

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	25 April 2024
Application Number	PL/2023/05410
Site Address	Land at Roundway Farm, Folly Road, Roundway, Devizes, Wilts, SN10 2HZ
Proposal	Demolition of existing barns and erection of 3 no. dwellings, with associated parking, turning, landscaping, private amenity space and access (Resubmission of PL/2022/06061)
Applicant	Mr Butler
Town/Parish Council	DEVIZES
Electoral Division	Cllr Laura Mayes
Grid Ref	401,441 163,426
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called-in by Cllr Laura Mayes, to discuss the merits of the development, with the comment made that this is an appropriate development for the village that seeks to remove a derelict, burnt out barn, an eyesore at the edge of the North Wessex Downs National Landscape and which will provide several new homes.

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 scheme is considered to cause harm to the rural character of the area and the setting of the North Wessex Downs National Landscape. Furthermore, location of the site is such that occupants of the properties would be wholly reliant on the private motor car for access to every-day facilities, job opportunities and services – this would be contrary to the requirements of both local and national policy in directing development to sustainable locations. The development would be contrary to, and would undermine, the requirements of

planning policies seeking to direct development within sustainable locations and there are no benefits that would outweigh this harm.

3. Site Description

The site occupies a countryside location - as defined in the Wiltshire Core Strategy (2015) - adjacent to the boundary of the North Wessex Downs National Landscape (formerly AONB). To the north and east of the site lies open countryside, to the west there are existing rural buildings and to the south there is an open meadow containing a pond.



Mapping Extract identifies the site in relation to adjoining boundary of the North Wessex Downs National Landscape (formerly AONB) to the north and the nearest Grade II listed building to the south west.

The site is generally level and is bounded by a mix of mature hedgerow with native trees, post and wire fencing and post and rail fencing. Access exists to the east of the site onto the adjacent minor road, which is a no through road. In terms of topography, the surrounding land rises up to the north to Roundway Down (an area of land to the north of the site forms part of the battlefield of "Roundway Down").

Within the site are existing agricultural buildings of varying sizes and states of dilapidation. The principal existing structures are relatively modern steel portal framed buildings constructed of either sheet profile or pre-formed concrete cladding (see site photos below).



Images of the existing barns on site (site visit photos July 2023)

There is also an older Dutch barn and a small agricultural building finished in grey cladding. Adjacent to these structures is a mixture of level surfaces (grass, compacted gravel and concrete).

4. Planning History

- K/58932/F - Change of use of 4 agricultural buildings to B1(c) and/or B8 use - withdrawn
- E/09/0100/FUL – Change of use of four agricultural buildings to B1(c) and/or B8 use – refused – Appeal - dismissed
- 16/08498/OUT - Outline application relating to access for redevelopment of land by the erection of three two-storey dwellings with garages and associated works – refused – Appeal - dismissed
- 17/01633/PNCOU - Notification for Prior Approval Under Class Q - Proposed change of use of existing agricultural building to form 3 dwellings and associated operational development – refused – Appeal - dismissed
- 20/03737/PNCOU - Notification for Prior Approval under Class Q for Conversion and Adaptation of Existing Grain Store to Provide 5 No. Dwellings (Use Class C3) – refused – Appeal - dismissed
- 20/02049/PNCOU - Notification for Prior Approval under Class Q - Conversion and Adaptation of Existing Grain Store to Provide 5no Dwellings (Use Class C3) – refused
- PL/2021/06869 - Application under Class Q to Determine if Prior Approval is Required for a Proposed Change of Use and Conversion of an Agricultural Building to a Residential Dwelling - Approved
- PL/2022/06061 - Demolition of barns at Roundway Farm and erection of 3 dwellings - withdrawn

The submitted supporting statement for this application includes a breakdown of the site history, however, the submission fails to reference any of the three refused PNCOU applications (identified above) for the conversion of the buildings which are the subject of this application, to residential dwellings. Each of the PNCOU applications was refused and

the two earlier applications were also successfully defended at appeal. The applicant decided not to appeal the third refused PNCOU. The failure to refer to these within the submitted planning statement is therefore misleading.

