

<b>Date of Meeting</b>	19 <sup>th</sup> April 2018
<b>Application Number</b>	18/01938/FUL
<b>Site Address</b>	Land off Aldbourne Road (between Becketts and Turf Run), Baydon, Wiltshire
<b>Proposal</b>	The erection of a residential dwelling.
<b>Applicant</b>	Mr Bill Evans
<b>Town/Parish Council</b>	ALDBOURNE
<b>Electoral Division</b>	ALDBOURNE AND RAMSBURY – Cllr James Sheppard
<b>Grid Ref</b>	427704 177643
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jonathan James

### **Reason for the application being considered by Committee**

The application has been called to Committee at the request of divisional member Cllr James Sheppard, if the officer recommendation is for refusal. The key issues for the call-in are the visual impact of the scheme, its relationship to adjoining properties and the environmental and highway impacts of the proposed development.

#### **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 main issues to be considered are the principle of development (as the site lies within countryside outside of any defined Limits of Development); and the impact of the proposal on the character and appearance of the landscape, since the site is located within the North Wessex Downs Area of Outstanding Natural Beauty. The fact that the proposed development does not overcome the principal reasons for refusal given for application reference 14/03688/FUL, which was successfully defended at appeal, will also be discussed.

#### **3. Site Description**

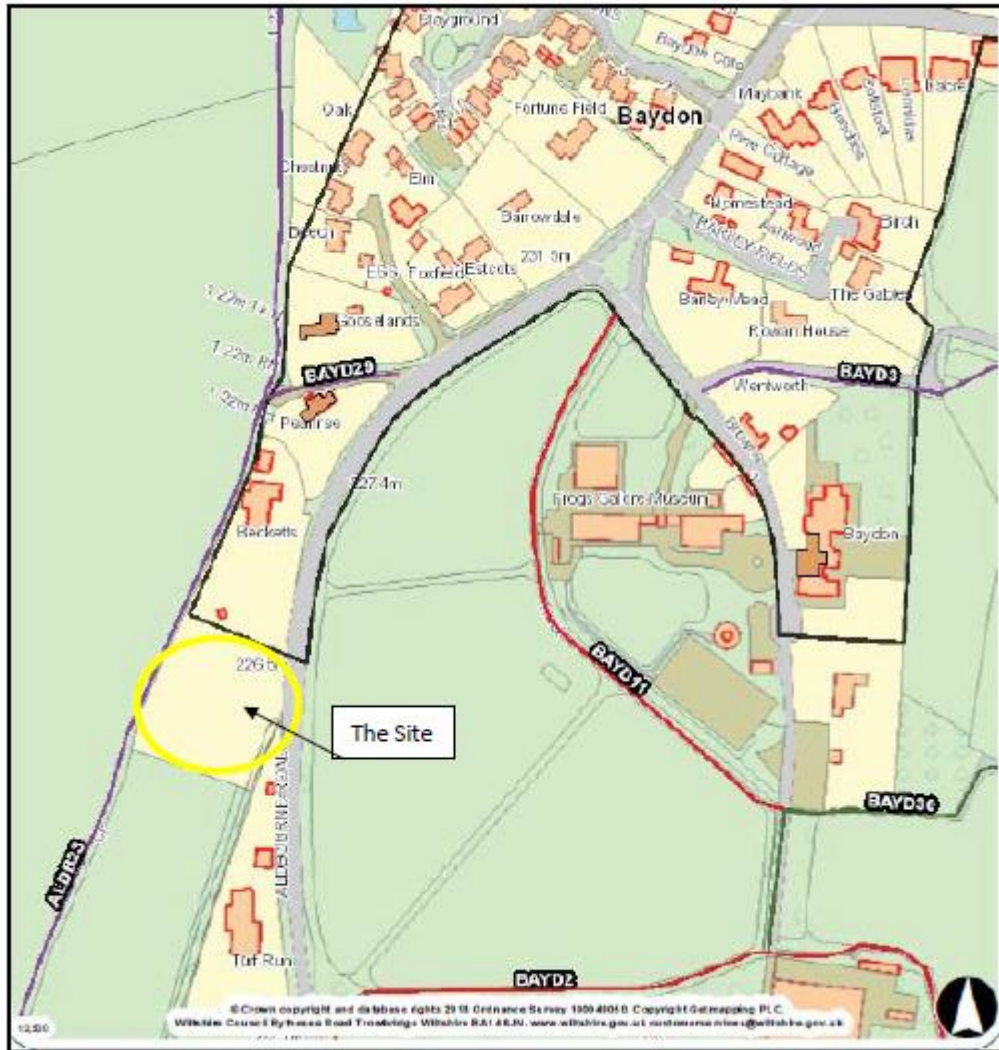
The site is located in countryside outside of the Limits of Development (LoD) of the large village of Baydon within the Marlborough community area, as defined by the Wiltshire Core Strategy (2015). The village centre is located approximately 600m to the north of the site.



