

**REPORT OUTLINE FOR AREA PLANNING COMMITTEE****Report No.**

<b>Date of Meeting</b>	1 June 2022
<b>Application Number</b>	PL/2021/10952
<b>Site Address</b>	Land at Brambell Cottage , Mount Pleasant, Porton, SP4 0NA
<b>Proposal</b>	Full plan application for the erection of one dwelling with garage, at the land adjacent to Bramble Cottage, with garage and driveway.
<b>Applicant</b>	Mr. Najjar
<b>Town/Parish Council</b>	Idmiston Parish
<b>Electoral Division</b>	Winterslow & Upper Bourne Valley ED – Cllr Rich Rogers
<b>Grid Ref</b>	51.127547, -1.739211
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Julie Mitchell

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

The application is made by an elected member and there are objections raising material planning considerations.

**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. Having reached a balanced conclusion, the report recommends that planning permission be refused.

**2. Report Summary**

The main issues to consider are:

1. Principle of development
2. Highway issues
3. Character of the area
4. Residential amenity
5. Drainage
6. River Avon SAC
7. Other issues

**3. Site Description**

The site is open countryside to the west of Porton, a settlement defined as a Large Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). Porton has a defined settlement boundary which places the access to the application site a distance of approximately 400 metres by road from the outside edge of the boundary line and a distance of approximately 250 metres across the valley of the River Bourne.

The application site is located to the west of the A338. There is an existing unmade vehicular access from the highway to the north-east of the site providing access to a pair of semi-detached dwellings which are located to the south of the site. The existing dwellings are located in isolation to any other built form and surrounded on all sides by open fields, with the A338 forming the boundary to the east. The site itself comprises a grassed paddock area which is adjacent to but outside the formal residential curtilages of the two existing dwellings. It is bounded by the unmade access lane and land associated with No. 2 Mount Pleasant (Ashcroft) to the east and land associated with No. 1 Mount Pleasant (Bramble or Brambell Cottage) to the south. The A338 is a main route with no pedestrian footways.

The site is outside of the fluvial flood zones 2 and 3 associated with the River Bourne, which is located to the east of the site on the opposite side of the A338. Porton Meadows SSSI also lies to the east of the A338, at a distance of less than 20 metres from the site. The area in which the site is located is locally designated as a Special Landscape Area, a designation which is saved from the Salisbury District Local Plan as part of the Wiltshire Core Strategy.

#### 4. Planning History

S/2002/1987 – UPVC Conservatory (“Bramble Cottage”) - Approved

S/2004/1577 – Conservatory (Bramble Cottage) – Approved

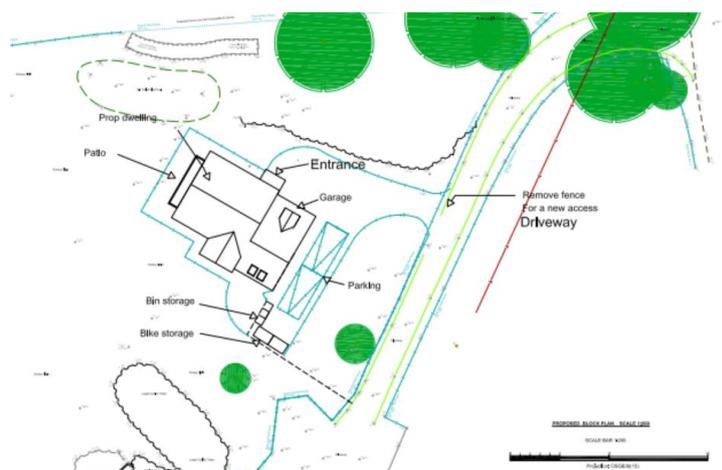
S/2005/2467 – Demolition of existing kitchen extension, construction of new kitchen extension with entrance hall and porch, remove first floor bathroom window and construct dormer (Ashcroft) – Approved

S/2006/2411 – Single storey rear extension (Ashcroft) - Approved

S/2007/1133 – Single Storey Timber Building to Accommodate Swimming Pool (1 Mount Pleasant) – Approved

#### 5. The Proposal

The proposal is a full application for the construction of a detached two-storey dwelling with attached garage to include the formation of an access from the existing access drive and parking area for 2 vehicles. The layout of the site is shown in the proposed site plan extract below.



