recommendation for approval subject to a section 106 agreement.

Members of the Committee then had the opportunity to ask technical questions of the officer. Issues raised included demonstrable harm, developing on grade 1 agricultural land, piecemeal development of small plots, why an application for 21 houses was being considered by the Strategic Planning Committee, the s106 funding for secondary schools and the play area, social housing, the height of the 2 story houses, sustainability of the development and the designation of Great Somerford as a large village.

In response the officer explained that the fact the site was on grade 1 agricultural land should be given weight. However, the officer felt that as it was a small parcel of land the weight was limited and not sufficient to justify a reason for refusal. However, it was up to the Committee to decide on weightings. A previous appeals case on grade 1 agricultural land had been dismissed, but that had been when the Council could demonstrate a five year land supply. Furthermore, only part of the site was grade 1 agricultural land. Regarding other impacts the officer stated that although the conservation officer had raised an objection the harm was considered neutral.

Regarding piecemeal development the officer stated that the development was not incremental, and this was the first take on that land.

It was explained that the application was being considered by the Strategic Planning Committee because the proposal was contrary to the development plan and strategy, was considered a major application as it was over 10 units and due to the lack of housing land supply.

In response to a query regarding the amount of s106 money allocated to secondary schools (£91,000), the location of the school and possible sustainability issues this could raise, the officer explained that there were standard calculations to work out figures such as these. The unitary decision Member stated that the secondary school was located in Malmesbury, which was approximately 3 miles away, along country lanes. It was beyond walking distance and there was not public transport available. Related to this was the amount of money allocated to the play area (£18,000), which Members stated had only recently been refurbished and was not large enough to take further new equipment, likewise there were also no sports pitches in the village which could have funds allocated to them. The officer explained that the public open space team had set the figures and he could not comment on how or when the funds would be used, but they would be set aside for those purposes.

The officer explained that 2 storey houses usually had a gable height of approximately 7 metres and that the site density was to modern standards where one had to make the most efficient use of the land.

In response to further queries the officer stated that the grouping of social housing and open market housing met policy requirements, for smaller sites such as these they were grouped together for management purposes.

In response to further sustainability queries the officer explained that the adjacent site had been employment land, which was allocated in the Neighbourhood Plan for housing which was now being constructed. Members questioned the sustainability of this application due to the lack of places to work within the village now that the adjacent employment land was being developed and mentioned the irony that the village had attained the large village designation due to industry which had previously been on the adjacent site. The officer stated that as Great Somerford was designated as a large village it was presumed there was a degree of sustainability. The designation of Great Somerford as a large village was not something the Committee had power to change, designation was part of the local plan process.

It was confirmed that if approved these 21 houses would count towards housing land supply figures. The officer also confirmed that without the demonstrable lack of a five year housing land supply, officers would have been unlikely to recommend approval for this application as it went against policy, but, due to the lack of a five year housing land supply tilted balance came into play changing the weighting of arguments.

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

The unitary division member, Cllr Elizabeth Threlfall, spoke in objection to the application. Comments included that the officer report was commendable, thorough and detailed all the policies which the application conflicted with, so the recommendation for approval was surprising. It was up to the Committee to decide where the balance lay. Issues the Member had with the application included that the site was greenfield and on grade 1 agricultural land, it was outside the settlement boundary and contrary to CP1 and CP2, the proposal was 2 storey of a template design that was unsympathetic to the village and the objection of the Conservation officer had been disregarded. The Member felt that piecemeal development was taking place in the village and that this was phase 2, not a separate development to the adjacent plot. There was little employment and few facilities in the village, making the development unsustainable and contrary to CP1 and CP60. The Member did not believe the benefits listed in the report outweighed the risks and felt that this application was different to those which lost at appeal. Regarding the five year housing land supply, the figures were out of date and Wiltshire Council had been working to address the shortfall. The local Neighbourhood Plan was delivering over and above the housing required for the local area and had required a tremendous amount of work by the Parish Council to develop. The NPPF planning system

should be plan led and therefore the Member felt that the application should not be permitted.

The Chairman thanked Members for their questions and the committee report author for a detailed and well constructed report. The Chairman highlighted the issues faced by the Committee regarding the lack of a five year housing land supply, the pressure this placed on them and the difficulty in making decisions without accurate figures. He felt that the latest housing land supply figure was more like 4.62. The Chairman thanked the public for their informative statements detailing local opinion. The Chairman highlighted that the application was outside the settlement boundary, not allocated in the Neighbourhood Plan, was on grade 1 agricultural land and had no benefits that he could see. He felt that one could not encourage parishes to develop Neighbourhood Plans to then ignore them. He agreed that there was a tilted balance, but in this case he felt it was in favour of refusal.

