



Appeal Decisions

Inquiry Held between 19 and 26 January 2022

Site visits made on 13 and 31 January and 1 February 2022

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2022

Appeal A - Ref: APP/Y3940/W/21/3283427 **Land west of Wilcot Road, Pewsey, 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 Dunmoore Properties Ltd against the decision of Wiltshire Council.
 - The application Ref 20/06557/OUT, dated 31 July 2020, was refused by notice dated 22 July 2021.
 - The development proposed is an outline planning application for 50 no dwellings, following demolition of existing buildings, with all matters apart from access reserved for future consideration.
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Appeal B - Ref: APP/Y3940/W/21/3286726 **Land west of Wilcot Road, Pewsey, Wiltshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Dunmoore Properties Ltd against Wiltshire Council.
 - The application Ref PL/2021/06554 is dated 25 June 2021.
 - The development proposed is an outline planning application for up to 30 no. dwellings, with all matters apart from access reserved for future consideration.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and planning permission for an outline planning application for up to 30 no. dwellings, with all matters apart from access reserved for future consideration, is refused.

Preliminary Matters

3. For ease of reference I have referred to the different cases as Appeals A and B in this decision letter as set out in the headers. I have dealt with each appeal on its individual merits but, as the sites and issues are similar and to avoid duplication, I have considered the proposals together in this document.

Although there are two appeals, I use singular terms such as 'appellant' and 'appeal site' for ease of reading, albeit that the site for Appeal A is some 0.5 ha larger as it includes additional land to the west of the site for Appeal B.

4. As the descriptions of development indicate, the applications are in outline with all matters, except for means of access, reserved for subsequent approval. Other than the location plans, the only drawings which form part of the applications are the proposed access arrangements included within the Transport Statements¹. These drawings show that the access would be off Wilcot Road, via a priority-controlled junction. I have treated the illustrative layouts and landscaping plans as an indication of how the site could be developed but they do not form part of the applications.
5. Since the submission of the appeals, a revised site location plan has been submitted for Appeal B (1984/L/28 Rev SO3). The plan includes an additional area of land within the red line to provide a cycle/footpath link to Woodborough Road. The change reflects the indicative site layouts for both appeals and the line of the cycle/footpath link shown on the location plan for Appeal A. Therefore, no party would be prejudiced by its inclusion as an appeal plan.
6. Unilateral Undertakings (UUs) under Section 106 of the Town and Country Planning Act 1990 dated 4 February 2022 would secure affordable housing; the laying out and management of open space within the development; the provision of an off-site recreation contribution; mitigation land to achieve phosphate neutrality (Appeal A only); waste management facilities; and public art provision (Appeal A only). I will return to the UUs later in my decision where relevant to my reasoning.

Main Issues

7. Appeal A was refused for four reasons. As Appeal B is against non-determination, there is no decision notice. However, the putative reasons for refusal, based on the Council's Committee resolution, were similar to those set out in the decision notice for Appeal A.
8. However, by the end of the inquiry things had moved on. Due to (1) the submission of evidence and discussions on phosphate neutrality and (2) the content of the UUs, the Council indicated that it was satisfied that the related reasons for refusal (3 and 4) had been overcome.
9. Therefore, taking into account these matters, the main issues for the appeals are:
 - i. The effect of the developments on the character and appearance of the area, including their effect on the landscape character of the North Wessex Down Area of Outstanding Natural Beauty (AONB);
 - ii. Whether Appeal A would create a mixed and balanced community in the context of the amount and type of affordable housing; and,
 - iii. Whether the proposals would accord with the development plan overall and, if not, whether any benefits of the schemes or other material considerations would outweigh the harm such that the appeals should be determined other than in accord with the development plan.