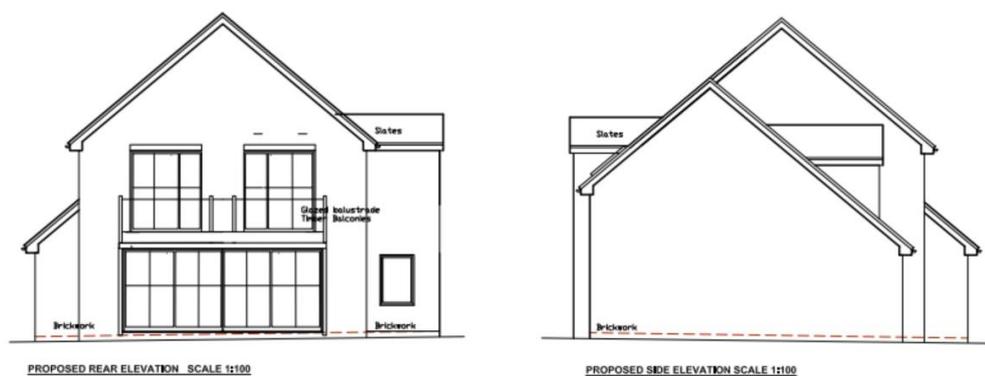
Proposed Site Plan

The proposed dwelling comprises open plan living, dining and kitchen with separate utility room, wc and garage at ground floor and two en-suite bedrooms and a home office, or third bedroom, at first floor. The design is a pitched roof dwelling with the garage and room in

roof set below the main ridge line and a small gable extending feature to the rear, as shown in the elevations below. The construction is specified as brick with a grey slate roof.



Proposed front (north) elevation and rear (south) elevation (labelled 'side')



Side (west) elevation (labelled rear) and side (east) elevation

## 6. Local Planning Policy

### Wiltshire Core Strategy (2015)

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 3 – Infrastructure Requirements
- Core Policy 4 – Spatial Strategy for the Amesbury Community Area
- Core Policy 45 – Meeting Wiltshire's Housing Needs
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 - Landscape
- Core Policy 57 - Ensuring High Quality Design and Place Shaping
- Core Policy 60 - Sustainable Transport
- Core Policy 61 - Transport and Development
- Core Policy 64 - Demand Management
- Core Policy 69 - Protection of the River Avon SAC

### Salisbury District Local Plan (2003)

- Saved policy C6 – Special Landscape Area

### Idmiston Parish Council Neighbourhood Plan 2015-2026

### National Planning Policy Framework 2021

In particular: Section 4 (Decision making); Section 5 (Delivering a sufficient supply of homes); Section 9 (Promoting Sustainable Transport); Section 11 (Making effective use of

land); Section 12 (Achieving well- designed places); and Section 15 (Conserving and enhancing the natural environment).

**Government Planning Practice Guidance  
National Design Guide  
Habitat Regulations 2017**

**7. Summary of consultation responses**

***Idmiston Parish Council***

Idmiston Parish Council has no objection to this application, although concerns were raised about the safety of the proposed access to the busy A338.

***WC Highways –***

I note the proposed new-build dwelling, which will utilise the existing access serving 1 and 2 Mount Pleasant from the A338. I also note that whilst the application form states that consent is sought for a two bedroom unit, the first floor includes a large home office, which could be easily re-purposed as a third bedroom. Firstly, the site is located outside of the existing village policy boundary and I therefore have concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any residents and visitors. This proposal is therefore contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.

