



## Appeal Decision

Hearing held on 16 November 2022

Site visit made on 14 November 2022 (unaccompanied) and 16 November 2022 (accompanied)

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

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Appeal Ref: APP/U3935/W/22/3296937

Wrag Barn Golf Course, Shrivenham Road, Highworth, Swindon SN6 7QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bewley Homes, Susanne Manners, Timothy James Henry Manners and Verity Manners against the decision of Swindon Borough Council.
  - The application Ref S/21/0015, dated 22 December 2020, was refused by notice dated 26 November 2021.
  - The development proposed is erection of 33 no. dwellings (Use Class C3), including access and internal roads, public open space and landscaping, SUDS and other associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development in the banner heading above is taken from the **Council's decision notice as the proposed development was changed during the course of the application to reduce the number of proposed dwellings from 50 to 33.**
3. **Planning permission was refused for five reasons. The Council's fourth reason** for refusal was on the basis that an inadequate assessment and evaluation of the potential archaeological interest on the site had been carried out. Its fifth reason for refusal was that insufficient information had been submitted to ensure that biodiversity net gain could be achieved on the site. Since then, the appellants have submitted further information in respect of these matters. The Council has confirmed that these addressed its concerns and it no longer objects to the scheme on these grounds.
4. The appellant has submitted a signed legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) (the s106 agreement). This is dated 1 September 2022. It deals with affordable housing, contributions to highways, open space including allotments and the establishment of a management company.
5. The Council has confirmed that following the execution of the s106 agreement, its third reason for refusal in relation to securing an infrastructure package has been addressed.

## Main Issues

6. The main issues are:

- whether the appeal site is a suitable location for a residential development having regard to the spatial strategy for the delivery of housing;
- the effect of the proposed development on the character and appearance of the area;
- whether the appeal site provides satisfactory access to services and facilities by means other than the private car; and
- whether other material considerations mean that a decision should be taken otherwise than in accordance with the development plan.

## Reasons

### *Suitable location*

7. Policy SD2 of the Swindon Borough Local Plan 2026 (the Local Plan) sets the strategy for new development within the Borough. It seeks to concentrate development within Swindon's **urban area and within allocated strategic sites**. Outside Swindon, it guides rural development to Highworth and Wroughton which, of the rural settlements, are the most accessible and maintain the largest range of facilities. Outside the boundaries of rural settlements, it permits development in rural and countryside locations where certain criteria are met.
8. The appeal site is located to the south-east of the town of Highworth and some distance beyond its defined settlement boundary. The site is therefore in the countryside for planning purposes. The site has not been allocated for development in the Highworth Neighbourhood Plan 2017 (HNP) or by a Neighbourhood Development Order. It does not propose tourist or visitor facilities and I have not been made aware that it accords with other Local Plan policies permitting development in the countryside, as set out in the criteria under Policy SD2. The proposed scheme is therefore contrary to policy.
9. A scheme for up to 250 dwellings on fields on the north side of Shrivenham Road was granted outline planning permission<sup>1</sup> in September 2021, referred to as the Gladman site. In addition, outline planning permission<sup>2</sup> for a development of up to 60 dwellings has recently been granted on a field, referred to as the Custom Land site, located directly to the north-west of the appeal site. Both of these approved developments lie outside the settlement boundary of Highworth. However, these schemes do not justify the proposed development being outside the settlement boundary as those schemes would have been assessed on their own individual planning merits which I must do in respect of the appeal before me.
10. The appeal site would therefore not be a suitable location for a residential development having regard to the spatial strategy for the delivery of housing. It would therefore conflict with the sustainable development strategy set out under Policy SD2 as referred to above. It would also be contrary to Policy 3 of

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<sup>1</sup> Council Ref: S/OUT/20/0422

<sup>2</sup> Council Ref: S/OUT/20/1046

the HNP which restricts development in the open countryside outside the defined settlement boundary.

