

<b>Date of Meeting</b>	23 <sup>rd</sup> May 2013
<b>Application Number</b>	S/2013/0266
<b>Site Address</b>	Land adjacent to Springvale, Tidworth Road, Allington, Salisbury, SP4 0BN
<b>Proposal</b>	The erection of a two storey three bedroom dwelling
<b>Applicant / Agent</b>	Mr & Mrs Gallop / Mrs Rita Pope
<b>Town/Parish Council</b>	Allington
<b>Grid Ref</b>	E. 420412.9    N. 139297
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steven Banks

### Reason for the application being considered by Committee

Cllr Smale has requested that the application should be considered at a Committee meeting because, "The Parish Council is in favour and the location is a 'brown site' having had housing on the site previously".

#### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **REFUSED** for the reasons detailed below.

#### 2. Report summary

The main issues in the consideration of this application are as follows:

1. The principle of development
2. Sustainability
3. Financial contributions towards the provision of recreational open space and affordable housing
4. The impact that the proposal would have on the amenity of the occupiers of nearby properties
5. The impact that the proposal would have on the character and appearance of the area surrounding the site
6. The impact that the proposal would have on highway safety

The application has generated one objection letter from a third party.

#### 3. Site Description

This application relates to a piece of land which is located to the north east of a dwelling known as Springvale and to the south west of the part of the A338 which passes through

Allington. The piece of land which is the subject of this application serves as amenity space for the occupiers of the dwelling known as Springvale. It should be noted that the dwelling known as Springvale falls within the Allington Housing Policy Boundary and that the proposal site falls outside of any Housing Policy Boundary.

#### **4. Relevant Planning History**

**S/2012/1620/FULL** - The erection of a two storey three bedroom dwelling - Refused  
11/01/2013

#### **5. Proposal**

Planning permission is sought for the erection of a detached, two storey, three bedroom dwelling. It should be noted that a shared access with the property known as Springvale is proposed.

This application represents a resubmission of the recently refused application S/2012/1620/FULL which was for the erection of a two storey three bedroom dwelling. The application was refused for the following reasons:

1. The proposal site, falls outside of any Housing policy Boundary, forms part of a settlement which has not been prioritised for sustainable growth and is considered to form part of the open countryside where a special justification is required for the construction of dwellings. Satisfactory evidence, justifying a special circumstance or need for the proposed dwelling, has not been submitted as part of this planning application. The proposal, by reason of its location, is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy and saved policies H23 and G1 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) and paragraph 49 of the NPPF.
2. The proposal, by reason of the lack of a financial contribution towards recreational open space and affordable housing, is contrary to saved policy R2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

The following informative which was attached to the refusal of S/2012/1620/FULL should be noted:

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to the proposal's failure to comply with the development plan as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

#### **6. Planning Policy**

Salisbury District Local Plan saved policies (which are 'saved' policies of the adopted South Wiltshire Core Strategy):

- G1: Principles of sustainable development
- D2: Infill development
- G2: General criteria for development

C6: Development in the countryside which falls within the Special Landscape Area  
TR11: The provision of off street car parking spaces  
R2: Open space provision  
H23: Residential Development outside Housing Policy Boundaries

South Wiltshire Core Strategy:

Core Policy 1 - The Settlement Strategy and distribution of growth in south Wiltshire  
Core Policy 3 - Meeting Local Needs for Affordable Housing

National Planning Policy Framework: Paragraph 49, 56, 64 and 47

## 7. Consultations

**Allington Parish Council:** The period for Allington Parish Council to respond to their consultation on the proposal expired on 12/03/2013 and a response has not been received.

**Wiltshire Council's New Housing Team:** consider that the proposal, by reason of the applicant not agreeing to a financial contribution of £12,882 towards affordable housing, is contrary to Core Policy 3 of the Wiltshire Core Strategy.

**Wessex Water:** confirm that the proposal would require a new water supply and a waste water connection.

**Wiltshire Council's Archaeological Department:** consider that archaeological remains are unlikely to be affected by the proposal and so raise no objections.

**Wiltshire Council's Environmental Health Department:** no objection.

**Wiltshire Councils Highways Department:** no objection subject to the imposition of a condition requiring the turning area to be provided prior to the occupation of the proposal and its maintenance thereafter.