Additionally, I am concerned about the standard of the existing access serving the site directly from the A338, which is subject to a 50mph speed limit in this location. No visibility splays have been provided on plan to demonstrate that adequate sight lines are available/ can be achieved at this access point. I would expect a minimum of 2.4m x 160m to the nearside carriageway edge in this location and whilst the access location is somewhat favourable in terms of its position between the bends in the road, it is unclear whether adequate visibility is achievable either within land that is controlled by the applicant or within the public highway. Additionally, the access appears to be substandard in terms of width to act as a shared access, where I would normally expect a minimum width of 5m over the first 5m of the access. The loose and unmade surface of the access is also likely to result in additional loose material being tracked on to the A338 due to the increase in traffic generated by the proposal.

As a result, I recommend that this application is refused on Highway grounds for the following reasons;

1. The site is located outside of the existing village policy boundary, in a location where no public transport or pedestrian facilities are available, which will result in the reliance upon the private car for any residents and visitors. This proposal is therefore contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.
2. The applicant has not demonstrated that the required visibility splays can be achieved within the site frontage and/or over highway resulting in the increased use of an access which is considered unsafe.

3. The proposal will result in an increased use of an access by virtue of its poor geometry/arrangement is considered sub-standard which will lead to the detriment of the safety of users of the highway.

Updated comments:

I note the additional information provided.

The existing access is shown widened, which is welcomed.

An access within a 50mph limit should provide splays of 2.4m x 160m and I note the southern splay does not meet this. However, for the splays to be implemented, a significant amount of vegetation would need to be cut back (no trees lost) and this improvement would provide a net benefit for the existing property. As such, I am relatively satisfied that the access improvements would provide adequate mitigation for the additional traffic movements. However, I do still retain my concerns in respect to sustainability and the lack of any pedestrian facilities. As such, my revised recommendation would be that this application is refused for the following reason;

1. The site is located outside of the existing village policy boundary, in a location where no public transport or pedestrian facilities are available, which will result in the reliance upon the private car for any residents and visitors. This proposal is therefore contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.

## **8. Publicity**

The application was publicised by site notice and neighbour notification to the property immediately adjacent to the site, further consultation/neighbour notification was carried out following receipt of additional information. Representations from one third party have been received in objection to the proposal and comments are summarised as follows:

Objections:

- Consent has not been given for driveway to cross third-party land
- The right of way for owners or occupiers of the adjoining property does not extend to additional houses
- Additional traffic would impact on maintenance and costs to upkeep the access
- The siting of the dwelling would affect privacy and daylight
- Does not seem unreasonable for the dwelling to be located further into the paddock
- Concerns about increased vehicular access on to A338 on a gloomy part of a very busy road with limited visibility
- There is no pedestrian access or streetlamps along the A338
- The in/out access to the narrow driveway of the property would be hazardous
- Unknown negative impacts on adjacent SSSI (Porton Meadow)
- Concern over phosphate levels in rivers from new build
- The proposed plot is in 'open countryside' where new housing is objected to in principle

- Where is the proposed septic tank and pond to be sited - these could cause noxious fumes
- Increased electrical power and the routing of the cables
- The current telephone cable is old and has no spare pairs to support a new home
- What is the proposed route for the new water supply?
- Where would additional bins be placed for the various weekly collections?
- Paragraphs 15 and 16 of the Planning Application seem to indicate that 2 new dwellings are proposed - is this correct?
- Astonished that this plan has been submitted before any consultation with neighbour
- Increased pollution from fumes and noise from the additional traffic/deliveries
- Adverse impact on the environment, local flora and fauna
- Effect on behaviour of bats and damage to environment supporting house sparrows seen nesting adjacent to the site
- Design Statement implies the property will not be sold – this is impossible for anyone to predict
- No evidence of the proposed “six-meter turning space” on the block plan
- There is a restrictive covenant preventing any new structure or building excepting greenhouses, garden sheds, garages and extensions or outbuildings to the existing buildings