¹ Appeal A – Drawing No 2031 04B, Appeal B – Drawing No 2031 04C

Reasons

Character and appearance

The appeal site and its surroundings

10. The appeal site lies on the north-western edge of Pewsey and comprises predominantly rough grassland used for horse grazing. The grassland is divided into paddocks by post and rail and taped fencing. The site for Appeal A includes additional grazing land to the west. Generally the site slopes down to the west away from the village. A bungalow, Stonnington, and its outbuildings lie within the site adjacent to Wilcot Road.
11. The site has hedgerows with some mature trees to part of the boundary with Wilcot Road and for much of the southern boundary with Woodborough Road. The hedgerow to Wilcot Road is straggly whereas along Woodborough Road it is of a good height and fairly continuous. The hedgerows sit on banks above the adjacent lanes so that in places the site is about 1.5m above road level. A small group of mature trees lie close to the south-west corner of the larger site of Appeal A but are beyond the western boundary of the site for Appeal B.
12. Other than a small group of dwellings at the junction of Wilcot and Woodborough Roads, the existing bungalow within the site, and associated outbuildings, the area immediately to the west of Wilcot Road is generally open in character. The undeveloped nature can be appreciated in views from Sharcott Grove to the west and south-west; in glimpses through the hedge from Woodborough Road; over the bank and through gaps in the vegetation from Wilcot Road; and in longer distance views from the footpath to the south of the railway line, linking Pewsey and Sharcott. In contrast, much of the land to the east of Wilcot Road opposite the appeal site is built-up, with a line of properties off Smiths Close forming the edge of a housing estate. However, this clearly defined outer limit of the village is not apparent in views from the west and south-west, with only Stonnington and the upper parts of another couple of dwellings being discernible in amongst the wooded edge.

Landscape character

13. The appeal site is located within the North Wessex Downs AONB which is the third largest AONB in England, covering some 668 square miles. AONBs along with National Parks comprise the finest landscapes and are nationally protected. Although the high chalk plains, escarpments and open downland are perhaps the most memorable landscape feature of the AONB, there are also special qualities relating to the vales which separate the downland, which include river valleys, woodlands, scattered farmsteads and settlements, and mixed fields.
14. Pewsey, the appeal site, and its local context are centrally located within the Vale of Pewsey Landscape Character Area (LCA), the largest of the vale landscape character types in the AONB. The Vale of Pewsey LCA is described as comprising a 'chalk and greensand lowland landscape'. Looking at landscape subsets, the setting of Pewsey is characterised by 'enclosed farmland' which in some places has an 'intact hedgerow structure' and in others a 'weak hedgerow structure'. The appeal site lies within the latter,

reflecting the disparate character of the boundary to Wilcot Road and the nature of the remnant hedgerows within and close to the site.

15. Therefore, the appeal site lies within a landscape type that is not most representative of the main qualities of the AONB. It is some way from the more sensitive elevated or steeply sloping foothills, chalk uplands or escarpments that bookend the vale. Nor is it within a vast tract of flat farmland with a strong sense of remoteness, away from settlements. Moreover, the site is not characteristic of the landscape at the core of the vale which, according to the AONB Integrated Landscape Character Assessment, is recognised as being represented by a rich mix of pasture along tributaries with arable fields enclosed by hedgerows and woodlands characteristically surrounding the settlements. Additionally, being next to a large village, the site does not contribute to maintaining the pattern of discrete small villages set within a quiet rural landscape. Although once arable, its character has been eroded by the features of horsiculture such as the rough grassland and division into paddocks, reflective of its location close to Pewsey.
16. Given the overall size of the AONB and the particular characteristics of the site, its loss to development would not be significant in the context of the main attributes of the AONB and the AONB landscape as a whole.
17. That said the whole of the AONB is subject to, and given the protection afforded by, the national designation. This includes areas on the fringe of settlements, such as the appeal site. The character may have been diminished by the loss of positive features. But it is the very loss of features and the proximity to settlements that makes this type of site more vulnerable to development pressures. Significantly more so than the uplands and remote farmland where built development would be very rarely contemplated. Statute and national policy requires that I have regard to the purpose of conserving and enhancing the natural beauty of all of the AONB and great weight should be attached to that purpose. As indicated below, there would be harm to the landscape.

Landscape and visual effects

18. The landscape and visual effects have been characterised as localised. Having considered the site's landscape context from more distance viewpoints, including from the escarpments to the north and south, I broadly agree. The site is not readily discernible from the north near Huish Hill. In wintertime from the south, close to the White Horse, the site is seen as detached from the core of the village separated by a wooded area. However, the site does not contribute significantly to the positive landscape features to which the eye is drawn, namely the escarpment, remoter larger fields, and wooded areas. Moreover, in the summer months when trees are in leaf, Representative Viewpoint 09 suggests that the site is not evident in the context of the landscape of the well-wooded vale. My attention was not drawn to any other potential wider landscape impacts.
19. However, in terms of the localised landscape and visual effects, these would be much more significant. I would not characterise the triangle of land within which the appeal site lies as one of transition. The presence of the rugby pitches to the north, large agricultural buildings to the north-west, the small groups of dwellings to the south-western and south-eastern corners, and the

livery barn to the west, do not alter the fact that the area between Wilcot Road and the bridleway of Sharcott Grove, which includes the appeal site, forms part of the swathe of predominantly open land to this side of the village. This area is clearly distinct from the generally close knit built-development which forms the village and terminates on the eastern edge of Wilcot Road. It is not read together, nor does it share a strong attachment with, the settlement.