*Character and appearance*

11. The appeal site is an irregular shaped plot of land located on the south-west side of Shrivenham Road. It comprises an open area of land, currently in use as an academy range in association with the golf course. The site is enclosed to varying degrees by boundary vegetation, including clusters of trees along its frontage to Shrivenham Road and a more formal line of trees along its boundary with the golf course access road.
12. Number 34 Shrivenham Road (No 34) is a detached dwelling. It is located at the north corner of the site with which it shares a long boundary formed of a formal hedge beyond which the house can be seen. A belt of trees extends between the site and the Custom Land site to the north-west. Beyond which a recently constructed housing development at Wrag View can be glimpsed between the trees.
13. The site is enclosed to the west and south by the existing golf course and its associated facilities and access road. On the opposite side of the road there are agricultural fields, enclosed by hedgerows. The northern part of these fields being the Gladman site.
14. The settlement edge as experienced on Shrivenham Road is some distance from the appeal site. The edge of the development on Wrag View provides a visual edge to the built form, although this is not visually prominent with just the rooftops of the development visible above the boundary hedge running along the road frontage. Travelling further south along Shrivenham Road away from the settlement and towards the appeal site, the road has a semi-rural character, with no footpaths and hedgerows either side of the carriageway and limited views of development. The character changes at the appeal site where the frontage opens up and provides views of the more formal landscape of both the golf course and glimpsed views through to the access road and parking areas beyond.
15. In this context, the introduction of a residential development on the appeal site would appear as anomalous feature within the rural setting of, and detached from, the settlement.
16. The proposed layout has an informal, relatively loose block pattern. This is derived in part as a consequence of the shape of the appeal site, its topography and the mix of dwelling designs. This element of informality would, to a degree, reflect the type of development found at the village fringe as set out in the **Council's Residential Design Guide June 2016** (the RDG). This identifies that suburban streets where development is less compact, with an irregular built form and loose street pattern can be found within the village fringe. However, with modestly sized gardens and prominent detached garages to a number of the properties, the overall character would not be fully reflective of the pattern of development typical at the edge of a rural settlement.
17. The proposed dwellings would have a traditional form but would be varied in terms of house types, design and the use of materials. The dwellings would be constructed using a combination of mix of red and buff reconstituted stone forming the primary facing materials, with contrasting red brick for window

heads and sills and for brick quoin detailing with some cream render. A mix of red concrete tiles and grey tiles are intended to break up the colour of the roof line within the street scene as well as the use of red clay hanging tiles to some of the elevations. These design elements have been drawn from existing developments, including the recent development at Wrag View, within Highworth and are intended to reflect the character and vernacular of the local area.

18. Certain of the selected materials and design features would reflect local character. However, the use of red bricks as the primary facing materials and hipped roofs are not a common feature within the locality. As such, the predominance of these features within the scheme would not reflect local character nor contribute to a sense of place. Moreover, the mix of different house types within a relatively small scheme, fails to establish a coherent composition or clear identity for the development.
19. The development would be visible between the substantial gap between the groups of trees along the site frontage as well as through the more spacious line of trees along the access way and above the garden hedge to No 34. They would also be visible from within the golf course, including its car park area, which whilst private land, is used by a large number of visitors as I observed at the time of my site visit. This would adversely affect the rural character along Shrivenham Road. I appreciate that during summer months when the trees are in leaf the visual prominence of the development would be reduced.
20. In longer distance views, the site would not be clearly visible, being screened by intervening vegetation and the topography of the area. The extent of change would be likely confined to glimpsed views of rooftops, viewed through vegetation and the overall effect on the wider landscape would therefore not be significant. Thus, the harm arising from the proposed scheme is that experienced locally, notably along Shrivenham Road.
21. Once the Custom Land and Gladman sites come forward, the character and appearance of Shrivenham Road, the approach to the settlement and the extent of the settlement will fundamentally change.
22. In terms of the Custom Land site, matters in relation to layout, appearance and landscaping are reserved therefore there are limited details at this stage. Nevertheless, the indicative site plan shows that development would cover approximately three quarters of the site and would be positioned along the Shrivenham Road frontage and adjacent to the Wrag View housing. The belt of trees that extends between Ragstone Cottage and the appeal site and the Custom Land site would be retained.
23. The Gladman site would change the open fields opposite to a large housing estate. The furthest extent from Highworth of that proposed development would roughly align with the edge of the garden to No 34 and the north-east corner of the appeal site. As with the Custom Land scheme, details of layout, scale, appearance and landscaping remain to be determined through reserved matters applications. Nevertheless, even if these proposals were to be set behind boundary hedges as in the case of the Wrag View development, the character along Shrivenham Road would be altered to reflect development extending along both sides.

