
Appeal Decision

Inquiry opened on 25 November 2014

Site visit made on 13 February 2015

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 May 2015

Appeal Ref: APP/Y3940/A/14/2218437

Land at Westbury Road, Great Cheverell, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Wiltshire Council.
 - The application Ref 13/05866/OUT, dated 8 November 2013, was refused by notice dated 11 February 2014.
 - The development proposed is residential development (up to 25 dwellings), access, parking, open space and associated infrastructure.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by Little Cheverell Parish Council against Gladman Developments Limited. This application is the subject of a separate decision.

Preliminary matters

3. The Inquiry opened on 25 November 2014. During the opening stages I said that I would be seeking further information in relation to the Salisbury Plain Special Protection Area (SPA) and the setting of the Great Cheverell Conservation Area. The Council and the appellant requested that the Inquiry be adjourned so that additional evidence could be provided on these matters. The Inquiry resumed for a further 6 days on 5, 6 and 10 to 13 February 2015. There was an accompanied site visit on 13 February 2015 and in addition I carried out unaccompanied visits to the site and surrounding area at various times before and during the Inquiry.
4. The Wiltshire Core Strategy (CS) was adopted by the Council on 20 January 2015 during the adjournment. As a result various policies of the Kennet Local Plan referred to in the Council's decision notice have now been superseded by the policies of the CS.
5. The application was submitted in outline with all matters other than access reserved for subsequent approval. During the Inquiry an access plan was submitted with the highways Statement of Common Ground (SoCG)¹. This plan

¹ Drawing 4746/31/03 Rev A attached to document LPA/GLAD2

showed the proposed access, which had previously been included in the transport statement, at an appropriate scale on a topographical base. It did not amount to a change to the appeal scheme. The Council and the appellant agreed that the access plan should be treated as an application plan and I have determined the appeal on this basis. An illustrative development framework and an illustrative site layout were included with the application documents.

6. A unilateral undertaking (UU) under s106 of the Town and Country Planning Act 1990 was submitted at the Inquiry. The Council confirmed that the UU, together with conditions, would resolve the matters referred to in its 4th reason for refusal. The UU would provide for contributions to off-site sports pitches and the Council's mitigation project relating to the Salisbury Plain SPA. As I have decided that the appeal is to be dismissed on other grounds, which would not be overcome by these obligations, it is not necessary for me to comment further on whether they would accord with the relevant statutory provisions².
7. The UU also contains provisions relating to the delivery and subsequent management and maintenance of open space within the appeal site. In my view these obligations would accord with the National Planning Policy Framework (the Framework) and the relevant statutory provisions and I have taken them into account accordingly.
8. The application and the appeal documents, and the Council's decision notice, describe the site address as land at Westbury Road. The address in the heading to this decision is consistent with those documents. The highway running along the south western site boundary, from which access would be obtained, has different names on various plans and documents. Locally it is known as School Lane and this is how it was generally referred to during the Inquiry. I will refer to it as School Lane in the rest of this decision.
9. After the close of the Inquiry there was a revision to Planning Practice Guidance (the Guidance) relating to updating evidence on the supply of housing sites. The parties were invited to comment on this revision and I have taken account of the responses received.

Main issues

10. The main issues are:

- whether the Council is able to demonstrate a 5 year housing land supply
- the effect of the proposal on the character and appearance of the area
- the effect of the proposal on the historic environment, including the setting of the Great Cheverell Conservation Area
- whether the proposal would provide a safe and suitable means of access
- whether the proposal would be sustainable development for the purposes of the development plan and the Framework

²See regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010. The Council's Statement of Compliance (document LPA17) addresses regulation 122 but not regulation 123 which was not in force at the time of the Inquiry. As the appeal is to be dismissed I have not sought further information in relation to regulation 123.

Reasons

The policy context

11. The CS comprises the development plan for the purposes of the appeal. The CS states that its spatial strategy sets the foundations for how sustainable development is defined and applied within Wiltshire. Core Policy 1 sets out the settlement strategy which identifies four tiers of settlements. Principal settlements are to be the primary focus for development with market towns also having the potential for significant development. Local service centres are seen as providing for more modest levels of growth. Development at large and small villages is to be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Core Policy 12 contains the spatial strategy for the Devizes Community Area and defines Great Cheverell as a small village.
12. The delivery strategy for the CS is contained in Core Policy 2. It seeks to deliver at least 42,000 homes in Wiltshire between 2006 and 2026. Three housing market areas (HMA) are identified. Great Cheverell is in the East Wiltshire housing market area (EWHMA) for which the minimum housing requirement is 5,940. The policy states that at the small villages development will be limited to infill within the existing built area. For this purpose infill is defined as *'the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling'*.
13. Core Policy 51 seeks to protect, conserve and where possible enhance landscape character. The aspects of landscape character to be taken into account include the locally distinctive character of settlements and their landscape settings. Core Policy 58 seeks to protect the historic environment, including the settings of designated heritage assets such as conservation areas. Core Policy 61 states 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.

Housing land supply

14. The Council and the appellant agreed that the relevant assessment period is 1 April 2014 to 31 March 2019. It was also agreed that the area to be assessed should be the EWHMA and that, in accordance with paragraph 47 of the Framework, a buffer of 5% would be appropriate³. The Council and the appellant did not agree about the housing requirement or about some elements of supply.
15. The CS establishes minimum housing requirements for the 3 HMAs. The Inspector who conducted the examination of the CS (the CS Inspector) concluded that the Council could demonstrate a 5 year housing land supply (HLS)⁴. Planning Practice Guidance (the Guidance) indicates that:

The examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and

³ See housing SoCG – document LPA/GLAD5

⁴ See paragraph 96 of the report at CD14.8

*appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position*⁵.

At the Inquiry there was much discussion about the evidence before the CS Inspector and the way in which the examination was conducted. There was also extensive discussion about an appeal decision at Ashflats Lane, Stafford⁶ which dealt with the application of the Guidance to HLS matters.

