

<b>Date of Meeting</b>	4 <sup>th</sup> June 2015
<b>Application Number</b>	15/02669/FUL
<b>Site Address</b>	Land adjacent to The Former Cricket Pitch, Winterbourne Bassett SN4 9QD
<b>Proposal</b>	Erection of dwelling and associated landscaping
<b>Applicant</b>	Miss Catherine Pullan
<b>Parish Council</b>	WINTERBOURNE BASSETT
<b>Division</b>	WEST SELKLEY
<b>Grid Ref</b>	409887 175122
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee

#### 1. Purpose of Report

This application is brought to committee at the request of Divisional Member, Cllr Milton.

#### 2. Report Summary

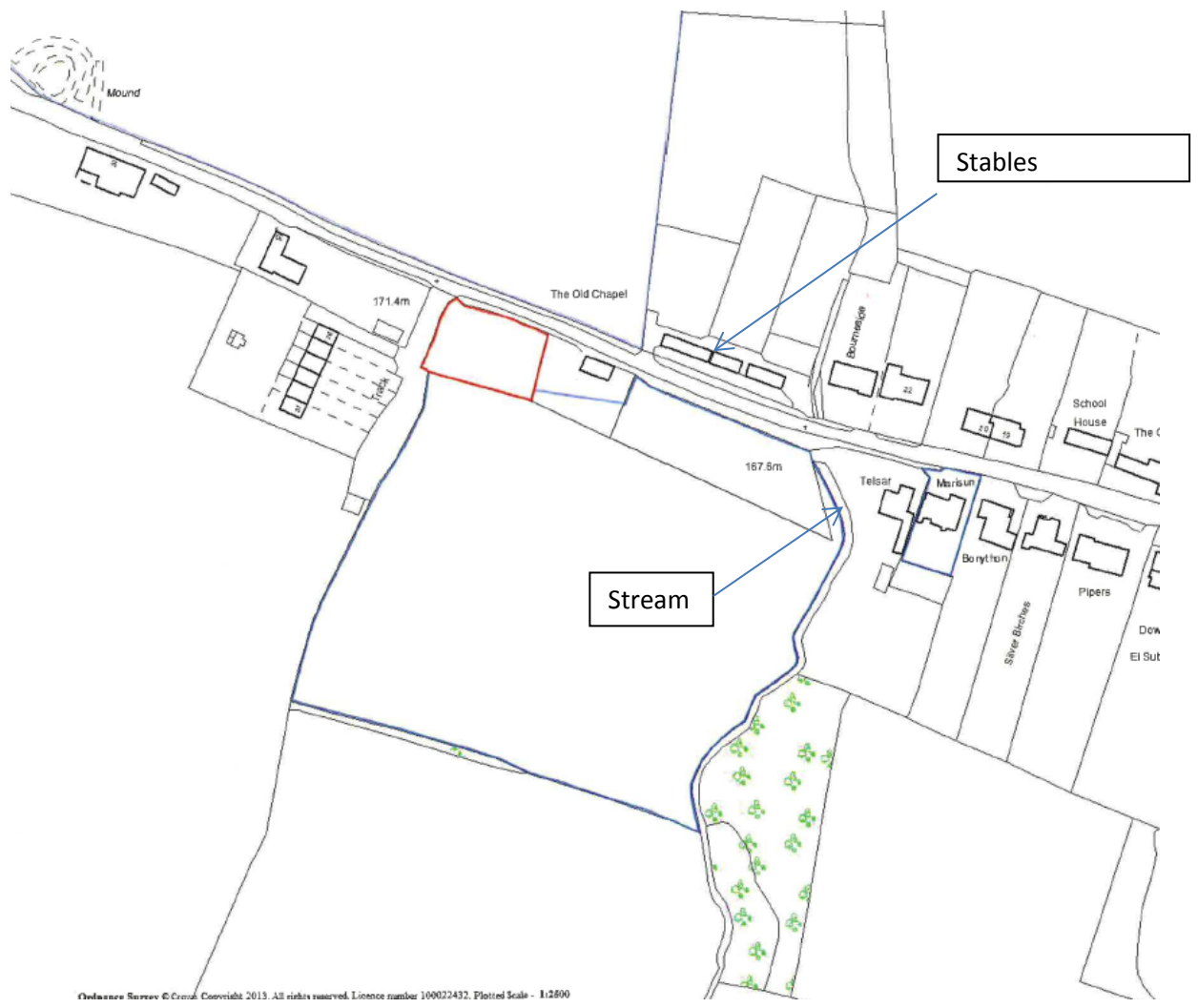
To consider the recommendation that the application be refused planning permission.