24. In the context of these two nearby developments, the appeal proposal would appear less anomalous, appearing to be more continuous of the settlement. However, these approved schemes are at a relatively early stage with reserved matters to be determined. As such, there is no certainty as to how soon development would commence on site or that the developments would be implemented. Moreover, as both schemes only have outline permission, the final layout remains to be determined and it is not clear at this stage how this would relate to the appeal scheme.
25. I appreciate that the appellants consider the Council should have engaged with them on matters of design and layout during the application process. However, as the Council had a fundamental in principle objection to the proposal, they did not consider this to be necessary. This was not, in my view, unreasonable of the Council.
26. Drawing together my conclusions on this main issue, I find that the proposed design whilst achieving a degree of informality would not fully accord with the type of development typically found on the edge of a rural settlement. The proposed scheme would fail to reflect local character and, due to the mix of building types, would fail to form a clear identity of its own. Furthermore, the appeal site is detached from the settlement and its development in the manner proposed would appear as an anomaly and incongruous within the rural setting of Highworth.
27. For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. It would therefore conflict with Policies SD1, RA1 and DE1 which together require a high quality of design that considers the context and character of the area, respects and conserves the natural and built environments and respects the landscape setting of Highworth. It would also fail to accord with the RDG which expands on the design requirements of the Policy DE1 in respect of context and character and achieving a high quality of design. It would also not accord with the objectives of the National Planning Policy Framework (the Framework) for achieving well-designed places that are sympathetic to local character, establish a strong sense of place and are accessible.

#### *Accessibility*

28. It is agreed between the parties that the town of Highworth offers a range of services and facilities. However, the Council considers that these would not be accessible to future occupants by means other than the private car on the basis of distance and the quality of the route from the proposed development.
29. The main access to the proposed development would be off the existing private access to Wrag Barn Golf Club. A footpath link is proposed from the north-east corner of the site adjacent to the boundary with No 34. This would connect to a new footpath which would be formed along the south-western side of Shrevenham Road. The proposed footpath would extend some 380m at a width of around 2m. It would run along the frontage of the Custom Land site stopping short of the existing footpath on Wrag View. This is due to the Custom Land scheme proposing this section of footpath. However, in the event that the appeal scheme should come forward first, the appellants would provide this section of footpath.

30. In much the same way, the Gladman site proposal included the provision of a pedestrian crossing on Shrivenham Road to provide connectivity to the settlement and safe access to the secondary school. The appellants have indicated that they would accept a condition to make provision for this crossing in the circumstances that this scheme should come forward first.
31. The formation of a continuous footpath to the settlement would make it possible for future occupants to access the services and facilities of the town by foot. **The appellants' submitted** Transport Statement<sup>3</sup> (the TS) sets out the various distances to facilities from the appeal site. Whilst schools and a nursery, all of which are located on Shrivenham Road, would be between 750m and 850m away, the vast majority of services and facilities would be over 1km away from the site.
32. The TS relies upon the walking distances set out within the now superseded *Planning Guidance Document PPG13: Transport* which indicates that walking offers the greatest potential to replace short car trips, particularly under 2km. Whilst this threshold is noted, other guidance on walking distances, *Planning for Walking*<sup>4</sup> to which I have been referred suggests people can be expected to walk 400m to a bus stop.
33. The schools would be within walkable distance of the site. Other services and facilities, being further from the appeal site, would be less walkable. I nevertheless accept that some future occupants would be prepared to walk the distance to access the services and facilities of Highworth which according to **the TS would be a maximum of 17 minutes' walk**. However, I have not been provided with firm evidence that such distances would genuinely encourage most future occupants to access services other than by private car. Moreover, it seems unlikely that future occupants with restricted mobility, including people travelling with children and the elderly, would be willing to walk such a distance.
34. The pedestrian route would be along a de-restricted road on the approach into Highworth. The road has a semi-rural character as I have set out above. In the absence of any speed restrictions and given the character of the road, traffic approaching Highworth along this route would be likely to be travelling at speed. The proposed footpath, whilst allowing pedestrians to be separate from vehicular traffic, would be unlit. In the context of fast-moving traffic along an unlit route, walking into Highworth is unlikely to be an attractive option, particularly during hours of darkness or periods of inclement weather.
35. Thus, whilst I appreciate safety along the route is not objected to, the quality or the route, in combination with the distances would make this an unattractive option for future occupants and I do not consider that they would not rely on the use of a private car to access services and facilities.
36. I recognise that the character of Shrivenham Road may change if the approved developments opposite and to the north were to come forward. Although the Council confirmed at the Hearing that there were no plans to introduce speed restrictions along the road, I accept that there is a condition in place for the Gladman site which requires traffic management measures to reduce speed along the road. The presence of development and road markings could lead to