20. The appeal proposals would result in a significant land use change in this open triangle of land. Predominantly open fields used for horse grazing would be replaced by a new housing estate, albeit with some open areas retained within it. This would form a clear incursion of built-development beyond the well-defined settlement edge. The developments would not represent a natural extension of the settlement. This significant change in landscape character and incongruous spread of the built-up area onto the gently sloping valley side would be clearly seen from Sharcott Grove, Woodborough Road, and the footpath to the south of the railway. Whilst the appeal site and its immediate landscape surrounds may not be as valuable as some other areas around the village and would benefit from 'repair', this factor in itself does not alter its overall landscape function or justify the proposals.
21. Drilling down to the immediate surroundings, the development would punch through the bank and hedgerow on Wilcot Road with an engineered access. Similarly, two smaller access points would break through the more substantial hedgerow along Woodborough Road, one including a stepped approach onto the lane. Assuming that ground levels within the development would not significantly change, the housing would sit above the lanes. The new housing development would be clearly visible at these points of access as well as being discernible from other parts of the two lanes. Wilcot Road already has accesses and built development along parts of it. But these are predominantly to the south-east of where the new access would be formed. The access and some of the highway works would be on a stretch of the lane beyond the 30 mph zone where you emerge from an edge of village location into an area with a more rural feel. Woodborough Road has very little in the way of urban influences once it leaves the village beyond the cemetery. The landscape character of these lanes would become noticeably more urban as a result of the development.
22. Overall, and taking into account the reasoning above, the visual effects, like the landscape effects, would be localised. Moreover, the visual impact would reduce during the summer months when vegetation is in leaf. However, there would be visual harm from a number of viewpoints, including from the bridleway where it passes the livery barn, from further south on the lane known as Sharcott Grove, through the gaps formed, and above the hedges, on Wilcot and Woodborough Roads, and from the footpath to the south of the railway. Given that the bridleway, the footpath, and the lanes are used by recreational users, some of the receptors are sensitive.
23. The developments would also be visible from some nearby residential properties but predominantly from upper floors. Maturing landscaping would reduce these private visual effects to moderate or minor over time, dependent on the particular location of the dwelling.

24. Some railway passengers, particularly those travelling on eastward bound trains that stop at Pewsey Station, would be able to see the development whilst passing. However, passengers would not be particularly sensitive receptors, the view would be fleeting, and the wider landscape, including fields in the foreground and the backdrop of the downs, would be the dominant features. Therefore, these impacts would be minor adverse.

Lighting

25. The appeal proposals would extend lighting beyond the village edge through street and domestic lighting. There is no street lighting on Woodborough Road beyond the cemetery and, when I visited, lighting from the few houses was subdued and partly masked by vegetation. Two lighting columns were evident on Wilcot Road but the spillage was limited and, again, domestic lighting was discrete. Based on my experience, the environment was fairly dark and tranquil and allowed an appreciation of the night skies.
26. I acknowledge that the area is not one which is representative of the intrinsically dark landscapes of the AONB, being within an area of brighter lighting, as illustrated by the Council for the Protection of Rural England (CPRE) Night Blight Map. For around one evening a week the floodlights at the rugby ground would add significantly to lighting in the vicinity. Planting and the type of lighting can be controlled to reduce the impact. However, based on my site visit, the appeal site and immediate surroundings would be brighter than without the developments, a factor which would add materially to the landscape and visual harm.

Mitigation

27. The appellant has sought to develop a landscape strategy to mitigate the impacts of the development. Although indicative, the strategy proposes a new native field boundary to the west, reinforcement of existing, and provision of new, boundary hedgerows and trees to Wilcot and Woodborough Roads, and new planting within the schemes. The existing group of trees within the site for Appeal A would be retained.
28. The landscape strategy would assist in softening the appearance of the scheme, has the potential to provide a hedgerow to the new village edge, and would help to reduce the landscape and visual effects. The creation of tree-lined approaches and boundaries would be characteristic of the village surrounds and edge. However, even with the mitigation, there would still be a significant level of residual landscape and visual harm after 15 years.