#### 3. Site Description

The site is set to the west of the village of Winterbourne Bassett along a single track lane of rural character, without streetlighting, or footways, with banked grass/ nettle verges bordered by established native hedgerows, with open farmland to the north and loose and sporadic housing to the south.

To the south lies the 'Piggery Field' former cricket pitch and surrounding farmland. To the east lies the Old Chapel House. To the west lies a gravel access track serving fields and a discreet terrace of properties set-back from the road. On the opposite side of the street lies open farmland.

In planning policy terms, the site lies within the open countryside, outside of the built up area for Winterbourne Bassett, which effectively ends at the stream, which divides the built-up area of the village from the fields and countryside beyond. The site and its surroundings also lie within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).



Proposed access – to East



Proposed access – to West



**Proposed site – Northern side**



**Proposed site – Southern side**



**Site frontage – to East**



**Site frontage – to West**

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

**K/47269/O**

The erection of 12 houses – **Refused 22/04/2009**

**14/07873/FUL**

Erection of dwelling & associated landscaping – **Refused 15/10/2014** – Principle issues being adverse impact on appearance of countryside within AONB, siting outside of village and substandard visibility splays.

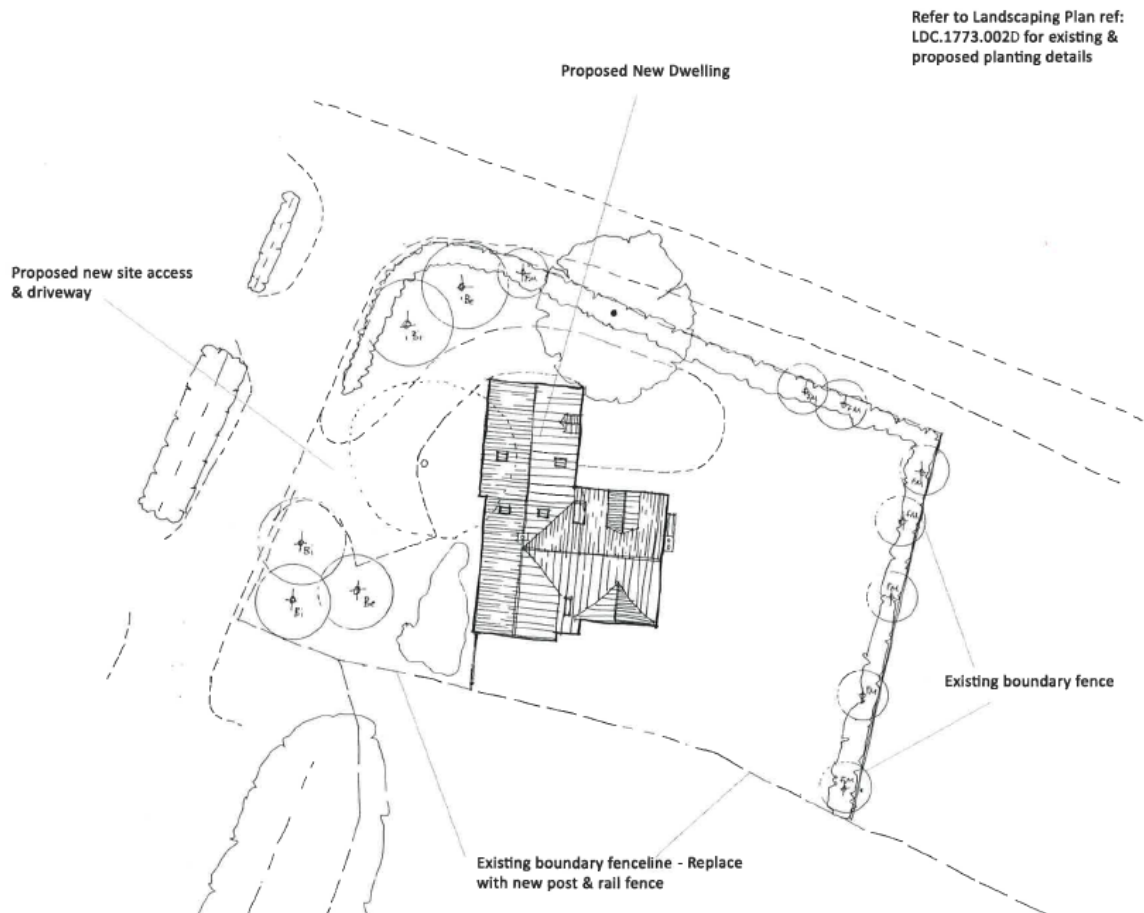
**14/11419/FUL**

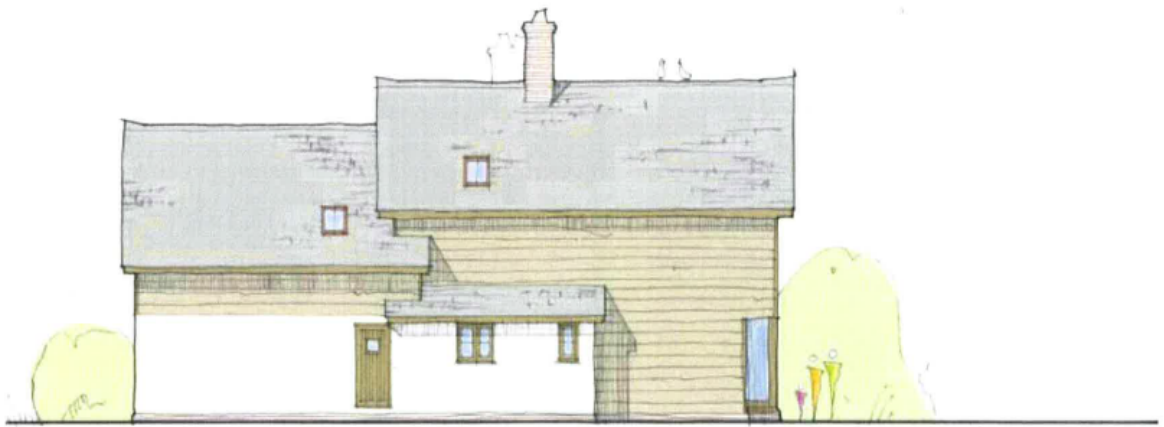
Erection of dwelling and associated landscaping (Resubmission of 14/07873/FUL) – **Refused 08/01/2015** – Principle issues being being adverse impact on appearance of countryside within AONB, siting outside of village and substandard visibility splays.