## **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. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

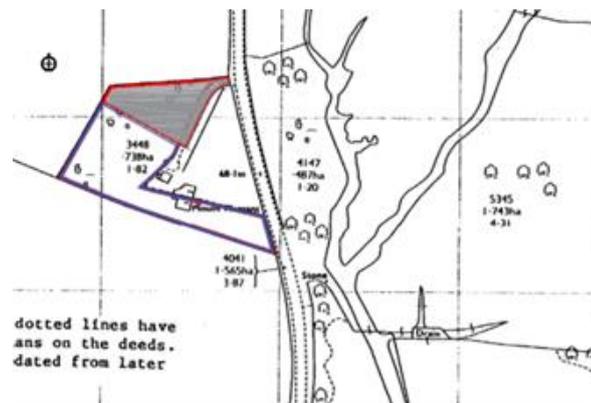
### **9.1 Principle of Development**

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages; only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy' and identifies the scale of growth appropriate within each settlement tier, stating 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.

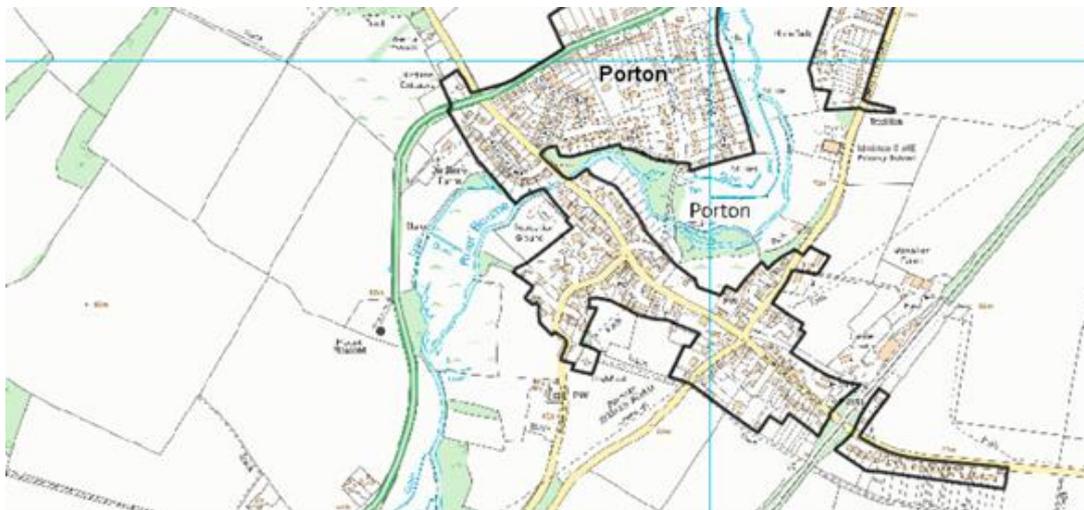
Core Policy 4 confirms that development in the Amesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2. At the settlements identified as villages, a limited level of development will be supported in

order to help retain the vitality of these communities. Porton is designated as a large village under Core Policy 4 and has a designated settlement boundary to define the limits of 'the existing built area'. The application site is located a distance of approximately 400 metres from the settlement boundary for Porton along the A338 highway, heading south from the village, and is physically and functionally remote from the settlement and all services and facilities.

The proposed location plan and map extract show how the site relates to the existing dwellings, surrounding landscape and built form of the settlement and policy boundary line, highlighting the relative isolation from the nearest settlement.



Proposed Location Plan



Site in context of wider area/settlement boundary (indicated by black dot)

The site is also located within the area designated for the Idmiston Parish Council Neighbourhood Plan 2015-2026 (NP), which was adopted following referendum in April 2017. NP Policy 17 sets out the Development Criteria for new housing within the neighbourhood plan area and states that "Any developments in villages will need to meet all of the following criteria:

- Be well related to the existing village envelope
- Be of modest scale and not generally exceed ten dwellings, in order to protect the rural nature of the village

- Reflect the character and variety of the existing pattern of development in the village
- Follow the lines of the contours on sloping sites to ensure a better fit with the existing land form.