Figure 13: Baydon Village local facilities.

Access would be onto the adjacent highway (Aldbourn Road) which runs to the east of the site, beyond an existing mature hedgerow. The topography of the land is sloping down to the west. There is an existing public right of way (footpath ALDB23) along the western boundary. The site is generally concealed from the adjacent road by existing mature hedgerows and as a result of the topography of the land. However, it forms an important transition between the built form and the open countryside beyond.

The site lies just outside of the "Limits of Development" (LoD) for Baydon, as can be seen in the location plan below, which is depicted by the solid black line. The plan also shows the location of the two nearby public rights of way.



The site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the Countryside Character Area of the Berkshire and Marlborough Downs (code 116). To the west of the site is the Baydon Chalk County Wildlife Site, a large area of steep calcareous grassland on a west-facing slope with a Phase 1 Habitat Classification.

#### 4. Planning History

K/79/0011

Bungalow with garage – Refused for several reasons:

The site lies outside the limits of development, in countryside and the proposal would extend the built form into the attractive countryside adjoining the village to the detriment of the character of the AONB and the area in general. The development would consolidate residential development along a narrow Class III road, without verges or footways and create a precedent for more dwellings in the vicinity of the site contrary to the interest of highway safety. The use of the access with restricted visibility would likely impact on highway safety.

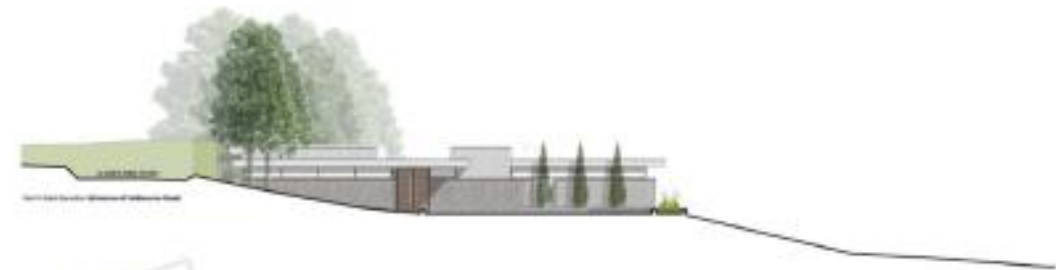
- K/81/0762 Agricultural access – Refused:  
*'The new access would create a dangerous access with severely restricted visibility and would be damaging to the visual amenities of the character of this area including on the AONB. An appeal was made against the decision of the application and against an enforcement notice - the appeal was dismissed on all grounds.'*
- K/86/0420 Pony Shelter – conditionally approved
- 14/03688/FUL Erection of two 3 bedroom detached dwellings with double garages – Refused for several reasons:  
*The proposal lies outside of the LoD where new development is contrary to policies of the local plan, and in an unsustainable location for such new development. The proposal would harmfully impact on the character of the area through the extension of the built form. The proposal would not provide a safe means of access. Dismissed at appeal on all grounds.*
- 16/06137/PREAPP New dwelling – the applicant was advised that a new dwelling in this location would not be supported and that the scheme would likely lead to a negative impact on the character of the area and specifically the AONB. Subsequently, a new planning application was submitted.
- 17/11574/FUL Erection of a residential dwelling - withdrawn

### **Similar site adjacent**

- K/20988 ERECT THREE BEDROOM HOUSE WITH NEW ACCESS – Refused:  
The creation of new dwelling in this location would have an adverse impact on the appearance of the character of the AONB extending the built form of the village and adversely affecting views from public vantage points to the west.
- K/21153 ERECT THREE BEDROOM DWELLING AND NEW ACCESS – Refused:  
The creation of new dwelling in this location would have an adverse impact on the appearance of the character of the AONB extending the built form of the village and adversely affecting views from public vantage points to the west. Dismissed at appeal - This application was appealed and dismissed at appeal as the Inspector found that the erection of a new two storey dwelling within this location would unacceptably harm the character of the AONB.

