

Date of Meeting	29 January 2015
Application Number	14/10281/FUL
Site Address	Land at Home Farm, Woodland Road, Patney, Devizes SN10 3RD
Proposal	Erection of 2 no. detached dwellings, with associated parking, turning, landscaping, improvements to existing access arrangements; and extension to the residential curtilage to No. 45 Woodland Road.
Applicant	Mr & Mrs A Snook
Town/Parish Council	PATNEY
Division	PEWSEY VALE
Grid Ref	407171 158836
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

The Division Member Cllr Paul Oatway has called the application to committee to open up the application to public debate.

1. Purpose of Report

To consider the recommendation that planning permission be refused.

2. Report Summary

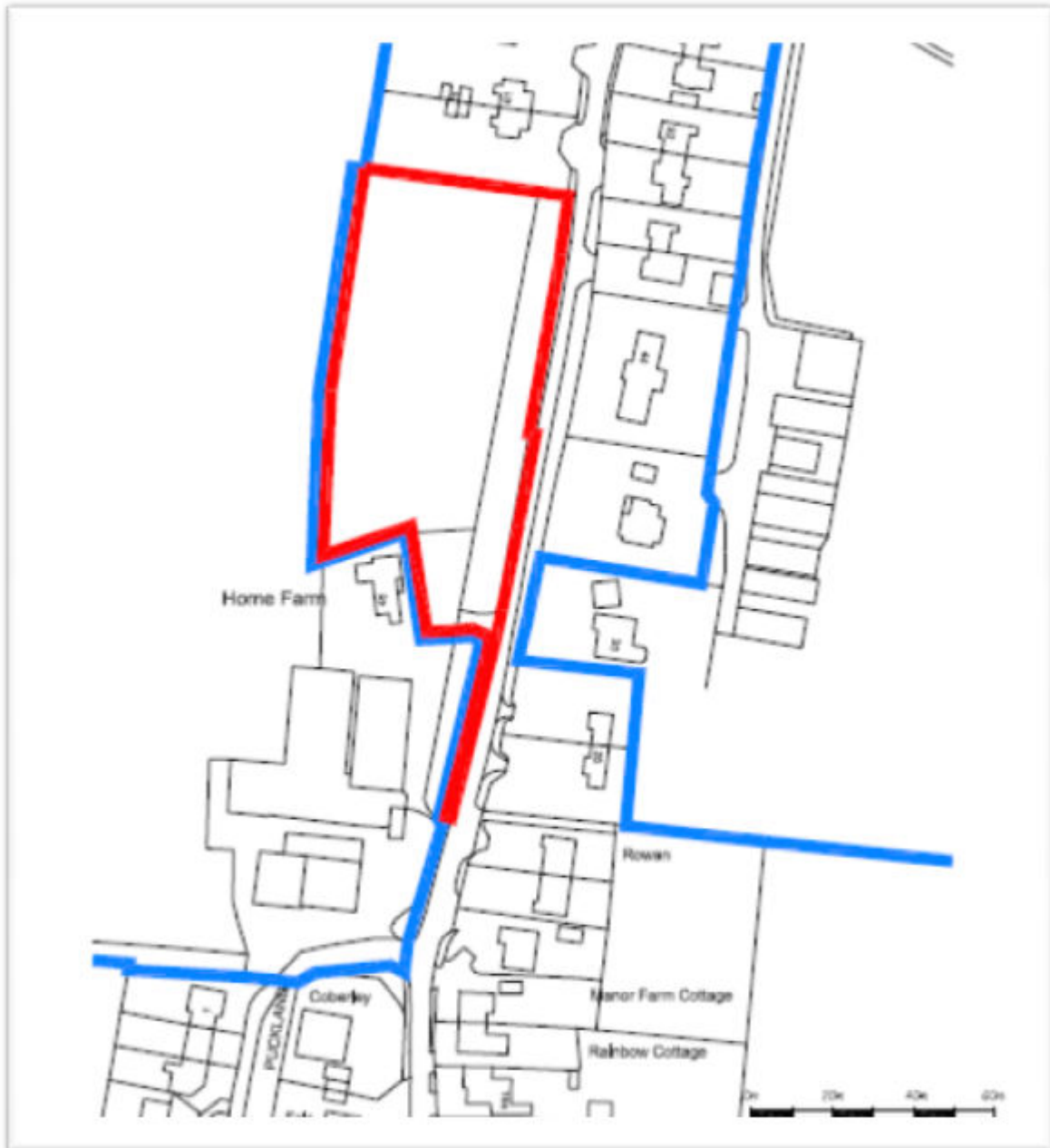
The main issues to consider are:

- The principle of development
- Impact on character of the landscape and special quality of the North Wessex Downs AONB (NWB AONB)
- Impact on trees

3. Site Description

The application site is located to the north of Home Farm, on the western side of Woodland Road. It is currently a large agricultural field with a significant belt of trees along its eastern boundary. A provisional Tree Preservation Order was put in place on 4 December 2014 to protect the trees on the site, as they are considered to be of high amenity value. As a consequence, no tree works/removal will be permitted without permission from the local

planning authority. To the east of the site is open countryside and to the north the site is separated from open countryside by a pair of semi-detached houses.



Site Location

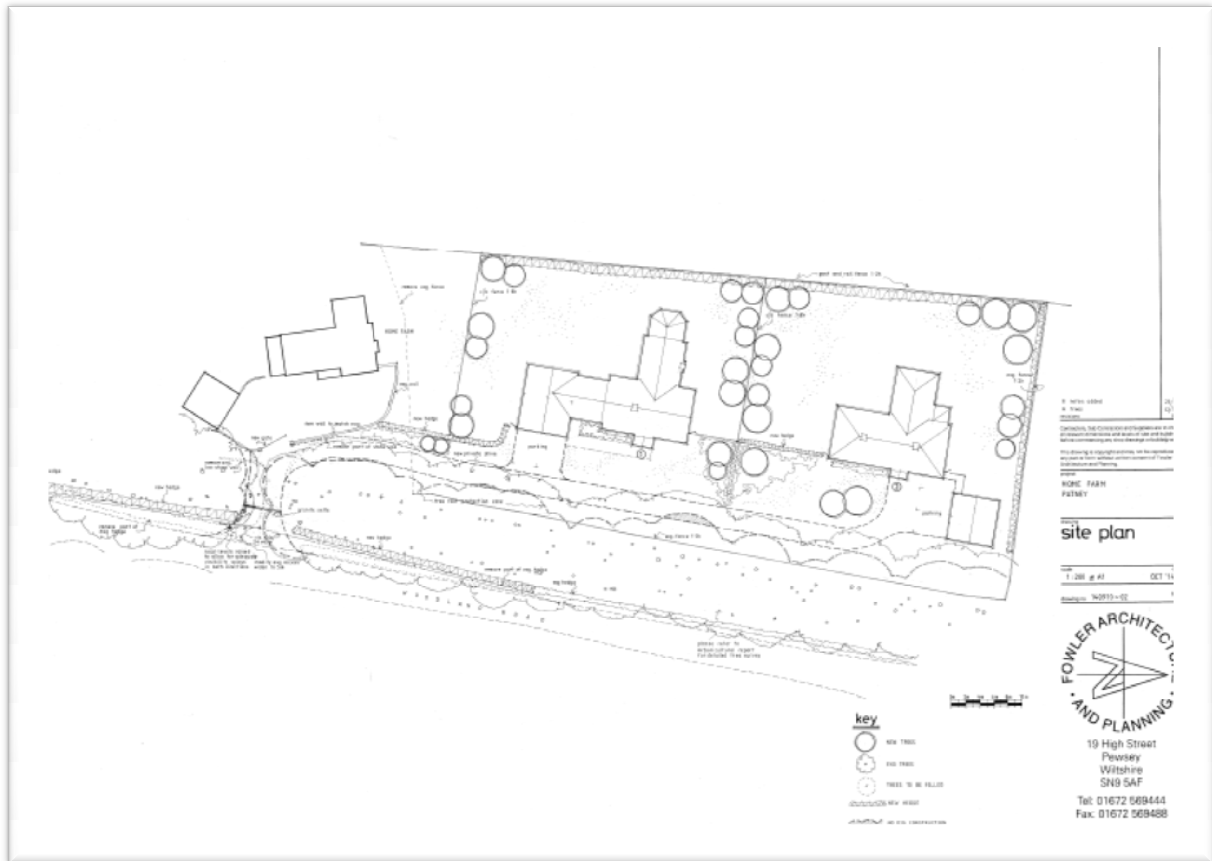
4. Planning History

K/76/0180 - erection of new farm house and farm buildings, granted in June 1976. The planning permission included an agricultural occupancy condition.