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<sup>3</sup> Cole Easdon Consulting Limited - Transport Statement, November 2021, Issue 5

<sup>4</sup> Planning for Walking, CIHT, 2015



- a change in driver behaviour along the road. However, these measures have not been implemented yet and will only do once the development of the Gladman site comes forward.
37. The appellants have indicated that they could take a similar approach to the Gladman site and provide similar traffic management measures. However, in the absence of contextual development between the site and the settlement, this would be unlikely to effectively achieve the desired effect.
  38. The pedestrian access from the Custom Land and Gladman sites would be approximately 230m and 350m, respectively, closer to Highworth than that of the appeal site. When taken on their own, these distances would not represent a significant increase in walking times. However, cumulatively the additional time it would take to walk between the appeal site and the settlement, would make access to services and facilities by walking less convenient and therefore less likely.
  39. I acknowledge that due to the size of the Gladman site, some future occupants may be located some distance from the access onto Shrivenham Road, thereby having to walk a greater distance than the distances referred to in this appeal. Indeed, this may be further than future occupants of the appeal site would have to walk. However, walking a distance through a housing estate which would be lit and overlooked, and then onto a short stretch of pavement along a busy road is a different prospect than having to walk along a stretch of unlit footpath on a busy semi-rural road. This does not therefore lead to me a different conclusion on this matter.
  40. The pedestrian access to the golf club would be improved through the provision of a footpath along Shrivenham Road. However, I have limited information as to how many pedestrians access the club. In any event, this would be a minor benefit of the scheme.
  41. As an additional option for pedestrian access to the site, it is proposed to improve access to an existing footpath which runs parallel but to the west of the appeal site through the golf course. It traverses the area of woodland between the Custom Land site and the golf course. This is hard-surfaced in parts with some lighting. It therefore would not provide a convenient or suitable access for users, particularly during hours of darkness or poor weather conditions. I therefore give this very limited weight as an optional pedestrian access for future occupants.
  42. There are a number of large employment areas and opportunities located in close proximity to the appeal site both within Highworth itself or on the edge of Swindon as well as within Swindon itself. Access to these by means other than private motorised transport, would either be by bicycle or by public transport.
  43. In terms of cycling, the distances themselves would not be great. However, Shrivenham Road, with no street lighting and a 60 miles per hour speed limit would not be an attractive option for most cyclists. Whilst I note that some 2km to the south of the appeal site lies the village of Sevenhampton, from where I am told there is a combination of traffic free and recommended on road cycle routes via employment areas to Swindon. However, to access these better cycle routes, cyclists would still need to travel along Shrivenham Road. I do not therefore find that access to Highworth or the surrounding area by

bicycle would have the effect of reducing the reliance on the private car associated with the proposed development.

44. In terms of public transport, there are bus stops located within Highworth which provide frequent services to Swindon. The bus stops are some 1.1km from the site. Whilst I do not consider this distance to be prohibitive for many, the access would be along Shrivenham Road and would not be particularly convenient or attractive for the reasons I have already set out.
45. The proposed development would not provide satisfactory access to services and facilities by means other than the private car, therefore future occupants would be reliant on transport by private car. This would be contrary to Policies SD1, SD3, TR2 and CM2(a) of the Local Plan, the Framework and the RDG which together seek sustainable development that is accessible by walking, cycling and/or public transport.