## 5. The Proposal

The application is for the erection of a large two-storey, detached, flat-roofed house within an existing paddock, which would be served by an existing access from the adjacent road. The new dwelling would be of a modern design and finished in a mixture of materials ranging from timber and glass and incorporating flint stone.



North Elevation



West Elevation



South Elevation



South East Elevation facing highway

## *Elevations of proposed dwelling*

The proposals include a new lawned area with a wildflower meadow wrapping around the garden to enhance biodiversity. The existing electricity pole would be removed, cables buried and a dew pond reinstated – these have been cited as benefits by the applicant.



## *Site Plan*

### **6. Planning Policy**

#### Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 – Settlement Strategy. This identifies settlements where sustainable development will take place, with a settlement hierarchy running from Principal Settlements through market towns and local service centres to large and small villages.
- Core Policy 2 – Delivery Strategy – in order to deliver the sustainable development envisaged in CP1, CP2 sets out the delivery strategy. Again, this states that houses will be delivered in sustainable locations, with a presumption in favour of such development within the limits of development defined on the policies map. Outside the limits of development, development is only permitted in the circumstances outlined in paragraph 4.25 of the CS. Core Policy 14 – Spatial Strategy: Marlborough Community Area – clarifies that development in

the Marlborough Community Area should be in accordance with the Settlement Strategy as set out in Core Policy 1. This clarifies that Baydon is a large village. All development within the Community Area will need to conserve the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics.

- Paragraph 4.25 of the CS identifies the 'exception policies' which seek to respond to local circumstances and national policy to represent additional sources of supply of new employment and housing sites outside of the settlements identified in the hierarchy. Of these policies, CP34 (employment land); CP37 (military establishments); CP39 & 40 (tourism development), CP44 (Rural Exceptions Site) and CP46 and CP47 (specialist accommodation provision) are not relevant to this proposal. The remaining exception policy – CP48 is addressed below.
- Core Policy 48 deals with supporting rural life and covers a range of employment and social facilities. In relation to new housing, it states that outside of the defined limits of development, and outside of the existing built up areas of small villages (the bottom rung on the CP1 settlement hierarchy), residential development will be supported where it meets the accommodation needs for workers employed in the immediate vicinity in the interests of agriculture, forestry or other employment essential to the countryside.
- Core Policy 50 – Biodiversity and geodiversity - Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.
- Core Policy 51 – Landscape – the supporting text for this in paragraph 6.85 identifies the need to protect the distinct character and identity of the villages and settlements in Wiltshire. Development should protect, conserve and where possible enhance landscape character, and any negative impacts must be mitigated. A list of criteria is set out, and great weight is afforded to conserving and enhancing the landscape and scenic beauty of the AONB.
- Core Policy 57 – requires new development to make a positive contribution to the character of Wiltshire
- Core Policy 58 – Ensuring the conservation of the historic environment – requires development to protect, conserve and where possible, enhance the historic environment, and states that designated heritage assets and their settings will be conserved.
- Core Policy 60 – Sustainable transport – the Council will use its planning and transport powers to help reduce the need to travel particularly by private car this will be achieved by planning developments in accessible locations.
- Core Policy 61 – Transport and new development – 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 proposal must be capable of being served by safe access to the highway network.
- Core Policy 64 – Demand management – residential parking standards.

## National Planning Policy Framework 2012

All relevant sections, including the need to give great weight to conserving the landscape and scenic beauty of AONBss.

### **Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).**

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

Wiltshire Council's Landscape evidence base comprising: Kennet Landscape Character Assessment (1998);

Wiltshire Landscape Character Assessment (2005);

Kennet Landscape Conservation Strategy (2005);

North Wessex Downs AONB Integrated Landscape Character Assessment (2002);

Countryside & Rights of Way Act 2000 (CRoW Act 2000).

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

Baydon Parish Council – no comments received at the time of writing the report. Any subsequently received will be reported verbally at the committee meeting.

Wiltshire Council Highway Officer – no objections:

*'There is some history linked with this site with the last application for the same proposal being withdrawn (17/11574/FUL). On this basis, I adhere to my colleague's previous comments given.'*

Wiltshire Council Arboricultural Officer - no objection.

AONB Officer - no comments received at the time of writing the report. Any subsequently received will be reported verbally at the committee meeting.