The submitted supporting statement also references a perceived 'fallback position', this being PNCOU application PL/2021/06869, relating to a barn that is not included within the site layout of the proposed scheme. If planning permission were to be granted for these three new dwellings, the conversion scheme permitted under ref. PL/2021/06869 could also be built out (provided it remains within the time limit - it expires 23 Aug 2024)). As such, this statement is also misleading.

The agent also states within the supporting statement that the last application was withdrawn for unknown reasons; however, the applicant has been the same for all the applications and was told directly what the issues were with the previous application (PL/2022/06061), namely:

"Dear Mr Butler

Thank you for your email. With regard to the proposed scheme I do have some concerns with regard to the design of new dwellings. It is considered that they are too large, the detailing is not sympathetic and the scheme would have an incongruous impact on the character of the area along with the proposed change of use of the land. On balance it is considered that I would not look to support the scheme on this basis.

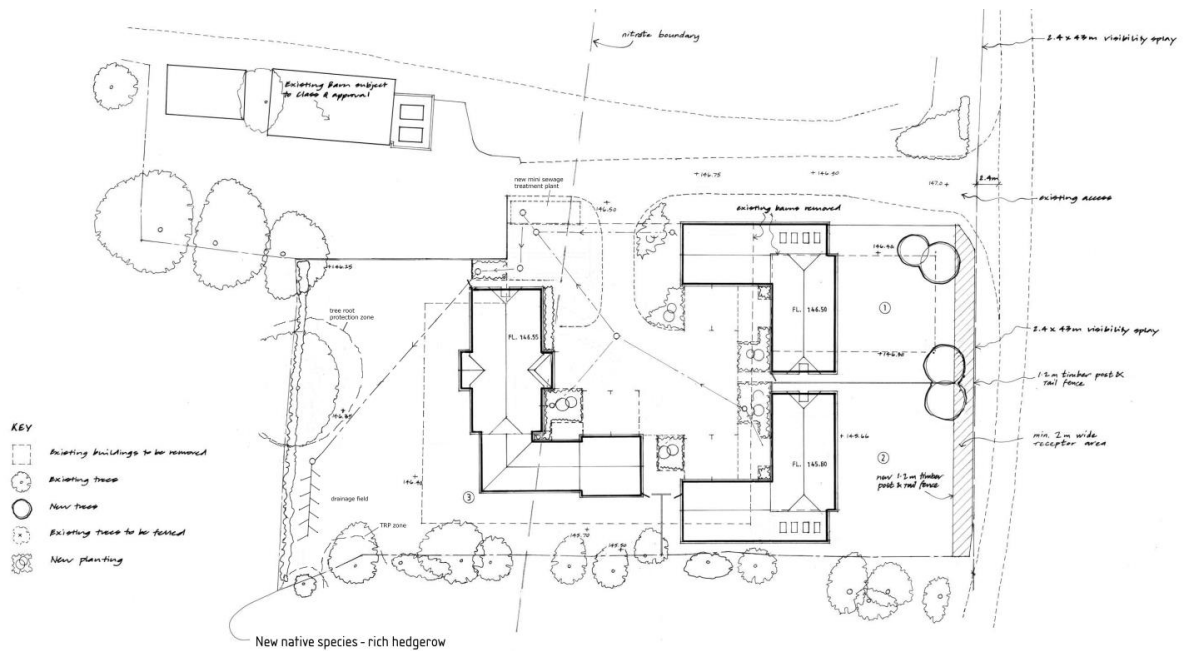
In addition there is an extensive site history on these barns where consent for housing has been consistently resisted and successfully dismissed at appeal. Therefore the scheme is considered contrary to the policies of the development plan and the principle of development within this unsustainable location would also constitute a reason for refusal".

The above officer opinion has been consistently reiterated on all applications in the site's history and these have been successfully defended at appeal. Fundamentally, the appeal decisions are a key material consideration in the consideration of this application.

The final paragraph within section 3 (planning history), of the applicant's 'Planning Statement' suggests that the scheme now for consideration is different to that submitted in 2016. It contends that the proposal should be accepted as the Council cannot demonstrate a 5-year supply of housing. This issue will be considered in more detail later in the report but essentially, this argument carries no weight as there is no longer a requirement to demonstrate a 5-year housing supply.