16. In my view the most important points arising from those discussions were that, on the appellant's side, there was no suggestion that in this case the CS Inspector's approach to these matters was erroneous⁷. On the Council's side it was not suggested that a decision maker considering an appeal such as this is precluded from taking account of evidence which emerges subsequent to the consideration of HLS in the context of a development plan examination. I have therefore considered HLS in the light of the Framework, the Guidance, the CS, the CS Inspector's report and all other relevant evidence, including the CS evidence base and evidence produced subsequently by the parties.

The housing requirement

17. The Council's figure for the requirement for the EWHMA is 5,940 as set out in Core Policy 2. On this basis, allowing for completions since 2006 and the buffer, the supply needed to accord with the Framework is 1,412. The appellant argued that the requirement should be increased to take account of an allowance for 900 dwellings west of Swindon (the Swindon allowance). The nub of this argument is that the sum of the requirements for the three housing market areas set out in Core Policy 2 is 41,100, not the 42,000 which is the requirement for Wiltshire as a whole⁸. It is suggested that a requirement for 900 dwellings should be distributed proportionately between the three housing market areas.
18. The Swindon allowance relates to an existing commitment for 900 dwellings to the west of Swindon. Although located within Wiltshire, these dwellings are regarded as meeting the needs of Swindon. At paragraph 4.29 the CS states that *'As part of the planned early review of the CS, the Council will clarify that its housing requirement will be met without relying upon the delivery of homes to the west of Swindon'*. These words were added by way of a modification recommended by the CS Inspector. He did not think that the housing requirement within Wiltshire should be partially met by relying on delivery west of Swindon. However, he concluded that *'This matter can be dealt with most expeditiously through the planned early review of the CS which will include the new joint SHMA, without prejudice to the overall soundness of the CS'*⁹.
19. The appellant argued that the CS Inspector's finding of soundness in relation to the CS as a whole was predicated on a commitment to a planned early review. However, the Council's Local Development Scheme 2015 (LDS), which was adopted on the same day as the CS, makes no such commitment. Furthermore, the LDS only states that the new joint SHMA will *'inform the need for a further*

⁵ Reference ID: 3-033-20150327

⁶ APP/Y3425/A/14/2217578 at CD14.9. Submissions on the soundness of this decision, which is subject to challenge, are at GLAD31.

⁷ Confirmed by Ms Mulliner in cross examination

⁸ The appellant argued that further weight should be given to this point because the requirement of 42,000 is itself below the full objectively assessed need of 44,000 identified by the CS Inspector.

⁹ See paragraph 87 of the CS Inspector's report. The SHMA referred to is a joint Strategic Housing Market Assessment to be carried out by Wiltshire Council and Swindon Borough Council.

*review of Core Strategy policies*¹⁰. The appellant considers that the Council has reneged on its commitment to a planned early review. In these circumstances, it is suggested that the full housing requirement for Wiltshire will not be delivered in a timely way unless the Swindon allowance is added to the requirements for the 3 HMAs. In response, the Council argued that it is committed to the joint SHMA and that a start on this work is imminent. The LDS is regularly updated and the planned early review of the CS can be included in the next version of it.

20. As noted above, the Guidance does not preclude an appellant from revisiting HLS matters in the context of a s78 appeal. However, in this case the CS Inspector has recently considered how the Swindon allowance should be dealt with. His conclusions are set out above. It is agreed that the EWHMA is the correct area for the assessment. The requirement for the EWHMA is identified in the recently adopted CS. The question arising is whether the lack of reference to an early review in the LDS amounts to a sufficient change in circumstances to warrant adopting a different housing requirement for the purposes of this appeal.
21. I agree with the appellant that the LDS is not consistent with paragraph 4.29 of the CS or with paragraph 87 of the CS Inspector's report. Moreover, the absence of reference to a planned early review in the LDS is not a minor matter bearing in mind the statutory nature of the document¹¹. On the other hand, the commitment to a planned early review is also given in the CS itself, at paragraph 4.29. The CS Inspector clearly anticipated that the joint SHMA would form part of the planned early review and I see no reason to doubt the Council's assurance that work on the SHMA will start shortly. In practical terms, given the recent adoption of the CS, it is hard to see how any review could be at a more advanced stage. Having regard to all the circumstances, on balance, I do not think that the lack of reference to the review in the LDS amounts to a sufficient change in circumstances to warrant adopting a housing requirement for the EWHMA other than that set out in the CS. I therefore agree with the Council's position which is that, for the purposes of this appeal, the supply needed in the EWHMA to accord with the Framework is 1,412 dwellings.
22. Turning to the supply of housing sites, the respective positions of the Council and the appellant are summarised in the housing SoCG. The elements of supply that are in dispute are the delivery trajectories for three large sites and the Council's approach to windfall sites.

Lay Wood

23. The site is owned by the Crown Estate and outline planning permission for 230 dwellings was granted in July 2014. The appellant argued that the site has not yet been sold to a developer. Having regard to lead-in times for approval of reserved matters, discharge of pre-commencement conditions and initial site works it was suggested that delivery before 2017/18 is unlikely. The Council points to the fact that a s106 Agreement was completed quickly as evidence that good progress is being made. Allowing for two years between the outline permission and the first delivery of houses, the Council is prepared to concede that delivery in 2015/16 is unlikely but considers that, thereafter, the site will deliver in accordance with the trajectory in the Housing Land Supply Statement

¹⁰ See paragraph 2.10 of the LDS

¹¹ Section 15, Planning and Compulsory Purchase Act 2004

April 2014 (HLSS)¹². A local resident produced evidence which indicated that the site had now been marketed and the landowner was in detailed negotiations with a national house builder. A reserved matters application was anticipated in late 2015¹³. On this basis the landowner's agents estimated that there could be delivery from 2016.

24. Bearing in mind the need for necessary approvals, and the need for initial works to provide access and services, I consider that there is a realistic prospect of a small number of houses being delivered towards the end of 2016/17 with delivery rates increasing thereafter. In my view the evidence indicates delivery of around 110 units within the 5 year period. This is a reduction of 70 units from the Council's figure in the housing SoCG.

