

Planning Application LPA Ref: PL/2021/09778

Land at Station Works, Station Road, Tisbury, Wiltshire SP3 6QU



Appeal Reference: APP/Y3940/W/22/3308919



# Statement of Case

## Appendix G – Reasons for Dismissal

Prepared for Tisbury Parish Council

*Final version – 15<sup>th</sup> December, 2022*



No	Reason
1	<p>The proposal involves use of the proposal site for entirely residential purposes, in conflict with Neighbourhood Plan Policy BL.7, through the speculative development of a residential care home of up to 40 bed spaces, without offering sufficient evidence that such a development, close to an established 19 bed residential home is consistent with and could be sustained by the local health service infrastructure; and in particular;</p> <ul style="list-style-type: none"> <li>• that it represents an “exceptional need” justifying the location of a care home outside market towns and principal settlements as set out in Wiltshire Core Policy 46; and</li> <li>• that it is aligned with the strategies of the local Integrated Care Board and the guidance for the planning of older persons’ accommodation set out in the National Statement of Supporting Housing expectations;</li> </ul> <p><b>with the result that</b></p> <p>it would cause significant harm to levels of patient care delivered by the local healthcare system in conflict with the requirements of Wiltshire Core Policy 61, Neighbourhood Plan Policy BL.1 and National Planning Policy Framework paragraphs 92, 93 and 124 which state that that development should promote healthy communities, support local health improvement strategies, and take account of the capacity of local infrastructure &amp; services.</p>
2	<p>The proposal would involve the permanent loss of an employment and commercial site of significant strategic potential, in conflict with the site’s allocation in Neighbourhood Plan Policy BL.7, without providing sufficient evidence that there would be compensating benefits by making equivalent provision to support future economic growth;</p> <p><b>with the result that</b></p> <p>it would frustrate the strategy of the adopted development plan to support economic regeneration of the proposal site, and would damage Tisbury’s economic sustainability and its potential for future growth, leading to conflict with (among other policies) Wiltshire Core Policies 27, 35 and 36, Neighbourhood Plan Policies BL.3 and BL.7 and with National Planning Policy Framework paragraph 81, which states that development should support economic growth and productivity.</p>



No	Reason
3	<p>The proposal would result in a ‘gateway’ residential development (with the proposed care home at its furthest point) comprising a cul-de-sac, located at the extreme edge of a village, surrounded by hard, impenetrable boundaries on three sides, and without the benefit of convenient pedestrian access to the village centre and amenities, and which would not offer compensating amenities of its own</p> <p><b>with the result that</b></p> <p>the development would fail to integrate its residents, and in particular vulnerable and older people into the surrounding community or to respond to the needs of an older population, leading to a sense of isolation which would result in conflicts with (among other policies) Wiltshire Core Policy 46, Neighbourhood Plan Policy BL.1, with National Planning Policy Framework paragraphs 92 and 130, which state that development should create places that are safe, inclusive and accessible; and with requirements set out in the National Design Guide and “Building for a Healthy Life” that development should create integrated neighbourhoods which are accessible to all and offer natural connections.</p>
4	<p>The proposal involves a significantly greater residential use for the proposal site than set by the site’s Neighbourhood Plan allocation, without compensating for this through the provision of suitable local employment opportunity in accordance with Wiltshire Core Policy 27 and the allocation policy for the site set by Neighbourhood; Plan Policy BL.7;</p> <p><b>with the result that</b></p> <p>it would lead to an unacceptable increase in out-commuting, car-borne traffic on a local road network that is ill suited to increased levels of demand leading to conflict with Neighbourhood Plan Policies BL.3 and BL.7, Wiltshire Core Policies 27, 60 and 61 which seek to reduce out-commuting and locate development in sustainable locations, and National Planning Policy Framework paragraphs 73, 105, 106, 123 and 186, which state that development should support sustainable communities, offer sufficient access to employment and services, contribute to good air quality and ensure that sustainable development is aligned with local transport networks.</p>
5	<p>The proposal seeks consent for a significant increase in the number of dwellings and population of the proposal site than provided through its Neighbourhood Plan allocation, without sufficient evidence that they could be accommodated given the shape and constraints of the site</p> <p><b>with the result that</b></p> <p>it would result in a built form whose density, scale and mass would conflict abruptly with its setting at the edge of Tisbury village, resulting in a poor quality of design, unacceptable levels of amenity and social isolation, insufficient parking and which would be detrimental to the visual qualities of the designated AONB, leading to conflicts with (among other policies) Wiltshire Core Policies 27, 51, 52, 57, 58 and LTP3, Neighbourhood Plan Policies BL.4, BL.7, LCW.3 and paragraphs 113/4; with National Planning Policy Framework, paragraphs 92, 124, 126, 129, 130, 132 and 134 which state that developments should create healthy, well-designed and inclusive places of which are sympathetic to local character and reflect local design policies; and with the policies of the National Design Guide, which requires that developments contribute to a sense of place.</p>