5. The Proposal

The application is for the demolition of the existing barns on the site and the erection of three new dwellings with associated access, parking and landscaping. The proposed dwellings are large 'executive' homes designed as a pastiche of a farmyard, with barn-like structures in a courtyard arrangement with generous rear gardens (see site plan below).



Car parking would be provided within the courtyard area. Foul drainage would be achieved via a 'new mini sewage treatment plant', with the soakaway drainage from this contained within the garden area for plot 3.

The total floor/footprint area for plot 1 would be 178.4 sqm (approx. dimensions for the 'L' shaped structure, 17.1m x 6.6m along longest length and 16.1m x 7.1m along shortest length). The eaves to the main part of the dwelling would be 5.2m, with a further 3.2m to ridge, therefore an overall height of 8.4m to ridge. The eaves to the garage element would be 2.6m and the overall ridge height 5.6m. The dwelling and garage would be finished in a mix of brick, timber boarding to the walls and clay plain tiles to the roof.

The total floor/footprint area for plot 2 would be 182 sqm (approx. dimensions for the 'L' shaped structure, 17.3m x 6.7m along longest length and 16.3 x 7.2 along shortest length). The eaves to the main part of the dwelling would be 5.1m, and an overall height of 8.45m to ridge. The eaves to the garage element would be 2.7m and the overall ridge height 5.6m. The dwelling and garage would be finished in a mix of brick, timber boarding to the walls and clay plain tiles to the roof.

The total floor/footprint area for plot 3 would be 246.5 sqm (approx. dimensions for the 'L' shaped structure, 22.7m x 7.7m along longest length and 17.7 x 5.7 along shortest length). The eaves to the main part of the dwelling would be 5.0m, and an overall height of 8.8m to ridge. The eaves to the garage element would be 2.8m and the overall ridge height 6.0m. The dwelling and garage would be finished in a mix of brick, timber boarding to the walls and slate to the roof.

The application has been the subject of revised/additional detail during the process and a re-consultation has been carried out on the submitted details, The application has been determined in accordance with the latest submitted details.

6. Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Devizes Area Neighbourhood Plan (DANP, s015), the Wiltshire Core Strategy (WCS) (2015) and the saved policies of the Kennet Local Plan (KLP) (2004).

Devizes Area Neighbourhood Plan (DANP) (July 2015)

- Policy H1 (Settlement Framework Boundary);
- Policy T1 (Getting Around);
- Policy ESD1 (Environment & Sustainability).

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 12 Spatial Strategy: Devizes Community Area
- Core Policy 41 Sustainable Construction and Low Carbon Energy
- Core policy 48
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 56 Contaminated Land
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 58 Ensuring the conservation of the historic environment.
- Core Policy 60 Sustainable transport
- Core Policy 61 Transport and new development
- Core Policy 64 Demand management

Kennet Local Plan (2004) no saved policies relevant to this development

National Planning Policy Framework (NPPF, 2023)

National Design Guide, Planning practice guidance for beautiful, enduring and successful places (NDG) (2019)

Wiltshire Design Guide: Shaping the future: My Place, Your Place, Our Place (2024)

Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (2015)

Vale of Pewsey Landscape Character Assessment

Sections 16 (LBC) and 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

7. Summary of consultation responses

The application has been the subject of revised/additional detail, with a re-consultation exercise carried out on the latest details. The comments below are the final comments offered following this consultation. A full set of comments received can be reviewed on the Council's webpage.

Devizes Town Council – No objection

WC Highways – Object on grounds of unsustainable location; Following an initial objection and recommendation for refusal on highway safety grounds, the applicant has submitted additional supporting detail; the highway officer has removed their original recommendation for refusal subject to conditions.

Final comments:

As discussed and outlined previously the location is one which is considered unsustainable. I am of the opinion that the site is not within an easy walking distance of the town and facilities and will be reliant on the private vehicle.

I do acknowledge that the proposal is introducing vehicle movements onto the road network. However, as you are aware NPPF only allows for development to be refused on highway grounds if the cumulative impact can be demonstrated to be severe/significant. I am mindful that the site could be allowed to operate with a business use that could bring in larger vehicles and potentially more smaller vehicles.

The applicant has produced a statement in response to my previous comments outlining their understanding of possible vehicle movements, which has provided more detail for consideration.