Therefore, the Chairman proposed a motion that the application be refused for the reasons stated above and due to confliction with WCS CP1, 2 and 13. This was seconded by Cllr Pip Ridout.

A debate followed where Members stated that they were impressed by both the public speakers and Cllr Threlfall's speech. Many Members felt that the committee report detailed all the reasons for refusal, only to then unexpectedly recommend approval due to the tilted balance. However, most were of the opinion that the planning harm completely outweighed the benefits. Further possible reasons for refusal were cited as CP3, 51, 57, 60, 61, NPPF 174 and H4 of the North Wilts Plan. Further comments included that the affordable housing was not affordable by any normal person's definition and that the point raised by the public about the harm caused to local democracy by the tilted balance and disregarding Neighbourhood Plans was extremely valid. Other points raised by Members included that the site was on grade 1 agricultural land, that the development was not sustainable, that the Committee should be consistent and that the proposal did not fit with the village.

The Chairman stated that issues with the current system and having to demonstrate a five year housing land supply were being taken up by the Leader of Wiltshire Council, the local MP and the Local Government Association with Michael Gove (Secretary of State for Levelling Up, Housing and Communities).

Further points raised included that when refusing an application against officer recommendation the Committee needed to think how this would be defended at appeal. In response the Chairman confirmed that if the application was refused and went to appeal, he would be happy to go to the appeal to defend the decision. Members also highlighted that there was a backlog of appeals and if this application was refused and went to appeal, there might by that time be a demonstrable five year housing land supply, they stated that it was critical that updated figures were received as soon as possible.

One Member felt that due to the lack of five year housing land supply and the difficulty of defending refusal at appeal that the application should be approved, subject to s106.

The Chairman and his seconder accepted all the reasons for refusal raised in debate as friendly amendments to the motion.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be refused.**

**REASONS:**

- 1. The application site lies outside of the settlement boundary for Great Somerford and so is in open countryside, and it has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), the Wiltshire Housing Sites Allocation Plan (February 2020) or the Great Somerford Neighbourhood Plan (2017). The development fails to meet any of the special circumstances for the creation of additional residential development as listed under Paragraph 4.25 of the Wiltshire Core Strategy. Therefore, the proposal is contrary to Core Policies 1, 2, and 13 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan and the Great Somerford Neighbourhood Plan. The proposal is in conflict with the development plan taken as a whole. As such, the proposal fails to constitute and secure sustainable development as required by the NPPF, specifically paragraphs 2, 7, 8, 9, 10, 11, 12, 13, 15 and 47, and is contrary to the development strategy of the development plan. In accordance with paragraph 11d (ii) of the NPPF the benefits of the proposal have been fully considered but the adverse impacts would significantly and demonstrably outweigh those benefits, when assessed against the policies in the NPPF taken as a whole.**
- 2. The application site is located in an area where there are limited local community facilities (such as shops and leisure facilities), limited local employment opportunities, and limited access to public transport. The proposed development would, therefore, not reduce the need to travel, particularly by private car, and so not comply with this basic principle of sustainability. This is contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy (2015).**
- 3. The proposal would result in the urbanisation of this rural site in this prominent and open position which would result in harm to the local character, appearance and visual amenity of the immediate area. The proposal would also result in the loss of high grade agricultural land. The proposal would therefore fail to accord with Wiltshire Core Strategy (2015) Core Policies 51 (points i, ii, iii, iv)**

and 57 (points i, iii), as well as paragraphs, 8, 124 130 and 174b of the NPPF.

4. The proposed development does not make any provisions for securing affordable housing on the site; financial contributions towards education provision, public open space and play equipment and the on-going maintenance, and waste and recycling facilities. The application is therefore contrary to Core Policies 3, 43, 45 and 52 of the Wiltshire Core Strategy (2015) and paragraphs 8, 34, 55, 56, 64 and 92 of the NPPF.

**INFORMATIVE:** Reason for Refusal 4 is potentially capable of being addressed through the completion of a planning obligation / S106 'agreement'.

## 72 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30 am - 12.30 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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