#### Other considerations

##### *Planning Policy Context*

46. The development plan is the Swindon Borough Local Plan 2026 (adopted March 2015) (the Local Plan) and sets out the spatial strategy for the Borough to 2026. The HNP forms part of the development plan. It also covers the period to 2026.
47. The appellants consider that Policy SD2 of the Local Plan and Policy 3 of the HNP are the most important policies for the determination of the application. Whilst they do not disagree with the main strategic thrust of the policies in terms of guiding development to larger settlements, they argue that the policy has not enabled the Council to demonstrate a five year housing land supply (5YHLS) in the period, indeed at all since the plan was adopted.
48. At the Hearing, the Council indicated that other policies were most important in determining the application. This included Policies RA1 relating to development in Highworth and requiring accordance with Policies SD1 and SD2; HA2 which requires the provision of affordable housing; TR2 which seeks to reduce the need to travel and encourage the use of sustainable transport alternatives; CM2 which encourages active and healthy lifestyles and DE1 seeking a high quality design.
49. Whilst I recognise that all the aforementioned policies are relevant, in my view it is those which relate to the principle of development and its location that are the most important policies in the determination of the application. I therefore find that the most important policies for determining the application are Policy SD2 of the Local Plan and Policy 3 of the HNP.
50. My attention has been drawn to the report into the examination of the Local Plan<sup>5</sup> where the Inspector noted that the plan period had less than 12 years to go before the end of the plan period on 31 March 2026. In taking this into account, the Inspector found the plan sound in terms of housing provision, **conditional upon the Council's intention to undertake an immediate review of the Plan to ensure development provision looked to an appropriate long term end date.** Policy SD2 sets out this requirement and in bullet point 3 of that policy confirms that the strategy shall be reviewed by 2016 at the latest, to

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<sup>5</sup> Report on the Examination into the Swindon Borough Local Plan, 5 February 2015



- assess the future level of need for new homes and employment land over the period to 2031.
51. The requirement of Policy SD2 for an early review has not been met. A review of the Local Plan is now underway. However, this has been delayed with further consultation under Regulation 19 now required prior to the plan being submitted to the Secretary of State for examination.
  52. Whilst the Local Plan makes provision for housing to 2026, in August 2022 the Council published a Housing Land Supply Statement (HLSS) for the period 1 April 2021 to 31 March 2026. This shows there will be a shortfall in housing land supply in the period to 31 March 2026. The extent of that shortfall is a matter of dispute between the parties. I address this later in my decision.
  53. Policy SD2 as I have referred to earlier in my decision, sets the sustainable development strategy for the Borough including the quantum of development in different locations. For Highworth, the policy indicates the provision of at least 200 dwellings. This is further explained under paragraph 3.26 of the policy, which states that outside of the strategic allocations, the Local Plan sets an approximate number of dwellings, which are broadly appropriate in terms of scale and fit within the overall spatial strategy for the Borough. Highworth is identified along with Wroughton as the main focus for development within the rural area.
  54. However, Policy SD2 restricts development proposals outside rural settlement boundaries, defined on the Policies Map, where local needs have been identified and allocated through a neighbourhood plan and where it is in accordance with other policies in the plan permitting specific development in the countryside. In this regard, Policy SD2 and Policy 3 which also restricts development beyond the settlement boundary and therefore restricts housing supply where a 5YHLS cannot be demonstrated, are out of date.
  55. It has been suggested to me that the emerging Local Plan is comprised of 80-90% of the current Local Plan. Whilst this position is noted, the emerging plan remains in its early stages of development and there is no substantive evidence before me to confirm that this will continue to be the case. Moreover, given that the review of the Local Plan is focussed on housing, it seems to me that those policies directly related to the provision of housing are the most likely to change through the review process.
  56. I conclude therefore that Policy SD2 and Policy 3, which are the most important policies in determining the application, are both out-of-date.

#### *Housing Land Supply*

57. The Council's **published HLSS** sets out a requirement for 6,629 dwellings during the five year period. The Council identifies a supply of 6,135 dwellings. This would be a shortfall of 494 dwellings and the equivalent of a housing land supply of 4.6 years.
58. The appellants assert that the Council can only demonstrate a supply of at least 4,817 dwellings over the period. This would amount to a shortfall of 1,812 dwellings and a supply of 3.6 years. This shortfall is based on their assessment that 10 strategic sites included within the Council's supply figures would not be deliverable. The appellants advised that they had not looked at the

deliverability of other categories of housing sites included **within the Council's** five year supply, therefore they suggest the figure may be even lower.