In the light of the additional information and applying the the NPPF guidance and the guidance contained within MfS I am minded to not raise an objection on the traffic generation, though wish to maintain one on the sustainability element.

Therefore in summary I am willing to accept the proposal from a highway perspective in terms of traffic movements.

If you are minded to set aside the policy objection I will require conditions ensuring that the parking is provided as demonstrated and that the access is provided with visibility splays as per the approved drawings.

WC Ecology – No objection subject to conditions;

Following an initial objection further information was required, namely:

1. Great Crested Newt

- Confirmation is required on whether the site has potential to support great crested newt given the proximity of a pond to the site. The response should be supported by sufficient evidence.

2. Bats

- Confirmation is required on whether trees on the site, specifically those to be felled, have suitability for roosting bats. The response should be supported by sufficient evidence.

3. Habitats Regulations Assessment

- Confirmation is required on the sewerage connection and which Sewage Treatment Works the development will discharge into. If any additional habitat is to be lost to facilitate connection to the sewer or any other underground service, this should be disclosed.

4. Biodiversity No Net Loss/Enhancement

- Site Plan to be updated to show the proposed hedgerow as a native species-rich hedgerow.

Further detail has been submitted and appropriate re-consultation carried out. The following were satisfactorily addressed:

1. Great Crested Newt

- Great crested newt mitigation strategy and District Level Licence (DLL) application. ABR Ecology Ltd.
- RE: the location of the great crested newt retained vegetative strip. ABR Ecology Ltd.
- Completed Impact Assessment and Conservation Payment Certificate.

2. Bats

- Confirmation provided via email (4th January 2024 - Mark Pettitt of Fowler Architecture & Planning to Jonathan James of Wiltshire Council)

3. Habitat regulations Assessment

- Site Plan. Drawing no: 230128-02 Rev B. Fowler Architecture & Planning

4. Biodiversity No Net Loss/Enhancement

- Site Plan. Drawing no: 230128-02 Rev B. Fowler Architecture & Planning.

WC Public Protection – Comments; I refer to the above planning application and recommend the following conditions, as before, are included with regard to the demolition/construction phases:

- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- No burning shall be undertaken on site at any time

WC Arboriculture – No objection subject to condition; The Tree Officer is satisfied that the Arboricultural Report and Tree Protection Plan, prepared by WH Landscape and dated November 2023, provides sufficient information to ensure the existing trees to be retained on and off site have been considered and sufficiently protected.

Please can this report and plan be added as an approved document, and its compliance conditioned.

WC Archaeology – No objection, subject to condition; The site of the proposed new dwellings is located within a complex of cropmarks that appear to represent the remains a former medieval settlement. Work along the route of the proposed undergrounding of power cables to the north-west of the site has also recorded sub-surface remains of later prehistoric and early Romano-British settlement. In light of these known heritage assets and the prospect for as-yet unrecorded features below the current barns, I would advise that all groundworks associated with the construction of the new houses is monitored by qualified archaeologists following the demolition of these barns. This monitoring is to be secured via a condition to be attached to any planning permission that may be issued.

8. Publicity

The site has been advertised by letter to local residents and by site notice; representations have been received which are summarised as follows:

Third party comments:

Object:

- Site not within development limits and conflicts with CP2 of the WCS and H1 of the DANP
- Unsustainable scheme
- Highly visible site adjoining protected landscape
- Detrimental effect on the AONB (National Landscape)
- Detrimental impact on the countryside character and landscape
- Impact on National Landscape from light and noise pollution
- Agricultural buildings are part of the rural landscape
- Large dwellings, unsympathetic to the local built environment
- Out of character with the area
- Visual impact fails to refer to the removal of the nearby over head lines
- Architecturally poor
- Fails to respect the historic context of the area
- Impact on listed buildings
- Increase in traffic movements impact on highway safety
- Folly Rd is unsafe to accommodate additional traffic
- Folly Road is a single lane with passing places
- No lighting or footpaths along the highway, conflict with other users
- Verges are no useable by pedestrians
- Impact on amenity of the area from sewage treatment plant

- Impact on wildlife
- Impact on great crested newts on site
- Impact on the environment by asbestos

9. Planning Considerations

9.1 Principle of Development

The site occupies a countryside location beyond the built form of the hamlet of Roundway in what is deemed, in planning policy terms, to be an unsustainable location. The application is for the demolition of the existing agricultural buildings and the erection of three new dwellings and associated infrastructure, access and landscaping.