Pre-application advice was also sought for the erection of a single dwelling on the site back in 2013. Advice at the time suggested that the application would be unlikely to receive a favourable officer recommendation. Key concerns were those set out in the subsequent reasons for refusal.

## 5. The Proposal

The application proposes a detached 2-storey timber-framed 3-bedroom dwelling with integral garage. The dwelling would have a height of 8.5m and a footprint of 143m<sup>2</sup>. The massing would be broken with varying roof heights and an 'L'-shaped footprint and use of dormer windows for the first floor accommodation. Floor levels have not been provided and headroom for the first floor is unclear. Existing boundary trees are proposed to be retained with some additional hedge planting along the road frontage. Access is proposed via the adjoining gravel driveway, with the dwelling facing this side access rather than addressing the street.





**West Elevation**



**South Elevation**



**North Elevation**



**East Elevation**

## **6. Planning Policy**

National Planning Policy Framework

Wiltshire Core Strategy (WCS)

- CP1 Settlement strategy
- CP2 Delivery strategy
- CP14 Marlborough Community Area
- CP41 Sustainable construction and low carbon energy
- CP48 Supporting rural life
- CP50 Biodiversity and geodiversity
- CP51 Landscape
- CP57 Ensuring high quality design and place shaping
- CP60 Sustainable transport
- CP61 Transport and development

Guidance

Planning Practice Guidance

Kennet Landscape Conservation Strategy

Kennet Landscape Character Assessment

The site lies within the North Wessex Down AONB where the statutory duty is to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

## **7. Summary of consultation responses**

Wiltshire Council Highways -

The proposal appears to be no different to the previous application 14/07873 which raised a highway objection. As such, the same objection is raised on this application.