5. The Proposal

The application proposes the erection of 2 no. detached dwellings, with associated parking, turning and landscaping. The plots would be accessed via the existing access to Home

Farm, which would be widened as part of the application and visibility splays improved through the removal of some of the trees and re-siting of an existing hedgerow. The application also proposes an extension to the residential curtilage to No. 45 Woodland Road to the north which would widen the plot for that house.



Proposed Site Layout Plan

6. Planning Policy

Development Plan context

It is anticipated that the Wiltshire Core Strategy (WCS) will be adopted at the special council meeting on 20 January 2015. At that time, the WCS will be afforded 'Full Weight' in planning terms. In the interim, in the light of its imminent adoption, and following publication of the Inspector's Report in December 2014, it is the Council's policy that for the purposes of decision making "very significant weight" must be accorded to the Emerging Core Strategy.

At the time of writing this report, the situation is that:

- a. **Adopted development plan** – The Kennet Local 2004 is the adopted development plan covering the area in which the development site is located. The development plan also includes the Swindon and Wiltshire Waste and Minerals Core Strategies and their subservient DPD's.
- b. **Emerging development plan** – The emerging Wiltshire Core Strategy 2014 will supersede a number of the policies in the Kennet District Plan. Those policies which will continue to be saved are listed in Appendix D of the emerging Wiltshire Core Strategy.
- c. **Neighbourhood Planning** – No neighbourhood plan proposed for Patney.

National Planning Policy context

The **National Planning Policy Framework (NPPF)** was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking.

The NPPF is clear in stating that '*planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*'. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice. The sections of the NPPF that are considered relevant to this application, as well as paragraphs 14 and 17, are:

- Building a strong, competitive economy
- Delivering a wide choice of high quality homes
- Conserving and enhancing the natural environment
-

Planning Practice Guidance (PPG) has been prepared by to assist with interpretation of the policies contained within the NPPF.

7. Summary of consultation responses

Wiltshire Council Highways Officer – no objection, subject to conditions regarding visibility, surface water and parking.

Wiltshire Council Arboricultural Officer – requested an Arboricultural Impact Study, Root Protection Plan and any mitigation in support of the application. A provisional Tree Preservation Order has also been placed on belt of trees on the eastern boundary of the site. Additional information was provided to the satisfaction of the Arboricultural Officer. However, he remained disappointed at the number of trees required to be removed to facilitate access.

Wiltshire Council Ecology Officer – No objection subject to informative.

Patney Parish Council – Supports the application.

The North Wessex Downs AONB unit – Object - This proposal would result in development not within the built up area of this small village and it would consolidate an existing sporadic, loose knit area of development and impose development in a sensitive landscape area (the nationally protected NWD AONB). Patney has few services and facilities and so this would also be an unsustainable location for new housing development. The development of this site would result in a new urbanising influence and change of character to this part of the AONB including from views from the wider open landscape, including from the public right of way to the south and west of the site. This proposal is considered to be contrary to the purposes of conserving and enhancing the NWD AONB as confirmed within the emerging Core Strategy, the emerging NWD AONB Management Plan and the NPPF.

Wiltshire and Swindon Fire and Rescue Service – sets out requirements identified under B5 of Approved Document B relating to The Building Regulations 2010 and recommendations to improve safety and reduce property loss in the event of fire.

8. Publicity

Eleven letters have been received in response to consultation on this application, 6 in objection, 4 in support and 1 neutral. The main comments are summarised below:

Object:

- Conduct of the Parish Council
- Party held by applicants should not be considered a public meeting
- Loss of view and outlook
- Loss of privacy
- Noise and disturbance
- Increase in traffic
- Dead trees to be removed should be replaced
- Not infill development
- Results in the loss of huge swathes of agricultural land
- Consolidates existing sporadic loose knit development
- Not effective use of land
- Not contributing the sustainable transport
- Would detract from character and appearance of the area
- Object in principle
- Not meeting the needs of the village; commercialising on agricultural land
- Trees need to be properly protected to ensure the development does not result in their loss
- Set a precedent for further development
- Housing supply in the area is being met by bigger developments in Devizes etc.