The Spatial Vision of the Wiltshire Core Strategy (Core Policy 1 & 2) prohibits new residential development outside the recognised Limits of Development unless the development meets the criteria for infill development within designated small villages (which Roundway is not), or unless it is supported by one of the 'exception policies' outlined in para. 4.25 of the Strategy (e.g. agricultural worker accommodation). None of these exceptions apply in this instance. Roundway is covered by the Devizes Area Neighbourhood Plan, however, the site has not been brought forward under this plan either. The principle of development for three new dwellings outside any recognised settlement is therefore contrary to the development plan and contrary to Core Policies 1 and 2 of the WCS. Furthermore, the

Another key material consideration when considering the principle of development, the buildings in respect of which this application concerns have been the subject of refused conversion schemes that have been subsequently dismissed on appeal three times under the prior notification route. As such, a fallback position does not apply.

National Planning Policy Framework and Housing Land Supply:

The NPPF is a material consideration in the decision-taking process. The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These objectives seek to balance growth and local community needs against protection of the natural, built and historic environment.

The argument has been made that as the Council cannot demonstrate a 5-year housing land supply, Core Policies 1 and 2 should be considered out of date. Planning applications should therefore be considered against paragraph 11 of the NPPF which guides that where a development is out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or 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.

Changes to the NPPF (Dec 2023) are pertinent to the determination of this application, these changes came into effect as of 20 December 2023, which include inter alia a change in the requirements on five year housing land supply for Councils and also, of particular importance for this site, an emphasis on supporting beauty and placemaking.

For the purposes of the revised NPPF, Wiltshire Council is a 'paragraph 77 authority'. Furthermore, as Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now 'only' required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing, which the Council can demonstrate. This means that the relevant policies of the WCS can be afforded significant weight and that the planning balance is 'level' rather than 'tilted'.

Roundway is not a small village and there are no exceptional circumstances that would allow for a departure from the development plan in this instance. The site is located outside of the limits of development where development of this nature is not supported in policy terms, so substantial weight must be attributed to Core Policies 1, 2 and 12 of the WCS (2015). On this basis, the proposed development is contrary to the delivery strategy and the proposal is therefore unacceptable in terms of the principle of development.

Notwithstanding the above, even if the Council were found to not have the prerequisite housing land supply, it is considered that the tilted balance would not apply in this instance as the development is considered to have a detrimental impact on the character of the North Wessex Downs National Landscape. There are therefore clear reasons for refusing the application as it is contrary to the policies of the Framework that protect areas/assets such as National Landscapes of particular importance and so it is argued that the tilted balance would not engage.

Sustainability:

A 'presumption in favour of sustainable development' is at the heart of the Framework, to deliver the economic, social and environmental objectives underpinning the document. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system.

Other than meeting the requirements as set out within the appropriate part of the building regulations the proposed scheme does not appear to include any sustainability measures or environmental benefits beyond the basic requirements for meeting building regulations and ecology restrictions. The scheme does not include any solar panels or modern development methods such as 'Passivhaus'. The scheme is distinctively lacking in terms of any sustainability credentials to support such a departure from the development plan on sustainability grounds.

It is considered that the provision of three large executive style properties in this location would be beyond the ability of a local worker to afford. In terms of providing a socially sustainable development the scheme equally fails on this count as well.

Roundway is not a recognised settlement within the Wiltshire Core Strategy as a sustainable location for development. Core Policies 60 and 61 of the WCS (2015) requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives and deliver development within sustainable locations. The site is located outside of a rural village within what is construed as countryside, with poor pedestrian access to local facilities, services or employment opportunities. There is no nearby pavement and the addition of further housing

will place the occupiers in conflict with the existing traffic movements along the adjoining highway. On balance it is considered likely that end users will be heavily reliant on the private motor vehicle for day-to-day access and the proposed location and land use do not comprise a sustainable pattern of development. This view is supported by the highway officer who agrees that any residential units will be reliant mostly on the use of the private vehicle for accessing day to day services, facilities and employment.