Drummond Park

25. The site is a strategic allocation within the CS. Core Policy 26 identifies that 475 dwellings will be brought forward here. There was a resolution to grant outline planning permission for residential development in December 2011 but the s106 Agreement has not been completed. The appellant argues that there are issues of viability and notes that a full application for 82 dwellings on part of the site was granted permission in December 2014. It is suggested that there is little prospect of delivery pursuant to the outline scheme and that consequently no more than 82 dwellings in total will be delivered in 2016/17 and 2017/18. The Council's housing witness pointed out that the s106 obligations required of the full application were, proportionately, the same as those for the outline scheme. The completion of this agreement is therefore considered to be evidence of viability¹⁴.
26. For each strategic allocation in the CS there is a development template in Appendix A. These templates cover matters such as infrastructure requirements and any physical constraints affecting the site. The development template for Drummond Park includes reference to a possible independent review of viability to review standards of delivery. The prospects for delivery of this site were considered by the CS Inspector. In his report he comments that '*The development template provides informed guidance upon the way in which the site should be brought forward with adequate consideration of infrastructure requirements*¹⁵. He found no evidence to suggest that the objectives for the CS could not be met in a timely fashion.
27. The appellant's approach assumes, on the basis of the developer's decision to submit an application for part of the site, that there is no prospect of delivery from the balance of the site within the 5 year period. To my mind that assumption is not justified by the evidence. It disregards the fact that the site has been considered as a strategic allocation through the CS examination process. The CS Inspector was clearly aware of the development template, including reference to the possible viability review, and formed his conclusions on that basis. I attach significant weight to those conclusions. On the other hand I note that there is as yet no comprehensive scheme for the site and as such the permission that has been granted provides the best evidence for delivery in 2016/17 and 2017/18. Given that this is an allocated site there is an

¹² April 2014 is the base date – the document is dated July 2014

¹³ Email to Michael Maxwell from Amec Foster Wheeler – document MM2

¹⁴ Mr Henderson, during the round table session

¹⁵ See paragraph 344 of CD14.8

adequate lead-in time for development to be brought forward on the balance of the site thereafter. In my view it is reasonable to assume delivery at about the same rate, that is a further 40 dwellings in 2018/19. On this basis my assessment of likely delivery within the 5 year period is 122 dwellings, a reduction of 28 on the Council's figure in the housing SoCG.

Salisbury Road

28. The site is a strategic allocation in the CS. Core Policy 14 identifies that 220 dwellings are to be brought forward. Like Lay Wood, the site is in the ownership of the Crown Estate and would need to be sold to a house builder. The appellant draws attention to physical and environmental constraints such as the location of the site in an Area of Outstanding Natural Beauty, important bat populations which breed and hibernate nearby and archaeological considerations. It is suggested that a period of 3 years should be assumed between grant of outline permission and first delivery. As an outline application has yet to be submitted it is argued that the site will not deliver houses before 2018/19. The Council's response was that the physical and environmental constraints referred to are not new matters. Archaeological and ecological surveys have now been carried out. A local resident produced evidence from the landowner's agents which confirmed the delivery trajectory in the Council's evidence¹⁶.
29. There is a development template for Salisbury Road in Appendix A to the CS which describes the infrastructure requirements for the site and identifies relevant physical and environmental constraints. The site is discussed in the CS Inspector's report where he concludes that *I have little reason to dispute the position of the Council and the landowner, that the site is capable of being brought forward broadly in line with the details found within the CS template at Appendix A*¹⁷. The appellant's view is that the existence of a delivery template in the CS does not advance matters in relation to the delivery trajectory¹⁸. I do not share that view. To my mind the templates are evidence that physical and environmental constraints have been considered in some detail by the planning authority and the landowner. As noted above, the CS Inspector clearly took account of the templates when reaching his conclusions. Moreover, I have no reason to doubt the Council's evidence that some of the relevant surveys have already been done. In my view the work carried out in the context of the CS increases confidence that the site is likely to be delivered in a timely manner.
30. Even so, as the outline application is yet to be submitted I agree with the appellant to the extent that delivery in 2016/17 now seems unlikely. Allowing for a lead-in time for marketing the site and securing necessary approvals there is in my view a reasonable prospect of delivery in 2017/18. On this basis the Council's trajectory would slip by one year, with 40 houses delivered in 2017/18 and 60 in 2018/19. This is a reduction of 60 on the Council's figure in the housing SoCG.

Windfall sites

31. The Framework states that local planning authorities may make an allowance for windfall sites in the 5 year supply if they have compelling evidence that

¹⁶ Email to Michael Maxwell from Amec Foster Wheeler – document MM2

¹⁷ See paragraphs 274 to 278 of CD14.8

¹⁸ Ms Mulliner, in answer to my questions during the round table session

such sites have consistently become available in the local area and will continue to provide a reliable source of supply. The Council's HLSS describes the approach taken. For large windfall sites (over 5 dwellings) the allowance is estimated from the capacity of deliverable previously developed sites identified within settlement boundaries in the Strategic Housing Land Assessment (SHLA). It is explained that this approach places no reliance on these particular sites being delivered as they could easily be substituted with unidentified sites. This approach is described as Method 1. Table A7 in the HLSS compares Method 1 with two other methods for calculating windfall allowance, both of which would result in a larger allowance for large windfall sites in the EWHMA.

32. The appellant argued that 4 of the SHLA sites are either not available or not deliverable within the 5 year period. The Council's response was that this does not matter because Method 1 does not rely on the availability of individual sites. The approach to windfall sites was discussed by the CS Inspector in his report¹⁹. He noted that the Council had promulgated 3 methods of calculating windfall allowances, all of which had some credibility. He found that the Council had elected to take a conservative estimate of likely windfalls although '*the evidence is sufficiently compelling to suggest that the likely rate of housing delivery on such sites, both large and small, will be greater*'. In closing, the appellant submitted that this conclusion was simply wrong due to a lack of evidence upon which to base a conclusion regarding delivery. I do not agree. The CS Inspector had before him evidence contained in the HLSS, which he regarded as compelling, on 3 methods of calculation. The totality of that evidence informed his conclusion which was to accept the Council's calculation of the windfall allowance. I see no reason to take a different view.

Appeal decision at Coate Road, Devizes

33. A decision of the Secretary of State in October 2014 relating to an appeal at Coate Road, Devizes found that there was not a 5 year HLS in the EWHMA at the time of the Inquiry²⁰. Whilst I have taken account of that decision, matters have moved on since that Inquiry, not least due to the publication of the CS Inspector's report and the adoption of the CS.