Support:

- Development screened by an existing belt of trees.
- The plots are infill between two existing houses
- Reasonable development to diversify farming
- Sympathetically designed to blend in with the surrounding village.
- A positive step for Patney.
- Applicants and application will provide work for local tradesmen
- Development would bring extra people to support the local economy and infrastructure
- Good design

Neutral

Ensure trees and associated wildlife are protected as part of the application

9. Planning Considerations

9.1 The Development Plan

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

The Development Plan for Wiltshire Council is currently in a period of transition as the Wiltshire Core Strategy approaches adoption. At the time of writing, the emerging Wiltshire Core Strategy can be given very significant weight as the Planning Inspector examining the Core Strategy has submitted his final report to the Council and has found the Core Strategy to be sound, opening the way for it to proceed towards adoption. The adoption of the Core Strategy is scheduled to be discussed at the Council meeting on 20 January 2015. Consequently, it is likely that the emerging Core Strategy will have full weight when this application is being discussed at committee on the 29 January 2015.

The policies in the adopted Kennet District Plan are still relevant until the adoption of the Core Strategy but very significant weight can be given to those in the emerging Core Strategy at its current advanced stage. A number of detailed policies within the Kennet Local Plan will not be superseded by the Core Strategy and will continue to be relevant following adoption.

The Development Plan also consists of the Wiltshire and Swindon Minerals and Waste Core Strategies and subservient Development Plan Documents (DPD's) and proposals map.

NPPF paragraph 49 identifies that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. The latest assessment of housing land supply in Wiltshire demonstrates that a sufficient land supply exists to demonstrate a five year housing land supply. The Wiltshire Core Strategy Examining Inspector's report also confirms a five year housing land supply. Therefore, paragraph 49 of the NPPF is not engaged and the development plan policies are considered to be up to date.

9.2 Principle of the development

Core Policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 3 (Infrastructure Requirements) of the Wiltshire Core Strategy set out how the spatial strategy for Wiltshire will be delivered..

9.2.1 Core Policy 1: Settlement Strategy

Core Policy 1 sets out the settlement strategy for Wiltshire, identifying four tiers of settlement namely:

- Principal Settlements
- Market Towns
- Local Service Centres
- Large and Small Villages.

The policy directs housing development toward the towns and villages identified in the relevant area strategies according to their hierarchy within the settlement strategy.

Patney is located within the Community Area for Pewsey but is not identified as a village in Core Policy 18 (Spatial Strategy for Pewsey Area). Topic Paper 3: Settlement Strategy and addendums, January 2012 sets out the approach to categorising the hierarchy of settlements. Patney, whilst identified in the Kennet Local Plan as a 'small village with limited facilities' is not identified as a small village in the Core Strategy. It was removed from consideration because of the lack of basic facilities available in the settlement.

As Patney is not identified as a small village within the Wiltshire Core Strategy, the settlement strategy does not envisage further housing growth in this location. The site is considered to be in open countryside for the purposes of applying planning policy.

9.2.2 Core Policy 2: Delivery Strategy

Core Policy 2 sets out the delivery strategy. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire including through future Site Allocations DPD's and neighbourhood plans.

Core Policy 2 also advises that,

'At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement*
- ii) Does not elongate the village or impose development in sensitive landscape areas, and*
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.'*

Patney is not identified as a small village within the settlement strategy and as such the criteria applicable to small villages do not apply. Notwithstanding this, it is worth noting that the development is not considered to constitute 'infill' within the existing built up area as the site is an agricultural field which could accommodate approximately 5 dwellings. The plots of 46 to 56 Woodland Road (6 dwellings) occupy a similar area of land.

Given the size of the site and its location (with only an agriculturally tied property to the south, a modest pair of semi-detached properties to the north and open countryside with no defined field boundary to the west), it is considered that it does not fall within the built up area of the settlement nor would it constitute infill development of the scale envisaged by Core Policy 2. Furthermore, it would consolidate an existing sporadic loose knit area of development on the western side of Woodland Road. The site effectively separates Home Farm from the two dwellings which are the last on this side of the road. The housing in the settlement fronting Woodland Road is occasionally interrupted by agricultural fields which extend to the road boundary, as with the application site, and this contributes to the loose knit character of the settlement.

The criteria for small villages in Core Policy 2 reflect those in Policy HC24 which will be superseded on adoption of the Core Strategy. It is considered that the proposals would also fail to meet the requirements of HC24 for the reasons given above.

The relevant exception policies set out in paragraph 4.25 are

- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

The proposal is for two open market housing units and would not meet the requirements of the above exception policies as it is not 100% affordable housing, does not provide specialist accommodation and is not essential for agriculture or forestry.