It is recognised within the Planning Inspectorate's decision on application ref. 16/08498/OUT (which references appeal decision '2101222' relating to planning refusal E/09/0100/FUL) for the erection of three new dwellings at this site that the site is not easily accessible and is within an unsustainable location. At paragraph 20 of the appeal decision, the Inspector comments that "*Policy 1 of the CS is a settlement strategy and identifies the settlements where sustainable development will take place. As the appeal site falls within the countryside it is not identified within this policy. Policy 60 of the CS relates to the need to reduce travel, particularly by the private car and makes clear that development should be located in sustainable locations. Conflict therefore exists with both of these policies*".

The Inspector further comments that at (para. 19) "*the proposed development would cause harm to the character and appearance of the area and this adds to the unsustainable location in meaning that the environmental aspect of sustainability is negative in the planning balance. Against this has to be balanced the economic and social aspects of the proposed development. Three new homes would be built to add to the housing supply and in doing so work would be created. To my mind however, these latter factors do not outweigh the harm that has been identified*".

The proposal would therefore conflict with Core Policies 1, 2, 12, 60 and 61 of the Wiltshire Core Strategy (2015) and Policy H1 of the Devizes Neighbourhood Plan (2015), which seeks to properly plan for sustainable development of housing in Wiltshire and contrary to the policies set out within the National Planning Policy Framework (2023).

9.2 Visual Impact

The site lies adjacent to the North Wessex Downs National Landscape (formally AONB) and within the Vale of Pewsey Landscape Character Assessment District. The site would be clearly visible from Roundway Down and in its current form reflects the typical type of rural structure that has historically evolved within such areas and forms part of the rural character of this landscape.

Core Policy 51 and Core Policy 57 of the WCS (2015) collectively seek, in part, to protect, conserve and where possible enhance landscape character, enhance local distinctiveness, and avoid harmful impact upon landscape character. The National Planning Policy Framework (NPPF, 2023), is in general support of this direction in policy in that it seeks to protect and enhance our natural environment and recognise the intrinsic character and beauty of the countryside.

The site is set within an area that has a distinct rural quality, with rolling fields across the historic landscape and the identified protected landscape of the North Wessex Downs National Landscape is recognised as a sensitive area for development. It is acknowledged

that on site are existing agricultural barns, however, these are typical features within a rural landscape and are not considered to detrimentally erode the rural ambience of the area.

The proposal is for the erection of three executive properties with associated access, parking, residential curtilages, domestic paraphernalia (refer to 'site layout' in section 5 above). The scheme is similar to that proposed under application 16/08498/OUT (see site layout below), which was also refused on grounds of landscape harm.



Indicative site layout 16/08498/OUT

It is therefore again considered that introduction of the proposed three new executive dwellings with associated parking and paraphernalia would result in the erosion of the rural character of the area. This conclusion was also reached under application 16/08498/OUT and in the subsequent appeal decision. The Inspector determined at para. 14 within appeal decision APP/Y3940/W/17/3174330 that *"the area around the appeal site is very rural in nature with buildings generally associated with an agricultural setting"*. The Inspector at para. 15 confirmed that *"the proposed dwellings by virtue of their domestic nature and grouping would be out of character with this setting. They would also harm the appearance of the immediate area through the introduction into this rural setting of paved areas and domestic paraphernalia. The reduction in mass of built form would not outweigh this harm"*.

It is considered that the proposed erection of three new large dwellings with associated parking and turning and large residential curtilages and associated domestic paraphernalia would have an urbanising effect on this countryside location to the detriment of the rural character of this edge of National Landscape location.

Whilst it is acknowledged that there are existing historical dwellings nearby, it is considered that this development of three new dwellings with associated domestic paraphernalia would further erode the rural character to the detriment of the area in general and the adjacent protected landscape.

The Vale of Pewsey landscape assessment identifies that amongst other criteria, the principal threats and issues considered important to landscape quality in this character area

are: the influence of built development on the fringes of Devizes and other settlements within the Vale. The existing built form comprises traditional rural buildings which do not appear out of place in the landscape, whereas the proposed development would extend the built form, thereby permanently and irreversibly changing the character of the area and the rural context in which the National Landscape is enjoyed. The proposal would therefore be contrary to Core Policy 51 and Core Policy 57 of the WCS (2015) and with the NPPF.