59. The Framework sets out within its glossary that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It goes on to give examples under a) and b) of the categories of sites which are capable of meeting that definition. Under a) this includes all sites with detailed planning permission; and under b) those sites which have outline planning permission for major development and whether there is clear evidence that housing completions will begin on site within five years.
60. At the start of the period covered by the HLSS, only two of the disputed sites had outline planning permission. These were the Kimmerfields site which has outline permission dating back to May 2012 and the Lotmead and Lower Lotmead site, which gained outline planning permission in March 2021. Neither of these sites have subsequent reserved matters application submitted. Two of the other disputed sites were granted outline permission in August 2021 but neither have reserved matters applications.
61. The Council explained the context for these sites which fall within strategic site allocations. I was told that the Council was involved in ongoing discussions with developers of these sites. From the discussions, it was evident that there were a number of infrastructure requirements to be addressed before housing could be delivered. It was also clear that significant investment was being made into some of the sites which would make them ready for development. I also heard that the Council is taking a number of steps to address its housing delivery performance. I have no reason to dispute this.
62. Nevertheless, in terms of the 5YHLS, I have not been provided with clear or firm evidence that housing completions will begin on the disputed sites within five years, a number of which had no outline permission at the cut-off date of 31 March 2021 and some which continue to have no outline permission 20 months later.

#### Overall findings on HLS

63. I have found that all the disputed sites should be excluded for the five year period. This suggests the **Council's deliverable supply of housing would be** 4,817 dwellings representing a shortfall of 1,812 dwellings. This figure may be greater had the appellant sought to dispute other categories of housing supply. However, I have no firm evidence of this.
64. The Council cannot demonstrate a five year supply of deliverable housing sites. The shortfall is significant at over 27% of the total requirement. Where a 5YHLS cannot be demonstrated, paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development. I return to this in my planning balance.

#### *Benefits*

65. The proposal would provide a mix of housing types and sizes, including 23 market homes and 10 affordable housing units. This would contribute towards meeting local housing needs. The provision of 33 additional dwellings would equate to around **0.5% of the Borough's housing requirement** for the five year

- period. In the context of the overall supply figure, this modest contribution carries moderate weight in favour of the development.
66. The provision of 10 affordable housing units would be compliant with policy requirements. No information has been submitted in respect of overall affordable housing need, nevertheless a contribution of 10 affordable dwellings would be a positive aspect of the scheme and I attribute moderate weight to this.
  67. If approved, the development would be likely to come forward relatively quickly with limited constraint to the development and one of the appellants, Bewley Homes, intending to build out the site themselves. This is a positive aspect of the scheme which carries significant weight in its favour.
  68. The scheme would provide new public open space, comprising both amenity and incidental open space and an area of sustainable drainage. This would be accessible to both new and existing residents, I give this aspect of the scheme modest weight.
  69. The proposed pedestrian link would improve connectivity to Highworth both for future occupants as well as for existing users of the golf course. It would also potentially provide better links to the Public Right of Way network. However, the route is not an attractive option for reasons I have already set out and I only give this limited weight.
  70. The existing golf club provides opportunities for outdoor exercise along with opportunities for socialising with associated benefits in terms of physical and mental health. The clubhouse also provides facilities for the local community. The proposal is intended to secure the long-term viability of the golf club through raising revenue to fund improvements to existing facilities. These are set out in the submitted Five Year Plan for the golf course and include improvements to drainage, tree works, accessibility, the clubhouse facilities and reducing the environmental impact of the operation. At the Hearing, the owner set out further detail, explaining the associated costs as well as her ambitions for the club.
  71. Whilst I recognise the desire of the appellants to secure these improvements, I have not been provided with any financial viability appraisal to support this, nor is there anything before me to secure the improvements through the proposed development. Moreover, notwithstanding the health and wellbeing benefits associated with the use of the golf course, this is a privately-owned enterprise and there is nothing to link the improvements with wider public benefits. Thus, whilst I am sympathetic to the needs of the owner, I am only able to give this benefit limited weight.
  72. I recognise that a number of golf courses within the local area have closed in recent years, with Wrag Barn Golf Club one of the remaining few. Improvements to the golf course may help to secure the long-term viability of the Golf Course although as I have already found, there is nothing to tie any funding from the development to the golf course. Moreover, there is nothing before me to suggest that without it this funding, the golf course would cease to operate and these jobs would be lost. Nevertheless, an improved golf course may attract visitors from further afield with associated benefits to the local economy. I attach limited weight to this benefit.