It is also necessary to consider whether there are any other material considerations that should be taken into account in considering the principle of development on this site at this time. One of these is the question of five year housing supply. If the Council cannot demonstrate a five year housing land supply, the NPPF advises that planning policies for housing should not be considered up to date, and planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'. Currently, the Council considers that it has a five year land supply for the housing market area within which the site sits. This has been endorsed by the findings of the Core Strategy Inspector. The provision of the NPPF therefore does not engage and the in principle objection to the scheme is maintained.

9.23 Core Policy 3: Infrastructure Requirements

The application site is below the threshold for seeking formula based S106 contributions as set out in the PPG and no site specific infrastructure improvements are required.

Core Policies 1, 2, 3 and the exceptions policies will supersede the following policies relevant to this application:

HC1 Strategic housing provision

HC24 Villages with limited facilities

HC26 Housing in the countryside

NR6 Sustainability and protection of the countryside

9.24 Core Policy 18: Spatial Strategy for Pewsey Community Area

A modest level of housing growth is planned in the Pewsey Community Area. Table 5.11 of the Core Strategy advises that a further 137 units are required to meet the housing needs of the area to 2026. Policy 8 advises that this should be achieved in accordance with the settlement strategy set out in Core Policy 1.

9.3 Protection and Enhancement of the Natural, Built and Historic Environment

9.3.1 Core Policy 51: Landscape

Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. The term 'landscape' in this policy is used to refer to both the built, historic and natural environment in urban and rural areas.

The policy advises that proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies
- ii. The locally distinctive character of settlements and their landscape settings
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe
- iv. Visually sensitive skylines, soils, geological and topographical features
- v. Landscape features of cultural, historic and heritage value
- vi. Important views and visual amenity
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion
- viii. Landscape functions including places to live, work, relax and recreate, and

ix. Special qualities of Areas of Outstanding Natural Beauty (AONB's) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

The site is within an agricultural field in the North Wessex Downs AONB. The proposal would consolidate existing sporadic loose knit development which is characteristic of the settlement and as such it is considered that the proposal would detract from the local distinctive character of the settlement and as such the surrounding AONB. It is further considered that the site layout fails to take adequate consideration of the tree belt adjacent the site and its relationship to the proposed dwellings. This is considered further under Core Policy 57.

This policy supersedes Kennet Local Plan policy NR7 Protection of the landscape.

9.3.2. Core Policy 57: Ensuring High Quality Design and Place Shaping

This policy addresses the design of new developments.

Policy 57 states that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. The policy set out that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through meeting the criteria set out in the policy. The indicative layout is assessed against these criteria below:

i. Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced

The development would consolidate existing sporadic loose knit development and as such is considered to conflict with the above policy requirement.

ii. The retention and enhancement of existing important landscaping and natural features, (for example trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development

Natural features on the site such as the existing tree belt to the east of the site are to be retained. However, it is considered that the proposed site layout fails to take adequate consideration of this dominant landscape feature. The access driveway would encroach into the root protection area of some of the trees which is unfortunate, particularly as the scale of development proposed could potentially be achieved without encroachment, which in turn would have negating the need for hand dig areas as proposed in the Arboricultural Report.

iii. Responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines to effectively integrate the building into its setting

As with ii above it is considered that the proposed building layouts fails to give adequate consideration to the existing tree belt to the east of the site. The front elevations of the proposed houses would look onto the tree belt which due to its size and density would block the morning sun from the front gardens of the proposed houses and the windows in the principal elevation leading to future pressure to fell trees within the belt. The Design and Access Statement submitted with the application does not set out how the presence of this natural and prominent landscape feature has been taken into account in planning for the

layout of the proposed development. As such it is considered that the proposal would conflict with the above policy requirement.

v. The maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41

The proposed buildings are orientated east to west in keeping with the prevailing building line. In keeping with this, the principal windows to habitable rooms are primarily facing east or west with those windows on the southern elevation either serving non habitable rooms or are secondary windows in habitable rooms. Given the impact of the existing tree belt it is considered that buildings and spaces have not been orientated to maximise benefit from sunlight and passive solar energy.

9.4 Other Issues

9.4.1 Addressing Climate Change

Core Policy 41 of the Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change through improved design and construction methods.

The policy requires all new housing development to achieve Level 4 of the Code for Sustainable Homes. This can be secured by condition in the event that planning permission is granted.

9.4.2 Providing everyone with access to a decent affordable home

Core Policy 43 sets out when affordable housing provision will be required and indicates the proportions which will be sought from open market housing development. The threshold in the Core Strategy for seeking affordable housing is 5 units. The proposal falls below this threshold. Furthermore, recent changes to the PPG advise that affordable housing contributions should not be sought on sites comprising 10 dwellings or less.