The proposed site is not well related to the existing village envelope and does not reflect the character and variety of the existing pattern on development in the village since it is not within or adjacent to the settlement and therefore fails the criteria of Policy 17.

NP Policy 19 also sets out that “The Neighbourhood Plan will facilitate the delivery of approximately 32 homes across the Plan period. The delivery of new homes will be monitored, in the event that the development of new homes through existing commitments or proposals will not achieve the figure of approximately 32 dwellings, consideration will then be given for the development of the sites shown in Figure 1 of the plan. Subject to other policies in this Plan new residential development proposals will be supported to achieve the housing requirement where they deliver infill development or at the large village of Porton small scale development of no more than 11 homes ***within and immediately adjacent to the settlement boundary of Porton***, as established in the Core Strategy. ***Residential development elsewhere in the Plan area will be resisted.***” (Emphasis added). The proposed site is not one of the allocated sites and is not adjacent to the settlement boundary of Porton, the NP is clear and explicit that its policies do not support housing development of sites such as this and should be resisted.

The NPPF is a material consideration in the determination of the application and at paragraph 79 states that:

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*

Given the physical and functional isolation of the site from the village, which is described in the planning statement as comprising “an open parcel of paddock land, which has a physical and visual connection to both the surrounding countryside and the 2 adjacent properties which comprise Mount Pleasant”, the development of the site cannot be considered to be located so as to enhance or maintain the vitality of a rural community since there is no links to any part of the rural community other than the relationship to 2 dwellings, the occupier of one of which has raised objections to the proposal. The proximity to 2 existing dwellings clearly does not diminish the separation and inaccessibility of the site to the nearest settlements.

It is concluded that the principle of a small-scale development of a single dwelling outside the existing settlement boundary does not accord with the settlement strategy of the WCS or the Idmiston NP for new residential development and does not constitute sustainable rural development in the context of the NPPF. It is further considered that, where such policies may be considered out of date, the proposal cannot be considered

to represent an acceptable form of development in the context of built-up area of the settlement and the relationship of the site to the settlement even if the adopted settlement boundaries are to be discounted entirely from the assessment. The following section addresses issues to be considered having regard to the status of development weight to be attributed to housing policies which may be considered out of date.

### Housing Land Supply/Self Build development

Wiltshire Council has recently published a statement on its current 5-year housing land supply and it is confirmed that the LPA is unable to demonstrate a 5 year housing land supply as there remains a small shortfall which currently stands at 4.72 years.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i the application of policies in this 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 this Framework taken as a whole.

Footnote 8 confirms that policies may be considered out of date for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The report sets out that the proposal for a dwelling would be located a significant distance outside of the defined settlement boundary with poor accessibility other than for the private car, such that it is an unsustainable location for new housing and cannot be considered sustainable development when assessed against the policies in this Framework taken as a whole. In this context, the individual and cumulative impacts of allowing sporadic housing in the countryside would significantly and demonstrably outweigh any economic and social benefits associated with the small contribution to housing supply. Secondly, the proposal for new residential development does not provide mitigation for nutrients and is excluded under footnote 7 since paragraph 182 states that the presumption in favour of sustainable development does not apply unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats sites. Accordingly, paragraph 11 of the NPPF would not be engaged.

A supporting statement has more recently been submitted which indicates that the applicant has registered their interest in acquiring a self-build plot with the Council and that the proposed dwelling is intended to be self-build, such that it could be subject to appropriate legal agreement necessary to secure occupancy as such. The WCS predates the current NPPF and specific policies relating to self-build plot are absent from the development plan, (WCS and Idmiston NP) and the Council is currently

considering how best to address the issue of self-build and custom housebuilding in the Local Plan Review. The NPPF paragraphs 61 and 62 state that:

*“61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. 62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers<sup>27</sup>, people who rent their homes and people wishing to commission or build their own homes<sup>28</sup>). Footnote 28 advises that under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.*

The Council therefore has a duty under the Self Build and Custom Housing Act 2015 to keep a register of persons who are interested in acquiring a suitable self-build or custom-build plot and to also grant enough suitable development permissions for serviced plots to meet this demand. It is acknowledged that the Council's data confirms that there is currently an unmet demand for self-build plots. Legislation, planning policy or guidance does not set out criteria for how any under supply of this type of housing against the established demand should be dealt with. However, the weight to be attributed to the current shortfall in serviced self-build plots is therefore part of the planning balance of any application for this type of development.