## 8. Publicity

This application was advertised by site notice and neighbour letters.

One letter of objection to the application has been received from an occupier of 4 Wyndham Farm Cottages.

In summary the grounds of the objection are that the proposal would result in overlooking which would harm the residential amenity of the occupiers of 4 Wyndham Farm Cottages, and that the proposal would result in an increase in the number of vehicles accessing the A338 which could harm highway safety.

## 9. Planning Considerations

### 9.1 The principle of development

Policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) defines undeveloped land which falls outside of any

Housing Policy Boundary as being countryside, where the erection of new dwellings will only be permitted under special circumstances, where, for example, there is an established agricultural need (policy H27) or need for affordable housing (policy H26).

The piece of land to which this application relates falls outside of any Housing Policy Boundary and is therefore considered to be countryside. The applicant's have not submitted any satisfactory evidence which justifies a special circumstance or need for the proposed dwelling under policies H26 or H27.

The proposal is therefore considered to be contrary as a matter of principle to saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

## 9.2 Sustainability

Sustainable development is an important theme which runs through and is supported in both the NPPF and the South Wiltshire Core Strategy. In principle, self contained settlements are considered to function in a sustainable manner and it is the aim of the South Wiltshire Core Strategy to create self contained settlements. In order to create self contained settlements it is considered that growth should be focussed around settlements with a range of facilities which can meet housing, service and employment needs in a sustainable manner.

The South Wiltshire Core Strategy has identified in a hierarchy which settlements are considered to be suitable for growth. Growth is primarily focussed in the first three of the six tiers of the hierarchy.

The lowest tier in the Hierarchy is tier F: 'Other Settlements and the Countryside'. The proposal site is considered to fall within this tier. This tier relates to remote rural areas where facilities are limited. These areas are considered to represent the most unsustainable areas for growth and development is unlikely to increase in these areas.

Core Policy 1 of the South Wiltshire Core Strategy identifies areas for growth. The proposal site does not fall into any of the identified areas and is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy.

Policy G1 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) is a sustainability policy and part (i) of the policy gives priority to development proposals that would achieve an overall pattern of land use which would reduce the need to travel and would support the increased use of public transport, cycling and walking. The proposal site is remote from facilities, and any occupiers of the development would be reliant upon the private motor vehicle to reach facilities. The proposal would increase rather than reduce the need to travel by motor vehicle. The proposal is therefore considered to be contrary to saved policy G1 of the Salisbury District Local Plan.

In paragraph 15 of the NPPF it is stated that, "All plans should be based upon and reflect the presumption in favour of sustainable development," and in paragraph 49 of the NPPF it is stated that, "Housing applications should be considered in the context of the presumption in favour of sustainable development." It is further stated in paragraph 49 of the NPPF that, "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable

housing sites.” Paragraph 47 of the NPPF requires local planning authorities to, “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%”.

South Wiltshire currently has a 17 year supply of housing sites.

It has been established above that the proposal is not considered to represent a sustainable form of development and there is not a lack of a supply of deliverable housing sites which are considered to be sustainable in South Wiltshire. Therefore, it is not considered that there is an exceptional need for the proposal in a location which is considered to be countryside and unsustainable.

Therefore the proposal is contrary to paragraph 49 of the NPPF.

It should be noted that a large amount of land exists which is located outside of and in close proximity to Housing Policy Boundaries in the area covered by the South Wiltshire Core Strategy. If this land were to be developed it would seriously undermine the objectives of the South Wiltshire Core Strategy.

The reference in the Allington with Boscombe Parish Plan to support some modest infilling is acknowledged. However, Parish Plans do not allocate land for new development. No Neighbourhood plan exists in this area.

The Ward Member’s refers to the proposal site being brown field land. Any buildings which once stood on this site have been removed, and the land is now considered to form part of a residential garden. It is stated in the NPPF that previously developed land excludes, amongst others, “residential gardens and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.” Therefore, it is not considered that the proposal site represents a brown field site. However, it should be noted that the site, by reason of its location which is outside of any housing policy boundary and is not related to a main settlement, would be contrary to the policy in the Local Plan which relates to the development of brown field sites in any event.