## **8. Publicity**

The application has been advertised by way of a site notice and by letter to neighbouring properties. The following is a summary of the responses received:

### **Support**

- No objections to the application going ahead;
- Lovely house to compliment a beautiful site, it is creative architecture that would add to and enhance the village of Baydon;
- Sympathetically designed to complement the site without any impact on the surrounding area, the building and layout are within keeping of the village and the trees and garden will add to the beauty of the countryside;
- No impact on neighbours;
- Will not be easily seen from the roadside;



- From an ecological standpoint the development covers more than is expected for such an exciting build;
- Application in line with the village plan, it is environmentally friendly and unobtrusive;
- Excellent example of modern energy saving green building with minimal greenhouse gas impact;
- It is not an extension beyond the existing row of houses in Aldbourne Road. It is an in-fill in between the two existing properties in line with the policy in the Local Plan. The village needs to take every in-fill opportunity in order to sustain its viability;
- The line of development is in an illogical position and should be south of Turf Run by the village gates;
- Access has been considered sensibly, the hedge line re-aligned for visibility with adequate space for a car to pull off the road;
- There are plans to move the 30mph signs to the village gates location thereby defining the start of the village dwelling area;
- Only concern would be vehicle access from contractors while building.

## **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 states that “*determination must be made in accordance with the development plan unless material considerations indicate otherwise*”. Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for the determination of all planning applications. The WCS is the relevant development plan against which this application must be assessed.

### **9.1 Principle of Development**

Baydon is classed as a large village in the settlement hierarchy set out in the WCS. The WCS identifies that within large villages the settlement boundaries are retained and development will take the form of small housing schemes within the settlement boundaries.

In the WCS, large villages are defined as settlements with a limited range of employment, services and facilities. Development at large villages should therefore be limited to that needed to help meet the housing needs of settlements. Baydon has limited facilities, namely a church, a shop with post office, a primary school and a public house which has a declining clientele.

Core Policy 2 identifies 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. Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. The settlement boundary of Baydon has been reviewed as part of the Wiltshire Housing Site Allocations DPD and there are no proposed changes in this part of the village. The site is not being brought forward as part of any neighbourhood plan.

The site is not served by pedestrian footpaths to the village and does not provide safe pedestrian access. As such, it is likely that occupiers would be wholly reliant on vehicular transport for day-to-day living and access to facilities. It has been stated within the application that there is safe access along ALDB23 into the village, however, such a route would connect onto BAYD29 which then runs up to the highway, which occupiers of the proposed dwelling would be reliant on in order to access the village. There are limited safe pathways along this section of highway. It is considered more likely that residents would be reliant on cars to access local facilities.

As a result, new residential development is not considered to be sustainable. Such development is only deemed acceptable in principle if the proposal meets the criteria of one of the 'exception policies', or if the land has been brought forward through a neighbourhood plan (NP). As identified above, there is no NP for Baydon and thus the proposal can only be considered acceptable in principle if the criteria in the exceptions policies can be met, although these must also be read in conjunction with the other relevant WCS policies relating to development, such as CP51; 57 and 58.

One such exception policy is CP48 in the WCS, which supports proposals for new housing that are required to meet the accommodation needs of workers whose employment is essential to the countryside, such as farmworkers. No such case has been made here and no justification exists for permitting the development under the terms of this policy.

The proposal is therefore not in accordance with the exception policy referred to above and is therefore contrary to these provisions of the development plan.

Other policies must also be considered in relation to the wider aims of sustainability, including protecting the character and appearance of the area, the landscape and heritage assets. Paragraph 55 of the NPPF also supports dwellings, beyond those necessary for essential needs or supporting heritage, where they are considered to be of exceptional quality or of innovative nature in design.

The application details suggest that the scheme is of exceptional quality which appropriately reflects its sensitive location within the North Wessex Downs AONB, sitting within the natural envelope of the village between existing dwellings, rather than representing an outward extension of the village. It states that the scheme is of innovative nature and exceptional quality. The application also states that paragraph 62 of the NPPF stipulates that LPAs should have regard to the recommendations of design review panels. The South West Design Review Panel reviewed the scheme when the proposed development was submitted following pre-application advice.

The scheme is a flat-roofed two-storey structure which would be sat into the hillside beyond the limits of development of the village of Baydon. It proposes the use of a mix of traditional building materials. The design is typical of modern architecture and is not in any way exceptional. The use of high thermal mass, passive solar gain, mechanical ventilation heat recovery systems and an air source heat pump system, solar panels and photovoltaics is not innovative in nature; rather this widely used as standard in the design of new dwellings.