9.3 Impact on neighbour amenity

Core Policy 57 of the WCS (2015) requires proposed development to be designed to ensure no detriment to residential amenity.

The properties all front onto a courtyard setting. Plot 3 lies approximately 20m from the rear elevation to the neighbouring boundary to the west, whereas the rear of plots 1 and 2 face onto the adjoining highway and surrounding countryside.

By virtue of the separation distance between plot 3 and its nearest existing neighbour it is considered that the proposed development would not give rise to any unacceptable impacts upon amenity in terms of overbearing effect, loss of light, overshadowing or overlooking. There are no nearby properties to plots 1 and 2.

9.4 Highway Safety Impact / Parking

Core Policy 61 - Transport and New Development - seeks to ensure that new development is capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure that parking standards are met as set out in the Council's adopted standards. The NPPF (2023) states that an application should only be refused on highway grounds if *"there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

Comments received from the highway officer on grounds of traffic generation raise no objections to the proposed scheme subject to conditions. They do however object to the scheme's location in terms of accessibility and sustainability, it is considered that the development is contrary to policy. Even if it was agreed that the location can be walked to, the adjacent road network and ROW connections are not conducive for easy and daily use and are not likely to be used as such.

The concerns raised by local residents at the unsuitability of the adjoining road network is acknowledged, however, comments received from the highway officer following the submission of further detail on the scheme remove their initial objection to the application. They acknowledge that the NPPF only allows for development to be refused on highway grounds if the cumulative impact can be demonstrated to be severe/significant. Bearing in mind the fall-back use of the site for agricultural purposes, it is considered that the change in traffic movements would not be so significant as to robustly refuse on highway safety grounds in this instance.

9.5 Impact on heritage

There are several listed buildings to the southwest of the site, refer to the mapping extract below. The closest is Roundway Farmhouse, a grade II listed property, at approximately 80m from the boundary of the site, with other listed buildings set at a further distance.

Between the site and nearest listed structure, there are existing mature tree lines forming the boundary features to properties, a paddock and also an existing dwelling to the west of the site and tennis court to the east of the listed building.



Mapping extract, yellow outline is site and black cross hatched grade II listed buildings

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require that special regard be given to the desirability of preserving or enhancing listed buildings, their settings or any features of special architectural or historic interest which they possess. This is locally reflected within Core Policy's 57 and 58 and covered within section 16 of the NPPF.

With regard to the degree of separation between the site and the nearest listed building and the intervening landscape features and other existing built form, it is considered that the

proposed development would have a neutral impact on the setting of the existing listed buildings.

It is therefore considered that the proposed development would not have an impact on the setting of the listed building and that the scheme complies with the requirements of Core Policies 57 and 58 in relation to heritage issues.

Comments received from the Councils Archaeologist recognise that the site is located within a location that offers the potential for archaeological heritage assets below the current barns. They advise that all groundworks associated with the construction of the new houses is monitored by qualified archaeologists following the demolition of these barns. This monitoring can be secured via a condition.

9.6 Impact on Ecology

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with the NPPF and with CP50 WCS (2015). Core Policy (CP) 50 provides the Councils 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 application is supported by a Preliminary Ecological Appraisal by Chalkhill Environmental Consultants that identifies that the habitats and buildings within the site are of generally low importance, although the boundaries do contribute to primary connectivity with the wider landscape. Further detail was required in relation to 'great crested newts', 'bats' and further detail on the disposal of waste water given that the site falls within a nitrate zone. In addition, further detail was required to show that the development would comply with CP50 of the WCS by ensuring biodiversity no net loss and enhancements.

Comments from the ecologist identified that "*an updated Site Plan (Drawing no: 230128-02 Rev B) has been submitted which shows that the drainage field for the proposed package treatment plant is located outside of the Hampshire Avon Catchment. A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that given that the drainage field is located outside of the catchment there is no mechanism for adverse effect and operational impacts would be de-minimis*". As this information has been provided, the application has subsequently been screened out of Appropriate Assessment.