Conclusions on housing land supply

34. The supply needed in the EWHMA to accord with the Framework (with a 5% buffer) is 1,412 dwellings. The Council's estimate of supply, taking account of concessions made during the Inquiry, is 1,678²¹. For the reasons given above my assessment is that the Council's figure should be reduced by 158 to take account of adjustments to the delivery trajectories at Lay Wood, Drummond Park and Salisbury Road. The resulting figure is 1,520. I conclude that the Council has demonstrated that the HLS in the relevant HMA is in accordance with the Framework.

Effect on the character and appearance of the area

35. Great Cheverell is a rural village in an elevated location to the south of the Vale of Pewsey. The village has a predominantly linear form, with development mainly concentrated along High Street, although there are some examples of

¹⁹ Paragraph 97 of CD14.8

²⁰ Appeal ref APP/Y3940/A/13/2206963 – the Inquiry was held in April 2014

²¹ See conclusion to housing SoCG – LPA/GLAD5

modern cul-de-sac development. To the south of the village there is a gently undulating agricultural landscape interspersed with hedgerows and woodland.

36. The appeal site is an open field to the south east of High Street. It slopes down from west to east towards the floor of a small valley. To the north west the site is bounded by an area of open land, the rear gardens of properties fronting High Street and a modern residential development at Weavers Mead. To the south west there is a group of houses on the opposite side of School Lane which face towards the appeal site. To the south east and north east there is open agricultural land. There is a hedge along the School Lane frontage and two groups of willow on adjoining land next to the south east boundary.
37. A public footpath runs along the north western edge of the site, linking School Lane to Weavers Mead. The footpath then turns south east to cross the appeal site leading to Low Road, at the northern end of Little Cheverell. On the opposite side of Low Road the path climbs steeply, affording views of Great Cheverell and the appeal site. A further footpath runs between Low Road and School Lane approximately parallel with the site's south eastern boundary, separated from it by the width of a field.
38. A number of landscape assessments were referred to in the evidence. The Kennet Landscape Character Assessment 1998 places the site in the Vale of Pewsey character area which it describes as generally attractive countryside with a strong agrarian character. The Wiltshire Landscape Character Assessment 2005 also defines a Vale of Pewsey character area, the characteristics of which include a series of low undulating foothills of lower chalk flanking the vale sides. It notes that spring-line settlements, such as the Cheverells, are a feature of the landscape. The condition of the landscape is judged to be moderate.
39. The Kennet Landscape Conservation Strategy 2005 incorporates the 1998 assessment and was adopted as Supplementary Planning Guidance to the Kennet Local Plan. It describes the Vale of Pewsey as having an essentially rural, agricultural character which must be retained. It refers to development possibilities being restricted, with sensitively designed residential development being located within and bordering existing settlements. It also states that it is essential that the spring-line villages do not coalesce and that strong landscape buffers will be required where development on the periphery of settlements is deemed acceptable. The above documents are referred to in the CS for the purposes of implementing Core Policy 51, until such time as they are replaced.
40. The site is not covered by any landscape designations. Nor do I regard it as a valued landscape for the purposes of paragraph 109 of the Framework. Whilst this term is not defined in the Framework, the Council and the appellant agreed that it is not confined to designated landscapes. Nevertheless, I agree with the appellant that there must be some objective assessment to justify treating a landscape as valued in the terms of paragraph 109²². Even so, the site is part of an attractive rural landscape and is characteristic of the area around Great Cheverell. It is also representative of the landscape character types described in the various assessments. Core Policy 51 seeks to protect Wiltshire's distinctive landscape character, not just its designated landscapes.

²² I do not regard the Great Cheverell Conservation Area Statement as fulfilling this requirement because it is not a landscape assessment document. I shall comment further on that document below.

41. I have taken account of an appeal decision at Irchester, Northamptonshire²³. I agree with the Inspector in that case to the extent that nothing in the Framework suggests that non-designated landscapes may not be protected. In the current appeal it is important to note that the CS post-dates the Framework and, having been found sound, it can be assumed that Core Policy 51 is consistent with it.
42. Although the site can be glimpsed in longer views, the Council and the appellant agreed that any impacts on such views would not be significant. Longer views are restricted by the landform and, in the main, publically accessible views of the site are confined to parts of Low Road, School Lane and the footpaths described above. Consequently there would not be significant landscape impacts over a wide area.
43. The appeal scheme would bring about a significant change in the landscape character of the site itself, with the current open field being replaced by a modern housing development. The appellant suggests that the landscape impact in the locality would be limited because the scheme would be a natural and logical extension to the village. I do not agree. The scale of the development would be relatively large in relation to the village as a whole. Moreover, whilst layout and design would be reserved matters, the proposed access is such that the scheme is likely to comprise a lengthy cul-de-sac. There are limited opportunities to integrate the scheme with the built form of the village and it would be seen as a somewhat isolated suburban development, out of keeping with the more compact linear form of High Street.
44. There are modern cul-de-sac developments close to the site, at Weavers Mead and Bartletts, which I saw during my visits. These do not cover such a large area as the appeal site and, to my mind, they are more compact developments which are more closely related to the built form of the village. I take account of the proposed structural landscaping which would strengthen the existing site boundaries and provide some mitigation. Even so, I consider that there would be a significant adverse effect on local landscape character.
45. Turning to visual impact, the receptors most affected would be residents near the site and users of the footpaths to the east, south east and south. There are attractive views of the village from these paths. Although much of the built form is hidden amongst trees and vegetation, the linear nature of the village is evident from glimpses of occasional larger buildings, the church tower, roofs and chimneys. The village and its setting are experienced in a sequence of views as one walks along the paths. Development on the appeal site would be particularly prominent as the houses would be on rising ground in the foreground. Any benefits to users of the paths within the site from new planting provided as part of the appeal scheme would be outweighed by the loss of the open countryside views currently afforded by these paths. In my opinion the appellant's assessment understates the visual impacts on users of the footpath network.
46. There would also be localised impacts in School Lane arising from the removal of part of the hedge to create the necessary access, footways and visibility splays. Although this would be a significant change at first the impact would be likely to reduce over time as a replacement hedge became established.