Core Policy 43 will supersede policies HC28: Affordable homes target and HC29: Definition of affordable housing.

Core Policy 45 provides the basis for considering dwelling type, density and mix of housing to be built. Two 4 + bed market housing units are proposed. A mix of units would not be required on an application of this scale.

Core Policy 46 requires developers to demonstrate how their proposals respond to the needs of an ageing population.

9.4.3 Core Policy 50: Biodiversity and Geodiversity

Core Policy 50 advises that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.

The Council's Ecologist has commented on the application and has advised that the site location appears to be contained wholly within an area of improved grassland on the edge of an arable field. These are both habitats of low ecological concern and unlikely to support any sensitive wildlife species. It was noted that the line of trees at the eastern edge of the site boundary will be retained and that a root protection zone has been shown on Drawing

No. 140910-02. As such, the Council's Ecologist considers that the integrity of the trees and subsequently their function for biodiversity will be retained within the development.

It is therefore considered that the proposals do not conflict with Core Policy 50.

This policy supersedes Policy NR4: Nature conservation outside designated sites.

vi. Making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area

The application proposes two large houses on substantial plots. This is not uncharacteristic of the area where there are a mix of building styles, sizes and plot sizes. The site could accommodate more dwellings but on balance no objection is raised on this basis.

vii. Having 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 site is surrounded by agricultural and residential uses. It is considered that the proposed dwellings are sufficiently distant from existing residential properties and would not give rise to unacceptable levels of overlooking, loss of privacy etc. nor would they have an overbearing appearance when viewed from neighbouring properties.

xii. The use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm

In the event that planning permission is granted, materials can be required by condition.

Overall it is considered that the design and layout of the proposed dwellings do not respond positively to their landscape setting, fail to take account of important natural features on the site and fail to maximise benefits for passive solar gain contrary to the requirements of Policy 57.

This policy supersedes policies PD1: Development & Design and HC7: Housing layout

9.4.4 To ensure that essential infrastructure is in place to support our communities - Core Policy 60, 61, 62, 64: Transport

Core Policy 60 advises that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.

Core Policy 61: Transport and New Development, advises that 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. This policy also sets out the areas to be addressed in a required Transport Assessment, the requirement for safe access to the highway, contributions towards sustainable transport improvements and the use of travel plans.

Core Policy 62: Development Impacts on the Transport Network, advises that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Core Policy 64: Demand Management, refers to residential car parking standards.

As the site is located outside identified limits of development it would fail to contribute to sustainable transport as required by Core Policy 60. Notwithstanding the above officers consider that adequate access to the site can be achieved.

These policies replace policies AT1: Transport appraisal process and AT9: Motor vehicle parking standards

10. Conclusion

The proposal conflicts with the Development Plan for the area as the application site is not identified as an appropriate location for future housing development in the Settlement and Delivery Strategies. Furthermore the development of the site would lead to an undesirable consolidation of sporadic development which would have an adverse impact on the landscape character of the village of Patney and the AONB. It is also considered that the proposed site and building layouts fail to adequately consider important landscape features and as such would lead to future pressure to prune or fell trees in a tree belt which is an important and dominant feature in the local landscape.

RECOMMENDATION

That planning permission be REFUSED for the following reasons:

- 1 The application site is not identified as an appropriate location for future housing development in the 'Delivery Strategy' and 'Settlement Strategy' set out at Core Policies 1 and 2 of the Wiltshire Core Strategy. It would therefore constitute unsustainable development to which no exceptional circumstances apply that may otherwise warrant the proposal acceptable.

 Furthermore, the proposed development would be poorly served by local services, facilities and amenities such that the occupants of the dwellings would likely be heavily reliant on the use of private cars for the majority of routine journeys. It would therefore be contrary to Core Policies 1, 2, 48 and 60 of the Wiltshire Core Strategy.
- 2 The proposed development would result in an undesirable encroachment into the countryside and a consolidation of sporadic loose knit development. This would have an adverse impact on the landscape character of the village of Patney and the special qualities of the North Wessex Downs Area of Outstanding Natural Beauty, which would be contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.
- 3 The proposed development fails to adequately consider important landscape features and as such would lead to future pressure to prune or fell protected trees in a tree belt which is an important and dominant feature in the local landscape. This would be contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.