Conclusions on character and appearance

29. In conclusion the proposals would have detrimental effects on the character and appearance of the area, including the landscape character of the AONB. As a result there would be conflict with Core Policy 51 of the Wiltshire Core Strategy (WCS) as the developments would not protect or conserve landscape character and have not demonstrated that they have taken account of the objectives, policies, and actions of the AONB Management Plan. Core Policy 51 could, in my view, be complied with if the level of landscape harm was very limited and sensitive design and landscaping mitigation lead to overall conservation of the landscape. However, that is not the case with these

proposals which, when considered in the round, would have a significantly harmful impact on landscape character, notwithstanding the mitigation and the largely localised adverse effects.

30. I do not find any specific conflict with Core Policy 57 of the WCS as it is essentially a development management policy relating to details. In this respect, although in outline, the applications were accompanied by appropriate information and sought to respond to natural features.

Mixed and balanced communities

31. In dealing with this issue I will confine my reasoning to any harm to social cohesion that would arise from Appeal A. I deal with affordable housing needs and how these should be balanced against harm later in the decision.
32. The 50 homes proposed in Appeal A would all be affordable with an indicative split of 60% affordable rent and 40% shared ownership. This mix reflects the Council's preference based on the most recent Strategic Housing Market Assessment (SHMA).
33. House prices in East Wiltshire and Pewsey in particular are high. Many of those in employment in the area, including key workers and young professionals, are unable to afford to get onto the open market housing ladder. The scheme would facilitate up to 40% of the units within the development being owned as households' staircase up. Others in employment or living in the area who were unable to afford a shared ownership dwelling or would prefer to rent, would be able to be accommodated within the development. The development would be likely to be occupied by a mixed income community in different tenures of housing, not a concentration of low income households. The different tenures could be 'pepper potted'.
34. The number of units would exceed the local housing need identified by the waiting list. Some households might come in from outside the Pewsey Community Area. However, on the basis of how the scheme as a whole is likely to be occupied and taking into account its proximity to facilities such as village schools, the development would be unlikely to lead to a separate poorly integrated community or social problems. It seems to me that the sort of non-mixed developments referred to in the research papers put before me are not reflective of what is proposed here. There is no evidence linking the type of development proposed by Appeal A in a rural settlement like Pewsey with significant issues of integration or anti-social behaviour.
35. Accordingly, Appeal A would create a mixed and balanced community in the context of the amount and type of affordable housing. There is nothing within Core Policy 43 of the WCS which prevents affordable housing provision above the 40% proportion. Indeed the policy would be supportive of greater levels as it refers to 'at least' 40%. Similarly there is no specific conflict with Core Policy 45 in relation to this issue in that the policy supports new housing which addresses local housing need to create mixed and balanced communities and refers to the SHMA as identifying Wiltshire's housing needs. Policies 1 and 6 of the Pewsey Neighbourhood Development Plan (PNDP) are not breached by the housing mix proposed. I will deal with Core Policy 44 of the WCS later in this decision.

36. The Council do not have any concerns about Appeal B in relation to the mixed and balanced communities issue. The proposal reflects the policy requirement for 40% affordable housing so that some 12 dwellings would be affordable with the remainder open market homes, assuming a 30 unit scheme. The 12 affordable dwellings would be well below the need identified for the village.

Other Matters

Special Area of Conservation

37. The appeal site lies within the fluvial catchment of the River Avon. The River Avon is a Special Area of Conservation (SAC) due to its internationally important levels of particular species of fish, molluscs, and plants. However, elevated levels of phosphorous are leading to unfavourable conditions for these species and are preventing the conservation objectives for the SAC being achieved.
38. The developments have the potential to discharge additional phosphates into the River Avon. However, to combat this possibility, the proposals include the provision of an on-site package sewage treatment plant with associated sustainable drainage systems and, in the case of Appeal A, an offsite wetland area. In combination this mitigation would ensure that any discharge of water to ground would achieve phosphate neutrality. The mitigation can be secured by conditions, and for Appeal A, through obligations within the UU relating to the wetland area to the west of the appeal site which would comprise nutrient mitigation land.
39. The above approach had been agreed by the main parties by the end of the inquiry and explained to me in a roundtable session. I am satisfied that the proposals, alone or in combination with other projects, would not have significant effects on the designated features of the European site, the River Avon SAC.