The Design Review Panel commented that *"it is open to you to seek to meet the requirements of NPPF Para 55 but this would be a formidable challenge for two particular*

*reasons: It is hard to satisfy Para 55 anywhere and harder still in an AONB. And the LPA advise that the site is not 'isolated'.*

*The Panel identified that "if you were inclined to make your case on the 'innovative nature of the design', the Panel, on the basis of the documents submitted, did not identify any part of the scheme that would do something not done before in the UK. A widely accepted definition of innovation that we use is steps to extend technology that would not be apparent to a professional in this field researching through existing published material. If not innovative, then the scheme would have to rely on exceptional quality".*

*The Panel concluded on the issue of a Para 55 dwelling that "for all its admirable intentions, cannot be said to clear the bar and has some way to go. If you take this route we'd advise a second review when more work has been done. We think you must acknowledge the risk that further work may not lead to a successful conclusion".*

As such and bearing in mind the guidance set out in Paragraph 62 of the NPPF (i.e. that LPAs should have regard to Design Panel recommendations), it is reasonable to conclude that the scheme fails to meet the exacting standards for a new dwelling in a countryside location which would otherwise be unacceptable in principle.

As the proposed development does not meet any of the exceptions policies as set out in the WCS or NPPF and fails to comply with the strategic requirements of the policies of the WCS to direct development within sustainable locations the scheme, the proposal is considered to be unacceptable.

## **9.2 Landscape Impact**

The whole of the settlement of Baydon and the surrounding countryside lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The purpose of an AONB designation is to conserve and enhance the natural beauty of the area. The Council is required to have regard to this objective in determining planning applications. The NPPF states that 'great weight' should be given to conserving the landscape and natural beauty of such designated landscapes.

The WCS identifies the need to protect the distinct character and identity of the villages and settlements in Wiltshire.

Given these two factors, it is important to understand the contribution the site makes to the character and appearance of the landscape. Currently, it forms part of the agricultural landscape that acts as a transition between the urban built form and the surrounding countryside. As agreed by the planning inspector in respect of application reference 14/03688/FUL, the erection of a new dwelling with associated domestic paraphernalia would result in a significant visual presence. The site forms part of the distinct character that characterises the settlement of Baydon and is extremely susceptible to change; if the identity and character of such settlements is to be kept, the landscape at this smaller scale is worthy of conserving.

There are several rights of ways to the west of the site that afford views into the site. There is a footpath (ALDB23) that runs directly adjacent to the site and connects with BAYD29 to

the north, a footpath (ALDB21) at the bottom of the hill on which the site is located and a byway (ALB20) further west, which provides long-distance views into the site.

The proposal would see the erection of a modern dwelling along this ridge adjacent to the highway. The would appear as an incursion of built development that would consolidate the existing built form of its surroundings and which would erode the natural qualities of the site and the intrinsic rural character of the wider area.

The proposal would conflict with Core Policy 51, in that it would have a harmful impact upon the landscape character of the area and the distinctive character of the settlement. Whilst the mitigation proposals are noted and taken into account, they would not ameliorate the harm that the construction of a dwelling of this size in this location would have.

Whilst the materials proposed are unobjectionable, the siting of the dwelling simply fails to relate positively to its landscape setting and is not sympathetic to this protected landscape. The proposal would therefore conflict with Core Policy 51 and 57 of the WCS.

The submission suggests that any light spill from the proposed dwelling would be very limited and no worse than any existing lighting from the neighbouring properties of Becketts and Turf Run. Significant concern is raised at the potential light spill and harm to the special quality of the AONB dark Skies. Their argument that the neighbouring properties and membury service already create a night glow is not acceptable as the proposal will make the situation worse further eroding the character of the AONB.

The submission further suggests that the enhanced screening would have a strong landscape framework, sympathetic to the existing landscape character and the existing village. However, this fails to recognise that Beech hedging is very domestic and formal and not appropriate as a boundary treatment within open countryside. The character of this area beyond the village limits is distinctly rural, where the final dwelling (Turf Run) is seen remote from Becketts and the site forms part of the rural ambience along this part of the hillside.

It is considered that given the location's rural ambience, the proposed structure would appear out of context and would create an obtrusive and overly-developed scheme within this protected rural landscape. The development would be contrary to the criteria of Core Policies 51 and 57 of the WCS (2015) and as such, in terms of the potential detrimental visual impact, the proposal is not supported.