### 9.3 Financial contributions towards the provision of recreational open space and affordable housing

Under Core Policy 3 of the South Wiltshire Core Strategy, on proposal sites where it is proposed to create 4 dwellings or less a financial contribution is required towards the provision of affordable housing. On proposal sites where residential development is proposed, a financial contribution, under saved policy R2 of the Salisbury District Local Plan (which is a ‘saved’ policy of the adopted South Wiltshire Core Strategy) is also required towards recreational open space. Section 106 agreements will be entered into where applicants are willing to comply with the requirements of these policies.

It is noted that the applicant states that they are willing to make a financial contribution towards public open space but no reference is made to affordable housing. Given the more fundamental concerns about the principle of this proposal referred to in preceding paragraphs, it is not considered prudent to enter into a Section 106 agreement at this time in any event. Instead a reason for refusal is offered referring to the failure of the application to comply with policies CP3 and R2. This reason for refusal could potentially be addressed later on in the event of an appeal.

#### 9.4 The impact that the proposal would have on the amenity of the occupiers of the properties nearest to the proposal

Part (vi) of policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) states that new development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers.

The proposed dwelling, by reason of its size and the separation distance between the proposed dwelling and the nearest properties and the views possible from the proposed openings, would not harm the residential amenity of the occupiers of nearby properties.

The proposal is therefore considered to be in accordance with part (vi) of saved policy G2 of the Salisbury District Local Plan.

#### 9.5 The impact that the proposal would have on the character and appearance of the area surrounding the proposal site

Policy D2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits proposals for street and infill development where proposals respect or enhance the character or appearance of an area. Infilling is defined in the Plan as "the filling up of a small gap in an otherwise built up frontage". In this case the proposed site does not comprise a small gap in a built up frontage being a wide side garden defined as countryside. The proposal, therefore, does not comprise infill, and so is not supported by Policy D2.

Good design forms an important theme in the NPPF. Paragraph 56 of the NPPF states that, "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 of the NPPF further states that, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Policy C6 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits development within the Special Landscape area which is sympathetic with the landscape.

#### 9.6 The impact that the proposal would have on highway safety

Part (i) of policy G2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), states that new development will be assessed against the provision of a satisfactory means of access and turning space within the site. Reference is also made to the provision of a sufficient level of parking. Wiltshire Council's Highways Department, in their consultation response, does not object to the proposal subject to the imposition of one condition on any planning permission. The condition relates to the completion of the proposed parking and turning area prior to the occupation of the proposal and its maintenance thereafter. Because Wiltshire Council's Highways Department did not raise any objections to the proposal on the grounds of highway safety it is considered that the proposal does not conflict with part (i) of saved policy G2 of the Salisbury District Local Plan.

Policy TR11, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), requires the provision of a sufficient level of off street parking spaces for development proposals.

Wiltshire Council's Highways Department does not object to the proposal on the grounds of a lack of off street parking spaces and it is considered that a sufficient level of off street parking spaces has been proposed. The proposal is therefore considered to be in accordance with policy TR11 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

## **10. Conclusion**

The proposal site, falls outside of any Housing policy Boundary, forms part of a settlement which has not been prioritised for sustainable growth and is considered to form part of the open countryside where a special justification is required for the construction of dwellings. Satisfactory evidence, justifying a special circumstance or need for the proposed dwelling, has not been submitted as part of this planning application. The proposal, by reason of its location, is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy and policies H23 and G1 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) and paragraph 49 of the NPPF.

The proposal, by reason of the lack of a financial contribution towards recreational open space and affordable housing, is contrary to saved policy R2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

## **11. Recommendation**

### **Planning Permission be REFUSED for the following reasons:**

1.The proposal site, falls outside of any Housing Policy Boundary, forms part of a settlement which has not been prioritised for sustainable growth and is considered to form part of the open countryside where a special justification is required for the construction of dwellings. Satisfactory evidence, justifying a special circumstance or need for the proposed dwelling, has not been submitted as part of this planning application. The proposal, by reason of its location, is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy and saved policies H23 and G1 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) and paragraph 49 of the NPPF.

2.The proposal, by reason of the lack of a financial contribution towards recreational open space and affordable housing, is contrary to policy R2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

### **Informative:**

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to the proposal's failure to comply with the development plan as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

Reason for refusal no. 2 could be addressed in the event of the applicant agreeing to enter into a legal agreement with the local planning authority to make the financial contributions required by Policies CP3 and R2.