Various appeal decisions have been cited in relative weight given to proposals for self-build plots, however the cases put forward do not include any sites which are sufficiently comparable to the application site. A summary is provided of why, in each case, the planning balance was weighed according is as follows:

- a) In the first case, described as ‘an intensification of built development in an urban fringe location’, the parties had agreed that, but for the conflict with the development plan, the location is sustainable for the type of development proposed, having good accessibility to a range of facilities. This not the case for this site.
- b) In the second case, the appeal site was described as adjacent to the existing built form of the settlement and development of the appeal site would not extend beyond the southern confines of the existing built form of the settlement - substantial weight was given to the economic benefits of 30 dwellings to the settlement and degree to which it would contribute to the self-build requirements such that the benefits significantly and demonstrably outweigh the conflict with the development plan. The

site is not adjacent to the existing built form of the settlement and the extent of benefits are materially different.

- c) In the third case, it was noted that the proposal would appear as an integral continuation of the built form of the settlement and that local facilities would be along pavements with street lighting. This is not the case for this site.
- d) In the final case, there was were no defined settlement boundary for Larger Villages and consequently it was held as a matter of judgement as to whether or not the appeal site lie within the built area of the settlement, in that case it was concluded that the proposal would accord with Local Plan Policies which when taken together relate to the location of development in the District, including the provision of self-build and custom-build dwellings.

In all cases cited as examples of development making provision for self-build dwellings the consideration of the circumstances of the site, and policies relating to those sites, were materially different to the current application.

Thus, whilst the LPA is mindful of both the current shortfall in 5 year HLS and the need to allocate and deliver serviced self-build/custom build plots which will be taken forward in the Local Plan Review, both of which are material considerations in the determination of this application, the modest social or economic benefit arising from the construction of a single dwelling towards the supply of such would not be sufficient to outweigh the significant and demonstrable harm arising from sporadic development in the countryside which is contrary to the collective aims of the development plan and the NPPF as a whole.

Detailed consideration of other relevant site-specific constraints and impacts, which in this case includes the means of access and parking arrangement, the visual impact of the proposed development and relationship with the existing landscape, built form and residential properties, drainage and the River Avon SAC catchment area having regard to the Habitats Regulations.

## **9.2 Highways issues**

The proposed dwelling would be accessed off a private unmade access lane from the A338. The submitted planning statement at paragraph 3.5 asserts that “The existing access onto the A338 will be retained with no alterations proposed”. However, additional plans have been submitted showing the widening of the access land and visibility splay. The highways officer raised concerns, firstly, with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any residents and visitors and lack of pedestrian facilities and secondly with regards to the adequacy of the means of access.

The highways officer considers that the proposal is contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the paragraphs of the National Planning Policy Framework which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. The proposed site is not in a location which would be supported by the settlement strategy or having regard to the relevant transport policies of the WCS. The highways officer has confirmed that the additional/revised information does not alter their concern

with regards to the conflict with the aims of sustainability of the WCS and NPPF, in particular that there are no pedestrian links to facilitate accessibility to the settlement.

In terms of highway safety, the highways officer raised concerns about the standard of the existing access serving the site directly from the A338, which is subject to a 50mph speed limit in this location. The existing access is concealed, uneven and narrow and third-party representations indicate that the access and land to each side may be separately owned and therefore outside of the control of the applicant, reducing the capacity for improvements to be sought. However, revised plans have been submitted to show the widening of the access together with visibility splays. The normal expectation for such an access is for a minimum width of 5m over the first 5m of the access and a minimum of 2.4m x 160m to the nearside carriageway edge.