²³ Appeal ref APP/H2835/A/14/2215925

47. The Council and some local residents argued that the appeal scheme would lead to the coalescence of Great and Little Cheverell. However the development framework plan indicates that the part of the site closest to Little Cheverell would be open space. The proposed houses would be about the same distance from Little Cheverell as the existing houses at Weavers Mead. I do not think that this is a point which adds to the case against the appeal.
48. My overall assessment is that the proposal would result in significant harm to the character and appearance of the locality. The area over which the harm would be experienced would be constrained by the landform and the proposed landscaping would offer a degree of mitigation. Even so, the scheme would not protect or conserve landscape character and it would detract from the locally distinctive landscape setting of Great Cheverell. It would therefore conflict with Core Policy 51.

Effect on the historic environment

49. There are no designated heritage assets within or immediately adjoining the appeal site. The effects on heritage assets relevant to this case are primarily effects on setting. The Framework and the Guidance contain advice relating to the setting of heritage assets. In addition, a number of sources of guidance were referred to during the Inquiry, including the former English Heritage publication *The Setting of Heritage Assets*. This document has since been replaced by the Historic England publication *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets*. Like its predecessor, this document advocates a staged process starting with identifying the assets affected, then assessing the contribution setting makes to significance and only then assessing the effect of the proposed development.
50. Whilst there are many listed buildings within the village of Great Cheverell it was common ground that the designated assets which need to be considered in the context of this appeal are the Great Cheverell Conservation Area and two Grade II listed buildings at No 1 The Green and No 92 High Street²⁴. It was further agreed that the appeal site makes no material contribution to the setting or the significance of the two listed buildings and I see no reason to disagree with that assessment. In addition the Council considered that effects on the Little Cheverell Conservation Area need to be taken into account together with effects on No 1 Hill Corner²⁵ which it regards as a non-designated heritage asset.

The setting of the Great Cheverell Conservation Area

51. The conservation area covers much of High Street and the area around the church. The Great Cheverell Conservation Area Statement (CAS) was adopted by the Council in 2003. It notes that the village lies on a hillside with the parish church high on the northern edge, that there is a cluster of historic buildings around the junction of High Street with Church Road which forms the centre of the village and that large mature trees, grassy banks and hedges are characteristic of the village. It also describes the landscape setting of the village noting that, to the east, development occupies a gradual slope up to a boundary of hedgerow and trees with meadows. In summary it describes Great

²⁴ See heritage SoCG – document LPA/GLAD4

²⁵ The property is referred to as No 1 Hill Corner in the Council's evidence (and therefore in this decision) although the OS map indicates that it may in fact be No 1 Green Lane.

Cheverell as a picturesque estate village where preservation of the status quo should be the preferred policy of conservation and where further blocks of development in meadows adjoining the village would not be appropriate.

52. In common with similar documents of that time the CAS is essentially a descriptive document. I have taken it into account insofar as it identifies features which contribute to the character and appearance of the area. However, I do not regard it as a statement of policy to which weight can be attached. It was supplementary planning guidance intended to support policies of the Kennet Local Plan which are not relied on in this case²⁶. Moreover, it is not consistent with the Framework which requires the decision maker to undertake a balancing exercise where development would result in harm to the significance of a designated heritage asset. I have formed my own view of the significance of the conservation area, informed by the evidence before the Inquiry and by my visits to the area.
53. The appellant considers that the significance of the conservation area is the aesthetic, evidential and historic interests of the buildings within it and their relationship with each other, including the spaces between them. Whilst I agree with that analysis as far as it goes, in my view it does not provide a complete picture. The general layout and form of the village, including the location of the church on the higher ground and the concentration of development along High Street, is an intrinsic part of its significance as an historic village. It can be seen from historic maps that the form and layout of the village is, on the whole, well preserved notwithstanding the modern development which has taken place. Moreover, the emphasis on buildings underplays the importance of the mature trees and hedgerows which make an important contribution to the character and appearance of the area and its significance as a heritage asset.
54. There is limited inter-visibility between the conservation area and the appeal site. There are likely to be glimpses of the site from the rear gardens of some of the High Street properties and development on the appeal site could potentially be visible from these viewpoints. However, with sensitive design and layout, which could be controlled at the reserved matters stage, any impacts could be minimised such that in this respect there would be no material harm to the setting or significance of the conservation area.
55. The Framework defines setting as the surroundings in which a heritage asset is experienced. In the previous section of my decision I described views of the village from the footpaths to the east, south east and south. The conservation area can be experienced in a series of views as one walks along these footpaths. Individual buildings come into and out of view as the viewpoint changes. As noted above, much of the built form of the conservation area is hidden by mature trees. Nevertheless, the general form, layout and verdant character of the village can readily be experienced in views from footpaths. The appeal site is one of the meadows referred to in the CAS. I consider that it is an important component in views from the south and east and that it is a part of the setting of the conservation area which contributes to its significance as a designated heritage asset.
56. For the reasons given above, I consider that development on the appeal site would be particularly prominent in these views and would detract from the locally distinctive landscape setting of Great Cheverell. It would also detract

²⁶ Some Kennet Local Plan policies have in any event been superseded by the CS

from the ability to experience the conservation area in these views. This would be harmful to the setting and the significance of the conservation area.

57. In assessing the degree of harm it is important to note that the setting of the conservation area, as seen from the south and east, is but one element of its overall significance. The views I have described are not as important as views from within the conservation area and there will be other views of the village in its landscape setting from other directions. Consequently I consider that, in the terms of the Framework, the degree of harm to the significance of the conservation area as a whole would be less than substantial. In these circumstances the Framework states that the degree of harm is to be balanced against the public benefits of the proposal²⁷.

The setting of the Little Cheverell Conservation Area

58. The Little Cheverell Conservation Area Character Appraisal and Management Proposals 2007 notes that the village is of particular interest because of its location at the foot of the northern scarp of Salisbury Plain and in the valley running north. The village is described as having a low density rural character. I consider that these features contribute to its significance as a designated heritage asset. A small group of houses at the northern end of the conservation area can be seen from part of the footpath within the appeal site. It is likely that this view would be obscured by the appeal scheme. However, the greater part of the conservation area is out of view, being hidden within a wooded valley. Whilst there would be an effect on the setting of the conservation area, to my mind this would be a minor effect. The impact on the significance of the conservation area as a whole would be negligible.