In response to the potential for impacts on the 'great crested newt', the ecologist clarified that the submitted reports addressed the points raised:

"It is understood that the mitigation strategy will involve an application to District Level Licensing (DLL). I can confirm that the proposed strategy is acceptable. The Impact Assessment and Conservation Payment Certificate (IACPC) has been submitted. I can confirm this document is signed by the applicant and countersigned

by Natural England, and that 'Annex 3: Site Location' corresponds with the red line site boundary submitted with the planning application".

With regard to the potential for impact on bats, the ecologist was satisfied with confirmation that was provided via email (4th January 2024 - Mark Pettitt of Fowler Architecture) that no trees will be removed. Furthermore, measures to protect trees have been set out in the Tree Survey and Tree Constraints Plan (Report ref: 23.1625 Rev B). Based on this information no further survey of trees for roosting bats is required. Finally, the Site Plan has been updated to show the proposed hedgerow as native species-rich (Drawing no: 230128-02 Rev B), as such it is considered that there would be no biodiversity net loss and that the proposed planting would be an enhancement.

On balance the issues originally highlighted by the Councils Ecologist have been satisfactorily addressed and the scheme is considered to be compliant with Core Policy 50 of the WCS and relevant section of the Framework.

9.7 Other matters

The application fails to provide certainty on how surface water will be dealt with, however, the submitted planning statement suggests that it will 'run-off' to a soakaway. There is no mention of the use of SuDS and thereby another negative in considering the sustainability credentials of the development proposed.

As the site lies partly within and adjacent to the nitrate boundary within this area, details of the sewage disposal have been requested and provided that clarify the use of a new mini sewage treatment plant to deal with this disposal.

Whilst surface water remains ambiguous, it is considered that surface water drainage issues could be reasonably resolved through the imposition of conditions. Clearly the foul waste would have to be disposed of through the proposed system as identified, in order to satisfy drainage requirements associated with the nitrates issues within this area.

10. Conclusion (The Planning Balance)

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

It is acknowledged that some limited weight may be given to economic benefits through the likely local employment that may be generated by the development proposed for a limited period of time. There are also likely to be some social benefits through the provision of three new dwellings within the local housing market. However, given the likely cost of a unit of the sizes proposed, within an attractive rural location, the social benefits would be restricted to those on a higher income and would not benefit lower income families or add to the affordable housing market within this area. As such this would attract only limited weight.

The applicant argues that the Council cannot demonstrate a 5-year housing land supply and therefore, where there is no clear reason for refusing a scheme the presumption in favour of sustainable development is a material consideration in support of an application.

For housing supply and delivery, the revised NPPF (Dec 2023) contains two important amended/new paragraphs, that have altered the Council's position on housing land supply. For the purposes of the revised NPPF, Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. This means that the planning balance is now level rather than 'tilted'. With a level balance full weight can be given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) – namely Core Policies 1 and 2. This is reflected within recent appeal decisions on schemes at Wiltshire. The conflict of the development against the strategic delivery of houses in an unsustainable location contrary to the policies of the development plan is considered to carry significant weight within the planning balance.

The proposed dwellings, by virtue of their domestic nature and grouping, would be out of character with this setting and would harm the appearance of the immediate area through the introduction into this rural setting of associated domestic paraphernalia and urban form. The scheme would result in harm to the landscape character and setting of the countryside and the setting of the North Wessex Downs National Landscape and would be in conflict with Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy (2015) and with the relevant section of the Framework.

It is considered in this instance, that the adverse impacts of granting permission would significantly and demonstrably outweigh any limited benefits, when assessed against the policies of the development plan and the Framework taken as a whole. On the basis of the individual merits of this scheme, the material considerations indicate that permission should be refused.

RECOMMENDATION

That planning permission be REFUSED for the following reasons:

1. The site is located in open countryside well outside the limits of development of 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, 12, 60 and 61 of the Wiltshire Core Strategy (2015) and Policy H1 of the Devizes Neighbourhood Plan (2015), which seeks to properly plan for sustainable development of housing in Wiltshire and to central government guidance contained within the National Planning Policy Framework.

2. The erection of three new dwellings as proposed would create residential development within the countryside with associated domestic paraphernalia, eroding the rural character of the area and negatively impacting on the landscape character and countryside setting and on the setting of the North Wessex Downs National Landscape contrary to Wiltshire Core Strategy Core Policy 51 and Core Policy 57 and guidance set out in the National Planning Policy Framework.