The highways officer has provided updated comments and has advised that the existing access is shown widened, which is welcomed. Although an access within a 50mph limit should provide splays of 2.4m x 160m, it is noted that the southern splay does not meet this. However, for the splays to be implemented, a significant amount of vegetation would need to be cut back (no trees lost) and that this improvement would provide a net benefit for the existing property. On this basis, the highways officer is relatively satisfied that the access improvements would provide adequate mitigation for the additional traffic movements associated with an additional dwelling.

It was previously noted that the unmade surface of the access is also likely to result in additional loose material being tracked on to the A338 due to the increase in traffic generated by the proposal. This could be addressed by a condition to require surfacing for the first 5 metres.

The parking provision is capable of meeting Wiltshire Council's parking standards of a minimum of 2 spaces for the proposed 2-3 bed property.

Whilst the Highways Officer has agreed to remove their objection on highway safety grounds, there are clear grounds for refusal having regard to inaccessibility of the site on a 50 mph road and absence of any pedestrian facilities along the highway. Issues relating to the ownership, private rights of way over the existing access and maintenance costs are private matters between landowners and are not material to the consideration of the planning merits of the development.

### **9.3 Character of the area**

The proposed aerial mapping extract below shows the site in the context of the surrounding landscape, existing dwellings and built form of the village settlement of Porton.



Site in context of wider area (indicated by small black dot)

The site is within open countryside, defined as a Special Landscape Area under saved Policy C6 of the Salisbury District Local Plan and continues to form part of the development plan. Whilst there are two existing semi-detached dwellings at Mount Pleasant, the development of a detached dwelling to the north of the existing dwellings in this location would not visually relate to the existing built form either on site or within the context of the settlement. Although sited on a paddock which is adjacent to a pair of existing houses, the proposal would represent sporadic, isolated development which would constitute an inappropriate encroachment of development in an open landscape setting. Changes to the design, materials or scale of the proposed dwelling or its landscaping would not adequately mitigate against the landscape impact arising from siting a new, independent residential dwelling in this location.

#### **9.4 Residential Amenity**

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to "...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)". The NPPF at paragraph 127(f) states that the planning system should seek to secure a high-quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed dwelling would share a boundary with one residential property, Ashcroft, which lies to the south/east of the site. The dwelling would also share a boundary with the land associated with Brambell (Bramble) Cottage, although the dwelling itself lies to the other side of Ashcroft. The occupiers of Ashcroft have objected to the proposal on the grounds of loss of privacy and daylight. However, the siting of the proposed dwelling is to the north-west, as such loss of light would not be anticipated. The distance between the properties and separation provided by the access would also not indicate that the proposal is likely to materially impact on privacy in planning terms.

Issues relating to services would be dealt with by utilities providers with any consents from third parties as necessary and falls outside the scope of the planning considerations.

## **9.5 Drainage**

The means of foul drainage to the proposed dwelling is indicated to be a new septic tank. As it is not proposed to connect to an existing system, the provision of a septic tank would not accord with the hierarchy for sites where mains drainage is not feasible. In the event of an approval, the drainage hierarchy indicates that a package treatment plant would be the required means of foul drainage and details of the system, for which details would need to be agreed through the Building Regulations and includes stipulations about distances to buildings. Such systems may also be subject to a permit from the Environment Agency. These consenting regimes fall outside the scope of planning controls, however any planning permission granted would need to be conditioned to stipulate the means of drainage to ensure that it complies with the hierarchy. However, in this case, as the proposed development is not planned development, the drainage strategy for the site would also need to include bespoke nutrient mitigation in order to undertake an Appropriate Assessment, which has not been provided.

The means of surface water drainage to the proposed dwelling is a SUDS system with pond, this is a clean water system which would not be odorous and would also be subject to control under Building Regulations in the event of planning approval.