Other effects on the historic environment

59. The Council suggested that the traffic generated by the appeal scheme could bring about the need for harmful changes to highway infrastructure within the Great Cheverell Conservation Area. However, there was very little evidence in support of this suggestion and I attach little weight to it.
60. It was also argued that the scheme would be harmful to the setting of No 1 Hill Corner, which ought to be regarded as a non-designated heritage asset. This property has not been identified as being of heritage importance in a local list or in any other published assessment. There is no evidence that it has been identified by the local planning authority as a heritage asset in its own right. In my view it is not a heritage asset as defined in the Framework.

Conclusions on the historic environment

61. I conclude that the appeal proposal would be harmful to the setting of the Great Cheverell Conservation Area. This would result in harm to its significance as a designated heritage asset. The proposal would therefore be contrary to Core Policy 58 which seeks to conserve the settings of conservation areas. In the terms of the Framework the harm would be less than substantial.

Whether there would be a safe and suitable means of access

62. School Lane is a single track lane running south east from High Street to link with the B3098. It has no footways for most of its length. High Street is also

²⁷ See paragraph 134 of the Framework

narrow and parts of it do not have footways. The application was supported by a transport statement and the appellant carried out further traffic surveys for the purposes of the appeal. Information on traffic speeds and volumes was also provided by Great Cheverell Parish Council. Traffic conditions within the village are a matter of concern locally and there is a Community Speedwatch scheme operating within the village.

63. The proposal is to form a new access to School Lane, which would be widened to 4.1m. This would be sufficient to allow two cars to pass. A footway would be created along the site frontage and appropriate visibility splays would be provided. Whilst the Council maintained an objection to the landscape impact of these works it did not dispute that the works themselves would create a safe and suitable vehicular access to the appeal site.
64. The Council's concern was that there would be no continuous footway between the site access and High Street. The footway within the appeal site would extend as far as the junction of School Lane with Green Lane. Thereafter pedestrians would have to walk in the road for around 50m before reaching an existing section of footway at Hill Corner. In my view it is relevant that this stretch of road is within a village environment where it is commonplace for pedestrians to share the road space with vehicles. The road is subject to a 20mph speed limit, forward visibility is good and traffic volumes in School Lane are low. Consequently, I do not consider that the lack of a footway would result in unacceptable conditions in terms of the safety of road users.
65. The footway and road widening would be available for all those using the public highway. However, traffic volumes in School Lane are low and there is no evidence that the existing layout results in highway safety issues in the vicinity of the appeal site. Consequently, I consider that any highway benefit would be minor and would not be a significant benefit in the overall planning balance.
66. Great Cheverell Parish Council disputed the appellant's description of High Street as a low speed/low volume traffic environment. That said, there was not a great variation between the traffic data submitted by the appellant and the Parish Council. Despite its narrow width, High Street is signposted as a diversion route for high vehicles unable to negotiate a railway bridge on the nearby A360. The Parish Council is concerned about traffic volumes in general, large vehicles using High Street, vehicles exceeding the speed limit along High Street and congestion in the vicinity of the primary school. Whilst I understand these concerns they relate to the existing traffic environment in the village. The Council and the appellant agreed that the traffic generation from the appeal scheme would be around 25 vehicles (two way) in the peak hour. In my view this is a relatively low level of generation which is unlikely to result in a significant change in traffic conditions in High Street.
67. Little Cheverell Parish Council was concerned about additional use of School Lane between the site access and the B3098. This section of the lane is very narrow with few passing places. I can appreciate that any pedestrians or horse riders meeting a vehicle could have difficulty passing because much of the lane is contained between banks. The transport statement assumes that all traffic generated by the appeal scheme would enter/leave via High Street, with no additional use of School Lane south of the site access. At the Inquiry the Council's highways witness confirmed his agreement to this assumption²⁸.

²⁸ Mr Witt, in answer to my question

Whilst the occasional driver might choose to use this route, given the very restricted nature of School Lane I agree that this is a reasonable assumption to make.

68. To conclude on this issue, I consider that the appeal scheme would provide a safe and suitable means of access to the site. I find no conflict with Core Policy 61 insofar as that policy seeks to ensure that development proposals can be served by safe access to the highway network.

Whether the proposal would be sustainable development

69. The CS states that the spatial strategy sets the foundations for how sustainable development is defined and applied in Wiltshire. The settlement strategy (Core Policy 1), coupled with the delivery strategy (Core Policy 2), seeks to define where development will be most sustainable across Wiltshire's settlements. Core Policy 12 identifies Great Cheverell as a small village within the Devizes Community Area. Core Policy 2 states that development at small villages will be limited to infill, which is defined as the filling of a small gap, generally with only one dwelling²⁹. The appeal scheme, which is for a village extension of up to 25 dwellings, could not be regarded as infilling so the proposal conflicts with this policy.
70. The appellant did not seek to argue that the appeal scheme would comply with Core Policy 2. Rather, its case was that the policy is out of date due to the lack of a 5 year HLS. For the reasons given above, I do not agree with that proposition. The policy goes on to say that proposals for development at small villages will be supported where they seek to meet the housing needs of the settlement, subject to three criteria which include the need to respect the existing character and form of the settlement. The appeal scheme gains no support from this part of the policy. There is no evidence that the needs of Great Cheverell are such as to require a development of up to 25 dwellings. In any event, as explained above, I do not think that the appeal scheme would respect the character and form of the settlement.
71. Core Policy 61 of the CS states 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. There are some local services and community facilities within the village, including a primary school, a post office/store and a public house. However, employment opportunities are very limited. Further local shopping facilities, primary health care and a secondary school are located at Market Lavington/West Lavington which are within 5km of the site. The main centres for employment, shopping and community services serving the area are Devizes and Trowbridge. In this case it was agreed by all parties that walking would only be a viable transport option for services within the village itself.
72. The appellants suggested that cycling would be an option for employment opportunities and services within 5km. However, whilst 5km is often taken to be a realistic distance for cycle trips, this general advice needs to be considered in the particular circumstances of the appeal site. The two most likely routes from the site to Market Lavington/West Lavington are via the B3098 or via the C40 and the A360. The B3098 appears to be particularly unsuited to cycling. It is narrow and winding with steep slopes and limited forward visibility. There is

²⁹ Exceptions to this approach will only be considered through the Neighbourhood Planning process or DPDs.

no footway and few refuge points as the road is contained between steep banks. Little Cheverell Parish Council gave evidence that, in practice, hardly anyone cycles on this road. That evidence is consistent with my observations on site. The alternative C40/A360 route would perhaps be of some use to the more determined cyclist. However, it is not an attractive route as it includes a stretch of rural A road where traffic speeds are likely to be higher.