## **Development Plan Summary**

The proposal does not accord with the policies of the development plan. It is not in a sustainable location and would adversely affect the character and appearance of this protected landscape.

### **9.4 Other material considerations**

**9.4.1 Housing land supply** – the site is located within the Eastern Housing Market Area where the latest housing land supply figures showed a land supply in excess of 8 years - well beyond the 5.25 years required for paragraph 14 of the NPPF to be engaged in relation to housing land supply. The policies of the development plan can therefore be considered to be up-to-date in terms of paragraph 14 and can be given full weight.

**9.4.2 Ecology** - In carrying out its statutory function, the planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact on protected habitats or species, in line with both the NPPF and CP50 of the WCS. CP50 stipulates the Council's stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a feature, appropriate mitigation. The presence of any protected species is a material planning consideration.

Although the proposed site is immediately adjacent to the eastern edge of the Baydon Chalk County Wildlife Site, designated for its chalk grassland flora, the construction of a single dwelling on the site is unlikely to result in depletion of the flora on the county wildlife site or changes to the hydrology or soil structure, upon which the flora is dependent.

## **10. Conclusion (The Planning Balance)**

In determining this application, the local planning authority is fully aware that if the development accords with an up-to-date Local Plan it should be approved, and that, if it conflicts with this plan, it should be refused unless other material considerations indicate otherwise.

In this case, the proposal is clearly in conflict with the up-to-date policies of the development plan. The proposal conflicts not just with the spatial strategy of where new housing should be located, but would also have an adverse impact on the identity and character of the village and a harmful impact on the AONB.

There are three aspects of sustainable development - an economic, social and environmental - in respect of which the NPPF identifies that there is a presumption in favour of. This is seen as a golden thread running through the decision making process and that local planning authorities should approve development in accord with the development plan without delay.

It is acknowledged that some limited positive weight should be given to economic benefits through the likely local employment that may be generated by the development proposed, for a limited period of time. Also, there are likely to be some social benefits through the provision of a new dwelling within the local housing market. However, given the likely cost of a unit of this size, within a secluded rural location set in an impressive plot size, the social benefits would be restricted to those on a higher income and would not likely benefit lower income families and would certainly not add to the affordable housing market.

In this case, the proposal is clearly in conflict with the up-to-date policies of the development plan. The proposal conflicts not just with the spatial strategy of where new housing should be located, but would also have a harmful impact on the rural character and appearance of the area, which is designated as AOB. The site is located in open countryside in an unsustainable location. There is no reasonable access to local services and facilities and the proposed new dwellings would result in a car-dependant development in order to access most services and facilities due to alternative transportation methods not being attractive enough to encourage non-car use.

The fact remains that making an exception to the planning policies in this location would cause irreversible harm through conflict with the development plan by undermining their direction for development to sustainable locations. It is considered that any limited public

benefit that may occur if this development were to be approved, would not outweigh the harm that would be caused by allowing a development that in this particular location would cause harm to the character and appearance of the landscape, on a site that has not been brought forward for development by the local community. Overall, this is not sustainable development. Given the aim of the NPPF for development to be genuinely plan-led, it is considered that undermining this approach by allowing this proposed development would have a significant negative impact.

The proposed development would fail to meet the requirements of Core Policies 51, 57, 58 of the Wiltshire Core Strategy (2015) and would result in an unsustainable form of development which would have a detrimental impact on the character and appearance of the AONB.

## **RECOMMENDATION**

**It is recommended that the application be refused for the following reasons:**

1. The site is located in open countryside, outside of the limits of development for any nearby settlements (as defined in the Wiltshire Core Strategy) and in a location poorly-served by local services and amenities, where none of the exceptions policies listed at paragraph 4.25 are applicable. Nor has the site been identified through the neighbourhood planning process. The proposal would therefore conflict with Core Policies 1, 2, 14 and 60 of the Wiltshire Core Strategy (2015), which seeks to properly plan for sustainable development of housing in Wiltshire and to central government policy contained within the National Planning Policy Framework.
2. The proposal would result in residential development and associated domestic paraphernalia within the countryside which, in turn, would erode the rural character of the area and negatively impact on the appearance of the landscape, which is designated as the North Wessex Downs Area of Outstanding Natural Beauty. This would conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy and with paragraph 115 of the National Planning Policy Framework, which gives great weight to conserving the landscape of areas of outstanding natural beauty.