## **9.6 River Avon SAC**

This development falls within the catchment of the River Avon SAC. The proposal would result in a net increase of 1 residential unit on the site which has potential to increase adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application is located outside of any defined settlement and is identified as being contrary to policy, it is considered to fall outside the scope of the mitigation strategy and generic appropriate assessment which is sufficient for planned development only. The LPA cannot therefore conclude that it would not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

As unplanned development which is not covered by the Council's mitigation strategy and in the absence of bespoke on-site mitigation, an additional reason for refusal is justified. Approval of the proposal without a favourable Appropriate Assessment would be unlawful.

### **9.7 Other considerations**

The neighbouring occupier has identified a restrictive covenant. Covenants are legal agreements which are a civil matter and do not prevent the granting of planning permission. In this case there are reasons for refusal of permission, however the grant of planning permission would not override other rights or consents necessary to undertake development on the land.

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

The application site lies approximately 400 metres from the edge of the large village settlement of Porton, along a 50 mph stretch of the A338 highway with no pedestrian pavement or street lighting. There is a presumption against the principle of new residential dwellings within the open countryside outside of any defined settlement having regard to the adopted development plan (WCS and Idmiston NP) other than where housing is justified to meet a specific need. The physical and functional separation and isolation of the site from the nearest settlement and absence of any safe pedestrian access to the site is considered an unsustainable location for new residential development where occupiers would be wholly reliant on private vehicles to access services and facilities, contrary to the aims of the settlement strategy and sustainability objectives of the development plan and the NPPF.

The LPA is currently unable to demonstrate a 5 year housing land supply, although there is a very modest shortfall. The policies in the WCS predate the NPPF and there is no specific policy pertaining to the provision of self-build dwellings for which there is evidence of an unmet need. There would be modest benefits arising from the provision of one additional dwelling to the housing supply in the context of the unmet demand. The scope of such benefits are to be weighed against the substantial harm which arises due to the countryside location and very limited accessibility of the site, which would conflict with the overall strategy of the development plan to direct new housing development within a hierarchy of settlements and reduce the need to travel by private car, consistent with the aims of the NPPF. The need for housing in general and self-build plots in particular does not indicate that such housing should be provided in sporadic locations without due regard to the accessibility of the site and relationship to existing village settlements and rural communities.

It is concluded that there are no material considerations in the planning balance which would weigh convincingly in favour of approval of development of a new dwelling in the open countryside. Having regard to the weight of relevant planning policies for new housing development and paragraph 11 of the National Planning Policy Framework 2021, the presumption in favour of sustainable development cannot be applied to development which by reason of its location and accessibility is unsustainable. Accordingly, having carefully considered the evidence presented, the benefits arising

from the proposed dwelling do not provide sufficient justification to determine the application other than in accordance with the development plan policy and refusal is recommended. Critically, as unplanned development which is not covered by the Council's mitigation strategy and in the absence of bespoke on-site mitigation approval of the proposal without a favourable Appropriate Assessment would be unlawful.

## **RECOMMENDATION**

Refuse for the following reasons:

- 1 The site is located in the open countryside outside of any defined settlement boundary and in a location where no public transport or pedestrian facilities are available or accessible. As such the proposed development would result in a new dwelling which would be wholly reliant upon the private car to access services and facilities for any residents and visitors to the dwelling, contrary to the settlement and delivery strategy for new housing and sustainability objectives embodied in Core Policies 1, 2, 4, 60 and 61 of the Wiltshire Core Strategy, Policies 17 and 19 of the Idmiston Parish Council Neighbourhood Plan 2015-2026 and the aims of sustainability embodied in the National Planning Policy Framework 2021 (with particular regards to Section 5, paragraphs 79 and 80 and Section 9, paragraphs 104, 105, 110 and 112) which collectively aim to provide housing in a sustainable manner and reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.
  
- 2 The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. Unplanned residential development in the countryside is not covered by the Council's current mitigation strategy and the application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 179-182 of the National Planning Policy Framework 2021.