73. There are bus services to Devizes and Trowbridge although the frequencies and timings would restrict the usefulness of these services for work trips. Moreover, not all buses come into the village. To use some of these services it would be necessary to walk about 1km to a bus stop on the B3098. The appellants argued that this is a basic level of service that is comparable with many rural settlements. Whether or not that is the case, the purpose of Core Policy 61 is that development should encourage the use of alternative modes. In my opinion the location of the appeal site would not meet that objective.
74. In my view the appeal scheme would result in a development which would be largely dependant on transport by the private car. In this respect it would conflict with Core Policy 61.
75. The Framework describes three dimensions to sustainable development – the economic role, the social role and the environmental role. The definition of sustainable development includes all of the policies in paragraphs 18 to 219 of the Framework³⁰.

The economic role

76. The appeal proposal would bring economic benefits including employment generation during the construction phase. There would also be benefits from increased spending in the local economy on goods and services.
77. On the other hand the site comprises higher grade agricultural land, defined in the Framework as the best and most versatile land. The Framework states that the economic and other benefits of such land are to be taken into account. Having regard to the area of land in question I do not consider that this is a major consideration in this appeal. Nevertheless, it is a disadvantage of the scheme to which some weight should be attached.

The social role

78. The Framework emphasises a general need to boost the supply of housing. Consequently, I regard the delivery of housing as a benefit notwithstanding my finding that the Council can demonstrate a 5 year HLS. The delivery of 30% of the scheme as affordable housing would be an important benefit given the acknowledged shortfall of affordable housing in Wiltshire.
79. The appellant argued that the appeal scheme would enhance and maintain the future vitality of the community at Great Cheverell. However, at the Inquiry it was agreed by all parties that this is already a thriving community. No immediate threats to its continuing vitality were identified. The appellant suggested that, with an ageing population structure there could be a future threat. However, there was limited evidence in support of this assertion. I attach greater weight to the evidence of Great Cheverell Parish Council to the effect that any local changes in demographics simply reflect general trends in

³⁰ See paragraph 6 of the Framework

the wider population. The position with regard to the primary school is that it is at or near capacity. It is a successful and popular school which draws pupils from a wide area. There is no reason to think it will not continue to be successful whether or not the appeal scheme is allowed. In conclusion, I attach very little weight to the claimed benefits to the vitality of the community.

80. The scheme would include open space, including a play area. Whilst primarily intended to meet the needs of the scheme the play area would be available to the public at large. Although there are other play facilities elsewhere in the village this would be of some benefit to existing residents living near the site.

The environmental role

81. For the reasons given above, I consider that the appeal scheme would be harmful to the landscape character of the area and to the setting of the Great Cheverell Conservation Area. Moreover it would be largely dependant on transport by the private car and would not be well placed to encourage sustainable modes of transport.

Conclusion on sustainable development

82. Taking all the above factors into account I conclude that the appeal proposal would not be a sustainable form of development, either for the purposes of the development plan or for the purposes of the Framework.

Other matters

83. The site is about 3.5km from the Salisbury Plain Special Protection Area (SPA), an internationally designated site. The site supports important populations of rare and declining bird species including stone curlew. The Council has in place an over-arching mitigation strategy in relation to the potential effects of residential development on stone curlew through increased recreational pressure and disturbance. As I have decided that the appeal is to be dismissed on other grounds it is not necessary for me to comment further on the requirements of the Habitats Regulations³¹.
84. The UU contains provisions for the implementation and future management and maintenance of the open spaces within the site. These obligations largely mitigate the impacts of the appeal scheme. However, as noted above, the proposed play space would be of some benefit to some existing residents.
85. I have also taken account of the written representations. These raised a wide range of issues, most of which have already been covered above. One additional matter is flood risk. Local residents state that a low-lying part of the site is sometimes impassable during the winter. The application was supported by a flood risk assessment which concludes that the site is not generally at risk of flooding. The illustrative development framework shows that the low-lying part of the site would be used for open space and that a surface water attenuation pond would be located in this area. I consider that these matters could be addressed at reserved matters stage and through appropriate conditions.

³¹ The Conservation of Habitats and Species Regulations 2010

Conclusion

86. In conclusion, the appeal scheme would conflict with Core Policies 2, 51, 58 and 61 of the CS. My overall assessment is that it would not be a sustainable form of development. There would be benefits from the delivery of housing, including affordable housing, and some economic benefits. Some weight should also be given to the creation of a play area. However, these benefits are insufficient to outweigh the conflict with the development plan that I have identified. I have not identified any other material considerations which indicate that the appeal should be determined other than in accordance with the development plan.
87. In view of this conclusion it is not necessary for me to comment further on the balance, referred to in paragraph 134 of the Framework, specifically in relation to the harm to the Great Cheverell Conservation Area and the public benefits of the scheme.
88. For the above reasons, the appeal should not be allowed.