Highways, transport, flood risk and heritage assets

40. The junction onto Wilcot Road would achieve adequate visibility particularly once the 30 mph speed limit is moved north-west near to the rugby ground. The highway improvements, including footways and traffic calming to Wilcot Road and pedestrian and cycle connections to Woodborough Road, would ensure safe and suitable access for all highway users. The works would also facilitate access to village facilities and, in terms of links onto Woodborough Road, allow residents to join the Quiet Lane network. Sustainable transport alternatives to the private car to access services and employment would be available, including rail and bus services, cycling and walking. There would be compliance with Core Policies 60 and 61 of the WCS.
41. The appeal site lies within Flood Zone 1. Therefore, the land is not part of a functional flood plain and is not at high risk of flooding. Ground conditions are suitable for percolation so that surface water run off could be dealt with on site with no flows off site.
42. The nearest heritage assets are the listed chapel, lychgate and wall at the cemetery on Woodborough Road. There is no evidence of intervisibility between the cemetery and appeal site and no functional relationship. I agree

with the main parties that the development would not affect the setting of the designated heritage assets.

Other material considerations

Affordable housing

43. There is a high level of affordable housing need in Wiltshire. The SHMA for the WCS produced in 2011, the WCS itself, and the 2017 SHMA which forms part of the evidence base for the emerging local plan, all provide evidence of affordable housing needs. Against the WCS requirement of 650 affordable homes per annum, gross provision has averaged around 600 affordable homes per year since the base date of the WCS up to 2020/21. This is a significant shortfall against the WCS, amounting to more than 1100 households who have not had their housing needs met. The shortfall is even greater if set against the 2011 SHMA objectively assessed affordable housing need of 1360 dwellings per annum or if Right to Buy losses are taken into account. In terms of the 2017 SHMA which concluded that there was a net need for 719 affordable homes per year but which has not been tested at examination, there has been a shortfall of around 900 dwellings up to 2020/21.
44. The need in Wiltshire is shown by the increasing number of households on the housing waiting list, now more than 3500, which in turn is partly a reflection of high house prices. By 2019/20 average house prices in Wiltshire were 11 times average incomes. Affordability issues are particularly acute in East Wiltshire and Pewsey.
45. The WCS does not disaggregate affordable needs to community area or parish level. In terms of Pewsey, the housing register and the Pewsey Rural Housing Needs Survey published in 2019 provide information to gauge local housing needs. The most recent register information from November 2021 indicates that some 31 households had a housing need and wished to live in Pewsey Parish. Of these, 24 had a local connection to Pewsey Parish itself. However, on the basis that households are only able to select one preference and the 7 may well come from smaller parishes close to Pewsey where there may be less opportunity to be housed, 31 households would seem to be a reasonable basis for the current number of affordable homes needed in Pewsey. In having regard to this figure I am conscious of the narrowing of the criteria for inclusion on the register but it is the most reliable one before me.
46. The above figure is broadly consistent with the 26 households identified through the Rural Housing Needs Survey. Whilst the survey only elicited a 24% response rate, it is conjecture to extrapolate significantly greater hidden needs from the information, albeit the need may well be higher. The Help to Buy register does not have local connection criteria, there is no limit to income, and an applicant may select various preferences. Qualification for the register relates to being a first time buyer and limits on the price of property that can be sought. Therefore, this register is not a basis for identifying affordable housing needs.
47. The supply of affordable housing in Pewsey Parish is founded on the 22% of the existing dwelling stock which comprise affordable homes for rent. This is a higher proportion than across Wiltshire (15%) and the south-east as a whole (13%). Out of this stock some properties become available as relets, recent

figures suggesting that this is between about 7 and 11 properties a year. However, this is a gross figure and would not account for people moving between affordable homes. Moreover, relets have not reduced the affordable needs in Pewsey in the last few years, indeed the number on the housing register with a local connection has risen.