73. During construction and subsequent occupation of the development, there would be a number of economic benefits in relation to employment, supply of goods, use of services and spending money within the local economy, helping to support the vitality and viability of Highworth. Those associated with construction would be time limited, however, longer term benefits would result from future occupants. Additional financial benefits would be accrued from the New Homes Bonus, CIL contributions and council tax. These benefits together carry moderate weight.
74. Some biodiversity enhancements might be achieved through the planting of mixed woodland native trees and shrubs, the provision of ponds and the addition of features such as bat and bird boxes. However, these need to be weighed against the introduction of development, domestic gardens, increased vehicle movements, lighting and domestic pets, all of which can adversely impact biodiversity. I therefore give this benefit limited weight.
75. There is some local support for additional housing within Highworth, notably from the secondary school who recognise the benefits that the additional population will do to sustain and secure the future of the school. The school also supports the provision of a crossing and improved connectivity along Shrevenham Road. This support for the proposal carries modest weight in favour of the scheme.
76. In addition to the provision of affordable housing, open space and certain highways work, the submitted s106 agreement would make contributions to off-site provision of various types open space and highway works. However, these are required in order to make the development acceptable in planning terms. These are therefore neutral in the balance.

### Planning Balance

77. The appeal site is located outside the settlement boundary and is in the open countryside. The proposal would cause significant harm to the character and appearance of the area, it would also not be located so as to reduce reliance on the private car. These are all matters which carry very substantial weight and importance in the planning balance.
78. I have identified the most important policies for determining this application are Policy SD2 of the Local Plan and Policy 3 of the HNP. The proposal would conflict with these.
79. Paragraph 11 d) of the Framework sets out that for decision taking where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
80. Footnote 8 sets out that in relation to an application involving the provision of housing, where a local authority cannot demonstrate a five year supply of deliverable housing sites, then the policies which are most important for determining the application are out-of-date.

81. I have found that both the most important policies are out of date. In addition, I have concluded that the Council cannot demonstrate a five year supply of deliverable housing sites to meet its local housing need. The presumption in favour of sustainable development would therefore apply in this case and the **'tilted balance' would be engaged.**
82. The proposal would deliver a range of modest economic, social and environmental benefits. In the context of the significant shortfall in housing supply, when taken in combination, I attribute moderate weight to the package of benefits in the planning balance.
83. As I have identified above, the proposal would give rise to significant harm in respect of two main issues to which I attribute substantial weight. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

#### Conclusion

84. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

*Rachael Pipkin*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Peter Lawson	Senior Director, Turley
Sarah Hockin	Senior Planner, Turley
Ben East	Associate Director, Cole Easdon
Steven Trythall	Senior Planner, The Noble Consultancy
Verity Manners	Owner, Wrag Barn Golf Club
Andrew Driscoll	Land and Planning Director, Bewley Homes

### FOR THE LOCAL PLANNING AUTHORITY:

Sarah Smith	Senior Planner
Gerry Prodohl	Principal Transport Manager
Peter Garitsis	Urban Designer & Masterplanner
Stephen Hay	Planning Policy Manager
Christopher Howells	Planning Officer, Policy

### INTERESTED PARTIES:

Cllr Julie Murphy	Chairman, Highworth Town Council Planning Committee
Gary Llewellyn	Local resident and Trustee, Highworth Warneford School

## HEARING DOCUMENTS

HD1 Submission and presentation made on behalf of Highworth Town Council  
HD2 Section 106 Justification and CIL Compliance Statement

## POST-HEARING DOCUMENTS

PHD1 Copy of correspondence  
PHD2 Condition in relation to provision of crossing  
PHD3 Written agreement to pre-commencement conditions