David Prentis

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Nadia Sharif	of Counsel, instructed by the Head of Legal Services, Wiltshire Council
She called	
Roger Witt	Highways Development Control Manager, Wiltshire Council
BSc MICE	
Will Harley	Director, WHLandscape Consultancy Ltd
BSc(Hons) CMLI	
Mark Henderson	Interim Manager, Monitoring and Evidence Team, Wiltshire Council
BSc(Hons) MA MRTPI	
Ian Lund	Heritage consultant
DipU&RPI DipArchCons	
IHBC	
Ruaridh O'Donoghue	Senior Planning Officer, Wiltshire Council
BA(Hons) MA	

FOR THE APPELLANT:

Paul Tucker	Queen's Counsel and
Alan Evans	of Counsel, instructed by Kevin Waters of Gladman Developments Ltd,
They called	
Robert Hindle	Director, Rural Solutions Ltd
BSc(Hons) MRICS	
Timothy Jackson	Director, FPCR Environment and Design Ltd
BA(Hons) DipLA CMLI	
Nigel Weeks	Director, Stirling Maynard Transportation
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Jacqueline Mulliner	Director, Terence O'Rourke Ltd
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Jason Clemons	Director and Head of Historic Buildings, CgMs
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Michael Baker	Director, GL Hearn
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INTERESTED PERSONS:

For Cheverell Magna Parish Council

Cllr Lynda Wearn	Chair of the Parish Council
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For Little Cheverell Parish Council

Cllr Thomas Morison	Chairman of the Parish Council
Cllr Anne Venus	Member of the Parish Council

Cllr Richard Gamble

Member and Portfolio Holder for Education, Skills
and Youth, Wiltshire Council
Wiltshire Branch, Campaign to Protect Rural
England

John Kirkman

Local residents
Mike Read
Michael Maxwell
Chris Hall

Great Cheverell Community Speedwatch

DOCUMENTS SUBMITTED DURING THE INQUIRY

Documents submitted by the Appellants

GLAD1/PS	Update to Mr Hindle's proof of evidence (Sustainability)
GLAD1/A	Update to Mr Hindle's appendices
GLAD2/R	Mr Jackson's rebuttal proof of evidence (Landscape)
GLAD4/PS	Update to Mr Baker's proof of evidence (Planning)
GLAD4/A	Update to Mr Baker's appendices
GLAD5/PS	Update to Ms Mulliner's proof of evidence (Housing land)
GLAD5/A	Update to Ms Mulliner's appendices
GLAD7/PS	Proof of evidence of Mr Clemons (Historic environment)
GLAD7/A	Mr Clemons' appendices
GLAD8	CD14 – additional core documents (Folder 9)
GLAD9	List of appearances
GLAD10	Draft unilateral undertaking
GLAD11	Additional information on traffic surveys (November 2014)
GLAD12	Appeal decision at Linton, Swadlincote
GLAD13	Updated Statement of Case (December 2014)
GLAD14	Revised list of appearances
GLAD15	Draft unilateral undertaking (revised)
GLAD16	Opening submissions
GLAD17	Draft housing SoCG
GLAD18	Local Development Scheme – Wiltshire Council January 2015
GLAD19	Summary note by Ms Mulliner
GLAD20	<i>The Forge Field Society</i> [2014] EWHC 1895 (Admin)
GLAD21	Kennet Landscape Conservation Strategy - extract
GLAD22	Appeal decision at Javelin Park, Gloucestershire
GLAD23	<i>Nuon UK Ltd</i> [2012] EWHC 4344 (Admin)
GLAD24	Office for National Statistics – neighbourhood statistics
GLAD25	Holy Trinity CE Primary Academy – admissions policy
GLAD26	Sam Knows – broadband speed data
GLAD27	Letter from Aster Homes dated 6 February 2015
GLAD28	Draft schedule of suggested conditions
GLAD29	<i>Hopkins Homes Ltd</i> [2015] EWHC 132 (Admin)
GLAD30	Unilateral undertaking dated 13 February 2015
GLAD31	Counsel's opinion regarding Ashflats Lane appeal decision
GLAD32	Annex to closing submissions – housing land supply
GLAD33	Closing submissions
GLAD34	Response to costs application

Documents submitted by the Council

LPA1	Mr O'Donoghue's rebuttal proof of evidence (Sustainability)
LPA2	Mr Harley's rebuttal proof of evidence (Landscape)
LPA3	Appeal decision at High Street, Irchester

LPA4	Updated Statement of Case (December 2014)
LPA5	Update to proof of evidence of Mr O'Donoghue (Planning) plus summary
LPA6	Update to Mr O'Donoghue's appendices
LPA7	Update to proof of evidence of Mr Harley (Landscape) plus summary
LPA8	Update to Mr Harley's appendices
LPA9	Proof of evidence of Mr Lund (Historic environment) plus summary
LPA10	Update to proof of evidence of Mr Witt (Highways)
LPA11	Update to proof of evidence of Mr Henderson (Housing land) plus summary
LPA12	Update to Mr Henderson's appendices
LPA13	CD14.10 to 14.17 (Folder 10)
LPA14	Wiltshire Core Strategy Adopted January 2014
LPA15	Opening submissions
LPA16	Core Strategy adoption statement
LPA17	Statement of compliance with Regulation 122 of the Community Infrastructure Levy Regulations
LPA18	HRA and Mitigation Strategy for Salisbury Plain SPA
LPA19	Closing submissions
LPA20	Kennet Landscape Conservation Strategy

Documents agreed between the Council and the Appellant

LPA/GLAD1	Statement of Common Ground - Ecology
LPA/GLAD2	Statement of Common Ground - Highways
LPA/GLAD3	Statement of Common Ground - Landscape
LPA/GLAD4	Statement of Common Ground - Heritage
LPA/GLAD5	Statement of Common Ground - Housing
LPA/GLAD6	Updated Statement of Common Ground - Planning

Documents submitted by other parties

LW1	Statement by Cllr Wearn for Cheverell Magna Parish Council
LW2	Statement by Cllr Wearn - first update
LW3	Statement by Cllr Wearn - second update
TM1	Statement by Cllr Morison for Little Cheverell Parish Council
TM2	Additional submission by Cllr Morison
TM3	Application for costs against the appellants
AV1	Statement by Cllr Venus for Little Cheverell Parish Council
AV2	Updated statement by Cllr Venus
JK1	Statement by John Kirkman for CPRE Wiltshire
JK2	Updated statement by John Kirkman
RG1	Statement by Cllr Gamble
RG2	Note on bus support budget
RG3	Holy Trinity CE Primary Academy - travel data
MR1	Photograph submitted by Mr Read
MM1	Email re Lay Wood submitted by Mr Maxwell
MM2	Further emails submitted by Mr Maxwell
MM3	Statement by Mr Maxwell
CH1	Statement by Mr Hall