48. Four new affordable housing units have been very recently completed in the village off Old Hospital Road. However, these are the first units to be delivered in the Parish since 2014/15. There are no existing commitments which are likely to deliver affordable homes. It was agreed that the mixed-use allocation in the PNDP on Marlborough Road, which includes around 1 ha of land for housing, is not likely to be delivered in the near future. No weight can be given to the current application for 39 dwellings off Old Hospital Road given that it is a site lying outside the Limits of Development (LoD). The Parish Council referred to other opportunities within the village such as the old police station but no other site has been put forward which could be considered deliverable or developable. As referred to below there are no plan-led solutions in the offing.
49. Therefore, there is a substantial need for affordable housing in Wiltshire as a whole and a significant current need for around 27 affordable homes in Pewsey itself. These are households who represent real people in real need now who, in some cases, may have been waiting some time for a suitable home. A few might benefit from relets but the numbers of households in need would still be likely to be sizeable. For these reasons substantial positive weight should be attributed to the social benefits that would arise from the delivery of the affordable homes proposed in the schemes.

Market housing

50. The main parties agree that there is not a five year supply of housing. At best, based on the Council's figures, the supply is some 4.41 years or a deficit of over 1200 homes. However, the shortfall may be greater as the base date for the figures is April 2020, almost 2 years old. Moreover, the lack of a five year supply has persisted since early 2020. For Wiltshire as a whole the emerging local plan is at an early stage and, therefore, is unlikely to provide a plan-led solution to the shortfall for at least two years.
51. Set against the supply position, the Housing Delivery Test results for 2020 and 2021 are encouraging against the local housing need figures for Wiltshire. Moreover, the Council is taking in-house actions to improve delivery by employing consultants to assist in bringing forward sites, albeit that one of the key elements of the 'action plan' is to permit developments outside of the LoD, where no other significant development plan conflict arises. Indeed, these actions are an acknowledgement that the Council needs to improve delivery and supply.
52. Reference has also been made to the delivery and supply in the East Wiltshire Housing Market Area and the Pewsey Community Area potentially meeting the indicative figures set out in the WCS, including Core Policy 18. That said, there are currently limited opportunities for further housing delivery in Pewsey itself given the position with the Marlborough Road site. I was told that the PNDP is to be reviewed but nothing has been published. So further allocations are some way off.

53. As well as providing homes and thus social benefits, the developments would deliver economic benefits through construction jobs, the supply chain and increase local spend. These benefits are significant.
54. Notwithstanding the encouraging signs about recent delivery and the position in East Wiltshire and the Pewsey Community Area, in the absence of a five year supply, the contribution that the dwellings would make to the supply of dwellings and the social and economic benefits that would arise should attract significant positive weight.

Other benefits

55. The approach to achieving phosphate neutrality for the SAC represents a novel solution which could be used elsewhere and could unlock development opportunities not only in Wiltshire but in other areas adversely affected by phosphorous discharge. Whilst the particular scheme is required to allow the development to go ahead and mitigation is in itself a neutral factor, some material benefit would arise from the innovative approach. The requirement to achieve biodiversity net gain also represents a meaningful benefit.
56. I also consider that the provision of the off-site highway improvements would be a modest community benefit, including making pedestrian access to the nearby sports grounds safer. The local primary and secondary schools are undersubscribed so the developments would assist in supporting local services which is a further modest benefit.
57. The provision of open space and landscaping as part of the developments, the contributions to off-site recreation and public art, the creation of suitable surface water drainage, and the energy efficient design of the homes, are all required principally to secure policy compliance or mitigation so, at best, should be ascribed only very limited positive weight.

Adverse impacts

58. Other than the adverse landscape and visual effects, and putting to one side the development plan, the proposals would lead to the loss of between about 1.5 and 2 ha of Grade 1 best and most versatile agricultural land. The amount of land lost as a proportion of the best and most versatile land in the vale as a whole would not be significant. Moreover, as the site is currently in non-agricultural use, no existing agricultural business is affected. Therefore, only limited harm would arise from the loss of agricultural land and it is not a matter which materially affects my conclusions below.

The development plan, planning balance and conclusion

Development plan

59. The appeal site lies outside the Pewsey LoD. Therefore, there is conflict with Core Policies 1, 2 and 18 of the WCS and Policy 1 of the PNDP. These policies read together seek to locate the majority of development in certain sustainable settlements, including Pewsey, limit the type of development that can take place outside the LoD, and recognise Pewsey's role as a local service centre. The WCS overall seeks greater self-containment for settlements to reduce commuting and sustain communities. In respect of Pewsey in particular, the explanation to Core Policy 18 notes that the level of housing growth in the

village should be modest and appropriate to its role as it lacks the critical mass to accommodate significant amounts of housing and should deliver within the overall objective of conserving the designated landscape.