No	Reason
6	<p>The proposed development would require pedestrians and cyclists to travel on a circuitous route (parts of which fall along a section of Class III road without footways, and along partly made footpaths without adequate lighting) to the main part of Tisbury village, Tisbury Station and Tisbury Recreation Ground; without demonstrating;</p> <ul style="list-style-type: none"> <li>• that adequate provision has been made to accommodate the needs of residents, and in particular older people, those with impaired mobility and young families; and</li> <li>• that the difficulty of the proposed route will not result in an unnecessary increase in levels of car borne traffic between the proposed development and Tisbury village</li> </ul> <p><b>with the result that</b></p> <p>development would frustrate national and local policies to promote healthy, safe walkable and inclusive places, and promote a hierarchy of road users which gives preference to pedestrians and those with impaired mobility whilst reducing use of the private car, leading to conflict with (among other policies) Wiltshire Core Policy 60 and 61, Neighbourhood Plan Policies, BL.7 and TR.4 and with National Planning Policy paragraphs 92, 105, 110, 112, 124, 130 and 186, which state that development should ensure that safe and suitable access to the site can be achieved for all users, limit future car use, contribute to good air quality and create places that are safe, inclusive and accessible, which promote health and well-being, and comply with the requirements set out in the National Design Guide that development should create integrated neighbourhoods with good access and connection.</p>
7	<p>The proposal involves the permanent closure of the larger of two single-carriageway arches, through which motor vehicles pass under the railway at the Three Arch Bridge, in circumstances where no feasible alternative crossing of the railway line exists for commercial vehicles and insufficient evidence has been put forward to confirm that:</p> <ul style="list-style-type: none"> <li>• the additional restriction would not affect the provision of emergency fire and rescue services for the foreseeable future; and</li> <li>• the reduction to a single arch would not result in unacceptable levels of economic disruption at times when the sole remaining arch is blocked, undergoing maintenance or the traffic signals which control it have failed;</li> </ul> <p><b>with the result that</b></p> <p>approval of the current proposal would present a material risk that closure of the Three Arch Bridge would result in unacceptable disruption to the local road network and to the provision of essential services to Tisbury village and to residents of the proposed care home, leading to conflicts with (among other policies) Wiltshire Core Policy 62, Neighbourhood Plan Policy BL.3 and National Planning Policy Framework paragraphs 104 and 112, which require developments to consider their impact on the local transport network and on the provision of essential services.</p>