- The proposal, located remote from a range of services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims

of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys.

- The proposal does not demonstrate that suitable visibility splays are being provided at the access with the highway necessary for the safety and convenience of traffic associated with the development.

#### Wiltshire Council Ecologist

Ecological appraisal of the site as carried out by Tessa Peplar Ecology records the site as being of low conservation value. It is considered that the level of survey has been appropriate to the site and to the current proposal and that it provides sufficient information to be able to judge the potential impacts on the biodiversity of the site and surrounding areas. The ecologist agrees with the conclusions of the ecology report that the proposal is unlikely to result in any adverse impacts to sensitive habitats.

#### County Archaeologist

No objections.

### **8. Publicity**

The application has been advertised by way of a site notice and consultations with the neighbours.

Four letters of support have been received.

### **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

#### **9.1 Principle of development**

Under Core Policy 14 of the Wiltshire Core Strategy (WCS) Winterbourne Bassett is defined as a small village. Small villages are identified in Core Policy 1 as having “a low level of services and facilities, and few employment opportunities.” Core Policy 2 states that at small villages, development will be limited to infill within **the existing built area** of the village where it would “help meet the housing needs of settlements and to improve employment opportunities, services and facilities.”

Outside of the built up area, there is a presumption against development in the interests of sustainability and the protection of the countryside, unless the proposal can demonstrate it meets the terms of one of the exceptions policies in the WCS, namely, Core Policy 48. Core Policy 48 is not applicable in this instance as this dwelling does not provide for the essential needs of agriculture, forestry or other forms of employment essential to the countryside.

The Core Strategy does not contain any settlement boundaries for small villages, but as noted above, does allow infill within the existing built area. For the application of existing policies a key issue is thus whether or not the site can be considered to be an infill site within the ‘existing built area.’

If outside the built up area of the village the principle of the development would only be supportable under the Wiltshire Core Strategy if it were to fulfil an essential need to support rural employment.

These policies are in accordance with the emphasis of the National Planning Policy Framework which seeks to respect the intrinsic character and beauty of the countryside, particularly in the AONB, and to ensure that new residential development is located in areas where services and facilities are available. In terms of the North Wessex Downs AONB the NPPF also emphasises that 'great weight' should be attributed to the need to conserve its landscape and scenic beauty, and that the presumption in favour of sustainable development does not apply<sup>1</sup>.

#### 9.1.1 Extent of the 'built-up area'

Travelling westwards through the village of Winterbourne Bassett towards the site, there are houses along both sides of the street until it crosses the head stream of the River Kennet. From this point onwards there is largely undeveloped land on both sides of the street, with relatively recent (c.2000) development of stables/ equestrian facilities on the north side of the street and rough pasture of the former cricket pitch site on the south side. The stream point crossing thus provides a distinct end point to the built up area of the village. This was the point where the village policy area ended in the first Kennet Local Plan that ran until 2004 and no residential development has taken place beyond this established boundary since that time. Beyond it on the west side of the road, there is no development for more than 150 metres, other than the isolated now converted former chapel. There are then two further isolated dwellings and a terrace at right angles to the road. These are clearly physically and visually not part of the built-up limits of the settlement.

For the reasons above, and as advised at pre-application enquiry, it is thus concluded, that the western limit of the built up area of the village stops at the crossing of the head stream for the River Kennet. The application site is clearly well outside of the built up area of the village for the purposes of policies CP1, CP2 & CP48.

#### 9.1.2 Impact on the rural character of the area

The design of the dwelling, with access from the side, would present a blank gable elevation towards the street with a more rearward ground and first floor window. The design and layout is out of place in this rural landscape in the AONB and does nothing to contribute positively towards the streetscene, as would be expected of development within the built up area of the village.

The footprint and massing of the dwelling and the loss of openness west of the Old Chapel House would have an appreciable negative and urbanising impact on the area of sporadic low density residential development separated by generous gaps, and would erode the 'transitional' nature of development along this section of the road, to the detriment of the rural character of the area.

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<sup>1</sup> Footnote 9 to para. 14



### 9.1.3 Impact upon the landscape

Core Policy 51 (Landscape) seeks to protect, conserve and enhance the landscape of the area and states that the Kennet Landscape Character Assessment (1999) and Conservation Strategy (2005) will be used to implement the policy. As the proposal is within the AONB it is also important to consider the NPPF's emphasis that great weight should be afforded to their protection.