60. Core Policy 2 allows development beyond the LoD in certain circumstances. One of the exceptions is rural exception sites for affordable housing allowed by Core Policy 44. However, there would be conflict with the policy as the development proposed through Appeal A does not have the clear support of the community, exceeds the identified need, would compromise landscape considerations, and would not respect the character and setting of the settlement. Crucially the development is considerably in excess of the 10 dwelling threshold included within the policy. Appeal B would not meet any of the exceptions for development beyond the LoD.
61. I have also found conflict with Core Policy 51 due to the landscape harm. Core Policies 1, 2, 18, 43, 44, 45 and 51 of the WCS and Policy 1 of the PNDP are the most important policies for determining the applications. Although I have not found conflict with Core Policies 43, 45, 57, 60 and 61, and there would be compliance with other Core Policies such as 3 (Infrastructure Requirements), 50 (biodiversity and geodiversity), and 69 (Protection of the River Avon SAC), the proposals would conflict with the development plan as a whole.
62. Core Policies 1, 2 and 18 of the WCS and Policy 1 of the PNDP relate to the supply of housing and are deemed to be out-of-date by virtue of Footnote 8 of the National Planning Policy Framework (the Framework). However, notwithstanding the housing supply position and the ineffectiveness of the LoD, I attach moderate weight to the conflict with these policies because they are broadly consistent with the Framework's objectives of focusing development on settlements which are sustainable in the context of a plan-led system. Core Policies 44 and 51 of the WCS reflect the Framework's support for rural exception sites and protecting valued landscapes and conflict with them should be given significant weight.
63. The WCS was adopted in 2015 after the publication of the original Framework in 2012 and took its objectives and policies into account. The Framework's objectives and policies in respect of the AONB, sustainable settlements and rural exception sites have not changed significantly since 2012.

Planning balance

64. As the local planning authority cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 d of the Framework is engaged. Accordingly, Core Policies 1, 2 and 18 of the WCS and Policy 1 of the PNDP, some of the most important policies for determining the applications, are out-of-date. In accordance with paragraph 11 d) i. of the Framework, as the proposals lie with an AONB, consideration needs to be given as to whether the application of the policies of the Framework that protect such areas of particular importance provide a clear reason for refusing the developments.
65. Paragraph 177 of the Framework indicates that planning permission should be refused for major development in an AONB other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It is agreed that the development of 50 homes (Appeal A) represents major development in the AONB.

66. The provision of 50 affordable homes is a substantial social benefit. There do not appear to be any issues with delivery of these homes, given the links with a leading registered provider, the provisions of the UU, and agreement to a reduced period for implementation. There are also other social, economic, and environmental benefits which arise as set out above.
67. However, there is a mismatch between the number of homes proposed and the identified needs. The AONB designation does not preclude development but the exceptional circumstance and public interest tests reflect the great weight to be given to landscape and scenic beauty. To my mind, an alignment between the development proposed and needs generated from within the AONB is a significant factor in demonstrating exceptional circumstances. This is a point made by the AONB Management Plan and Position Statement on Housing and reinforced by the WCS strategy for the Pewsey area of meeting local needs in the context of a nationally designated landscape. Indeed paragraph 177 of the Framework refers to both the need for the development and whether that need can be met in some other way. Whether wider needs beyond those of Pewsey could be met elsewhere was not explored in evidence. There is insufficient alignment between local needs and the proposals in the case of Appeal A. Therefore, the circumstances are not exceptional. It would not be in the public interest to allow the development. The policies of the Framework provide a clear reason for refusing Appeal A.
68. In relation to the 30 homes proposed in Appeal B, the scale of the proposal would not result in a finding that it represents major development given that it would result in about a 2% growth in Pewsey. Although the development would cause localised landscape harm to the setting of the village and, as a result harm the AONB, the development would not have a significant adverse effect on the purposes for which the AONB has been designated. Therefore, I conclude that Appeal B would not represents major development when considered against the factors in Footnote 60 of the Framework. In arriving at this conclusion I have taken into account the developments on the edge of AONB settlements drawn to my attention².
69. However, it is also necessary to undertake a balance of harm against benefits for non-major development in the AONB in accordance with the Monkhill judgement³ to determine whether there is a clear reason for refusing development. I find that the environmental harm to the landscape and scenic beauty of the AONB, to which great weight should be attached, would outweigh the economic and social benefits associated with boosting the supply of, and providing affordable, housing, together with the other benefits. Based on this conclusion, the policies of the Framework provide a clear reason for refusing Appeal B.
70. Even if I had concluded that the Framework's AONB policies did not provide a clear reason for refusing Appeal B, and paragraph 11 d) ii. was engaged ('the tilted balance'), the adverse impacts of granting planning permission would have significantly and demonstrably outweighed the benefits, when assessed against the policies in the Framework taken as a whole.

² See CD C01 (Appendices RW5 & RW6), CD K05, CD K06 & ID 9

³ Monkhill Ltd V SSHCLG & Waverley Borough Council [2021] EWCA 74 Civ

71. In reaching my overall conclusions I have taken into account the conflict with the development plan as a whole and the level of weight that I ascribe to conflict with the most important policies for determining the applications as set out in paragraph 62 above.
72. Material considerations do not indicate that the applications should be determined other than in accordance with the development plan and national policy for designated landscapes.

Conclusion

73. For the above reasons both appeals should be dismissed and planning permission refused for Appeal B.

Mark Dakeyne

INSPECTOR

ANNEX A – APPEARANCES

ANNEX B - LIST OF INQUIRY PLANS AND DOCUMENTS

ANNEX A - APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant of Counsel Instructed by Vicky Roberts of Wiltshire Council

He called

Janet O'Brien
Dip Housing MCHI

Independent Housing Consultant

Alex Smith
BA MA MRTPI

Simply Planning

For the roundtable sessions

Maxine Russell
BA (Hons) Dip LA CMLI

Wiltshire Council

Rachel Jones
BA (Hons) MSc

Wiltshire Council

FOR THE APPELLANT:

Killian Garvey of Counsel Instructed by Roger Weightman

He called

Rosie Dinnen
BSc Dip TP MRTPI

Tetlow King

Roger Weightman
BSc Dip TP MRTPI

Armstrong Rigg

For the roundtable sessions

Fiona Bennett

Highgate Transportation

Andrew Jenner
B Eng C Eng MICE

Tetra Tech

Michael Joffe
Dip LA CMLI

Davies Landscape Architects

Sarah Belton
MSc FGS

Nutrient Neutral

David Myers

Solicitor

INTERESTED PERSONS:

Charmian Spickernell CPRE Wiltshire

| | |
|----------------|-----------------------|
| Peter Deck | Local resident |
| Marilyn Hunt | Pewsey Parish Council |
| Tracy Richards | Local resident |

ANNEX B - LIST OF INQUIRY PLANS AND DOCUMENTS

The Council's website sets out the Core Documents and other documents **submitted before the inquiry:**

Appeal A

<https://development.wiltshire.gov.uk/pr/s/appeal/a0Z3z00000Ufm2GEAR/ap36398?tabset-00518=2>

Appeal B

<https://development.wiltshire.gov.uk/pr/s/appeal/a0Z3z00000UfzhMEAR/ap36413?tabset-00518=2>

In addition, the following documents were **submitted at the inquiry**. These are also available on the above web pages:

- ID1 Appellant's opening statement
- ID2 Council's opening statement
- ID3 Nutrients SOCG Update
- ID4 Land at Franklands Drive, Addlestone, Surrey – Secretary of State decision ref: APP/Q3630/A/05/1198326 dated 13 December 2006
- ID5 Land at Franklands Drive, Addlestone, Surrey – Inspector's Report
- ID6 CPRE Report – Beauty still Betrayed
- ID7 Housing Delivery Test 2021 results
- ID8 Decision Notice – Site in Burbage, application ref: 13/06529/OUT, dated 9 January 2015
- ID9 Officers Report – Site in Burbage
- ID10 Appeal A – Final Draft UU
- ID11 Appeal B – Final Draft UU
- ID12 Appeal A – Final Draft Conditions
- ID13 Appeal B – Final Draft Conditions
- ID14 Appeal decision ref: APP/G1630/W/20/32563193256319 dated 12 January 2021 – Gotherington, Tewkesbury BC
- ID15 Location Plan showing Gotherington Site and AONB
- ID16 Obligation Justification Statement - Addendum
- ID17 Council's closing statement
- ID18 Appellant's closing statement

The following documents were **submitted after the close of the inquiry**, with the Inspector's agreement:

- R1 Completed UU for Appeal A under S106 dated 4 February 2022
- R2 Completed UU for Appeal B under S106 dated 4 February 2022