The Kennet Landscape Character Assessment identifies the site as being within the Avebury Plain Landscape Character Area, and more particularly as being in a landscape of 'Enclosed farmland with weak hedgerow structure'. The area is identified as having 'an essentially rural, agricultural character' within which only 'smallscale, sensitively-designed development, associated with existing built form, could be successfully accommodated'. Due to the weak hedgerow structure, the Enhancement Strategy for the area is to 'strengthen' the landscape character. The proposed development, being outside the built up area of the village is not associated with the existing built form of the village however and would therefore be contrary to the advice of the Assessment. Furthermore, although promoted as being 1½ storey, the 8.5m height of the dwelling exceeds that of many fully two-storey dwellings, such that the sensitivity of the design is also questionable on rising ground adjacent to the modest form of the adjoining Old Chapel House.

The development would inevitably erode the sparseness of development that exists along the street leading westwards away from the village and in so-doing would act to erode the sense of remoteness and tranquillity that is fundamental to the character of the AONB. Considering the 'great weight' attributable to the protection of the landscape and scenic beauty within the AONB under the NPPF<sup>2</sup> it is concluded that the development would be harmful to the landscape character of the area and the AONB, contrary to policy CP51 of the WCS.

### 9.2 Neighbouring Amenity

A first floor bedroom window above the garage would be the only window facing towards the Old Chapel House. It would be set c.38m from the dwelling however and angled such that with retention of boundary vegetation there would be no potential for overlooking into the first floor side window or garden areas so as to materially impact on the use and enjoyment of The Old Chapel House.

A 40m+ separation from the neighbouring terrace to the west would similarly be sufficient to avoid any material impact.

### 9.3 Sustainability of location

In line with the emphasis of the NPPF, the Core Strategy seeks to concentrate development in areas well served by local facilities so as to reduce the need for travel, particularly by private car (e.g. CP60 & CP61).

The application site is poorly located in terms of access to local services, amenities and services. The main service centres being, Calne (10 miles), Marlborough (8.7 miles),

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<sup>2</sup> Paragraph 115

Devizes (12.7 miles) and Swindon (7.8 miles). The only facility available within the village is a public house (understood to be currently closed). It is over 2 miles to the nearest public house and the village shop in Broad Hinton.

The Swindon-Devizes-Trowbridge 49 bus service passes along the A4361 with a roughly hourly Mon-Saturday daytime service. The bus stop distance of 1000m from the site entrance significantly exceeds the maximum 200m bus stop distance recommended by the Institute of Highway Engineers. There is also no footway provision or street lighting such that the route does not provide a pedestrian-friendly environment. Given the nature and location of the development it is unlikely that a modal shift would occur away from the use of the private car. It is considered that the occupants of the property would be likely to be predominantly reliant on the use of private cars for day to day activities, contrary to policy CP60.

Furthermore, the NPPF states at paragraph 55 that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. There is no evidence submitted with this application that would lead the Council to conclude that this development would enhance or maintain this rural community. The addition of 1 dwelling is likely to bring very limited if any economic benefit to the community such that it could be considered against the sustainability criteria of this paragraph of the NPPF.

#### 9.4 Precedent

Permitting this development would set an undesirable precedent for future proposals on this side of the road as allowing this development to go ahead would in effect open up the remainder of the 150 metre frontage back to the stream for sporadic development, the cumulative effect of which would exacerbate the harm to the landscape described above and undermine the spatial strategy and policies of the WCS. In effect, it would lead to a ribbon development extending outwards into the countryside. This issue of precedent has been upheld recently (1<sup>st</sup> April 2015) in a dismissed appeal for a single dwelling outside of the village envelope at Alton Priors (Appeal Decision APP/Y3940/A/14/2221131).

#### 9.5 Access and movement

The highway officer is satisfied that the site could accommodate necessary parking and manoeuvring space, and the garage would allow for storage and parking of cycles.

The highway officer's previous concerns about the access being reliant on 3<sup>rd</sup> party land have been addressed by evidence of a private vehicular right of access into the site along the adjacent track. A condition could feasibly guard against formation of an alternative access arrangements to ensure protection of the roadside bank and vegetation.

The highway officer maintains objection however on the grounds that the proposal does not demonstrate that suitable visibility splays are being provided at the access onto the highway. Although it is an existing access point, intensification in its use has the potential to be detrimental to highway safety if visibility is sub-standard. The applicant was thus advised prior to application that visibility splays of 2.4m x 43m would be

required in both directions, and that the impact of works needed in order to achieve this would need to be addressed. The application includes a Visibility Splay plan (LDC.1773\_VS02) that identifies visibility splays of 2m x 43m to the south east but only 2m x 20m to the North West. The photographs included in the DAS are misleading in that they are taken from the carriageway edge rather than the set-back position of waiting/ emerging drivers. The Design & Access Statement suggests that 2m x 80m is available to the opposite verge the north west, but scaling from the plan shows only 2m x 38m to the far side of the carriageway, and even then this is from the centre of the exiting track, rather than the left hand side of the track where a vehicle should perhaps be positioned on exit, to allow any entering vehicles to pass.

The applicant accepts that the visibility in the NW direction is sub-standard, but in mitigation highlights that the access presently serves 6 dwellings and that there have been no reported accidents at the junction, and that the 16% increase in vehicle movements would not be significant. The Highway Officer does not accept these factors as demonstrating the acceptability of the site access/ exit, and accordingly maintains the previous objection to the proposal. Whilst the existing sub-standard visibility is a consideration, the suggested 16% increase in the use of the junction would be significant, and would result in potential for additional conflict at the junction between exiting and entering vehicles that could only compound issues arising from the significant shortfall in visibility along the road.

Policy CP61 only supports developments that are served by safe access to the highway. In the absence of satisfactory details of the access and visibility arrangements it is concluded that the development would be contrary to policies CP61 of the WCS.

#### 9.6 Biodiversity

The application includes an ecological report that concludes that the site has low ecological value, but with potential to harbour protected species. A number of precautionary measures are thus proposed with enhancements in terms of native species planting, installation of bat boxes and construction of a pond. These measures could be secured by way of conditions.

#### 9.7 Archaeology

The submitted desk-based archaeological assessment (with a walk-over survey) identifies a low likelihood of remaining archaeology on the site as a result of previous disturbance. No investigation is therefore proposed. No objection has been raised by the archaeological officer.

#### **4. Conclusion**

The proposal is for a new dwelling in the countryside that has no agricultural or other agriculturally-related justification. It is well beyond the limits of the built-up area of the village and would harm the character and appearance of the countryside. Furthermore, the harm would be exacerbated by the precedent set that could lead to ribbon development back to the village from this point, with the consequent adverse impact on the landscape of this part of the area of outstanding natural beauty.

Then proposal is not in accordance with the policies of the development plan and there are no good planning grounds for making an exception.

As such, the proposal is considered to be contrary to policies CP1, CP2, CP48, CP51, CP57, CP60 and CP61 of the Wiltshire Core Strategy and to central government guidance contained within the NPPF.

## **RECOMMENDATION**

### **Refuse the application for the following reasons:**

1. The erection of the proposed dwelling in this location well outside the built-up area of the village would have an adverse impact on the character and appearance of the area and this part of the North Wessex Downs Area of Outstanding Natural Beauty and would conflict with policies CP1, CP2, CP48, CP51 and CP57 of the Wiltshire Core Strategy. It would be contrary to the statutory duty imposed on local authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB and the explicit requirement in the National Planning Policy Framework to give 'great weight' in decisions to the need for conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty.
2. The proposal would set an undesirable precedent for further ribbon development between the site and the built-up area of the village that would further exacerbate the conflict with the policies of the development plan, the statutory duty imposed on local authorities and the conflict with the NPPF identified in reason 1 above and cause significant harm to the character and appearance of the area.
3. The application fails to demonstrate that the proposed access onto the street provides sufficient visibility for vehicles exiting the site, contrary to policy CP61 of the Wiltshire Core Strategy.
4. The site is in an area poorly served by local services, amenities, and public transport such that there is a likelihood of the occupants being heavily reliant on the use of private cars for the majority of day-to-day activities, contrary to the aims of sustainable development policies for transport as set out in Wiltshire Core Strategy policy CP60, and the National Planning Policy Framework which seek to reduce the need for travel and reduce the growth in the length and number of motorised journeys.