No	Reason
8	<p>The proposal involves the closure of one arch of the Three Arch Bridge and construction of an elevated pedestrian and cycle walkway within the arch, accompanied by introduction of single way working and traffic controlled signals, without providing sufficient information to confirm that the design and calculations on which the scheme is based are sufficiently robust to ensure the safety and amenity of road users, and in particular that the proposed scheme:</p> <ul style="list-style-type: none"> <li>• will not result in unacceptable queue lengths at the traffic controls;</li> <li>• will not result in unacceptable levels of vehicle emissions from queueing traffic on the approaches to the Bridge, particularly on passing pedestrians in view of the narrow pavement and carriageway widths on the approach roads</li> <li>• will not risk the safety of pedestrians and cyclists sharing the proposed walkway and on the approaches to the scheme when traffic is queueing, in view of the narrow approaches and carriageway widths;</li> <li>• will not risk the safety of cyclists using the highway to cycle past the proposal site (and therefore not using the cycle walkway provided for residents of the development);</li> <li>• will not risk the safety of motorists at times when the traffic signals are not in operation;</li> <li>• takes account of the needs and impact of the vehicle repair business located at the Old Council Yard, within the signal controlled zone, but not governed by it;</li> <li>• will not result in an unacceptable impact on surrounding lanes at busy times or at times when the proposed traffic controls are not operating;</li> </ul> <p><b>with the result that</b></p> <p>approval of the current proposal would represent an unacceptable risk to highway safety and to the operation of the local road network, leading to conflicts with Neighbourhood Plan Policies BL.3 and BL.7, Core Policy 62, with National Planning Policy Framework paragraphs 104, 110 and 111 which state that developments must offer safe access and not have an unacceptable impact on the local transport network and highway safety; and with guidance on the design of safe cycle routes set out in Local Transport Note 1/20.</p>
9	<p>The proposal involves erection of a permanent elevated walkway, partially blocking the Southbound arch of the Three Arch Bridge alongside the River Nadder at a location which lies within a designated Zone 3b flood zone and is used as an overflow channel at times of flooding, where insufficient evidence has been provided to satisfy the Environment Agency that construction of the structure will not block the exit of flood water to an unacceptable degree</p> <p><b>with the result that</b></p> <p>approval of the proposal in its current form would represent an unacceptable risk to local flood management strategies and, leading to conflict with National Planning Policy Framework paragraph 164, which states that development should be safe in flood conditions, taking into account the vulnerability of its users, and should not increase flood risk elsewhere.</p>





No	Reason
10	<p>The proposal involves dependence on a single access route between the site and Tisbury village, whose use by pedestrians and cyclists is affected by frequent flooding and which lies within a Zone 3b flood plain.</p> <p><b>with the result that</b></p> <p>the development would fail to prioritise the needs of pedestrians and those with limited mobility leading to an unacceptable degree of isolation for those residents who do not have access to motor vehicles at times of flooding, and in particular the residents of the proposed care home, leading to conflicts with Neighbourhood Plan Policy BL.7, Wiltshire Core Policies 46 and 61, with National Planning Policy Framework paragraphs 92, 110, 112 and 130, which state that development should create places that offer safe access to all users, and meet requirements set out in the National Design Guide and “Building for a Healthy Life” that development should create integrated neighbourhoods with good access and natural connections.</p>
11	<p>The proposal would require the closure of a valued right of way (FP16) which has an important role in sustaining local public right of way network, affording unique views of Tisbury and being the only path which offers a walking route across the boundary formed by the railway to the countryside of the AONB to the South of the village.</p> <p><b>with the result that</b></p> <p>the development would result in members of the public losing access between Tisbury Station and the landscape of the AONB to the South of the railway line, leading to a conflict with Neighbourhood Plan policy TR.4, Core Policy 52 and with National Planning Policy paragraph 100, which states that development should protect and enhance public rights of way networks.</p>
12	<p>The proposal would result in the independent development of the site, through proposals which have not been developed in conjunction with Network Rail, Wiltshire Council and the Qualifying Body for the Tisbury and West Tisbury Neighbourhood Plan, and would not be integrated with the proposed railway enhancement and provision of direct access to Tisbury village from its Eastern end; and which do not offer sufficient evidence that the resulting site layout and built form could subsequently be adapted or re-aligned.</p> <p><b>with the result that</b></p> <p>the development would create a built form which would not respond to the expansion of Tisbury railway station, its final access routes, pedestrian desire lines, vehicle movements, requirements for loading and unloading and associated noise, leading to conflict with Neighbourhood Plan Policy TR.2, with National Planning Policy Framework paragraph 93, 104 and 110; and the requirements for well-designed places set out in the National Design Guide, which state that developments should be integrated into their surroundings, designed with future transport infrastructure in mind, should be accessible and provide high standards of amenity both for the present and the future.</p>



No	Reason
13	<p>The proposal would involve development of a large and important local site in a way which would differ fundamentally from that site’s allocation in a positively prepared Neighbourhood Plan; in terms of the quantum of development, the purposes for which the site is used, its built form and level of integration with the adjoining railway and its setting in Tisbury village</p> <p><b>with the result that</b></p> <p>it would frustrate one of the Plan’s most important policies and the balance established between that policy and other policies of the Plan to the extent it that would undermine public confidence in the Plan as a whole, leading to a conflict with National Planning Policy Framework paragraph 29 and associated statutory guidance which state that Neighbourhood Planning, where it is in conformity with the strategic objectives of the development plan, should give communities the power to develop a shared vision for their area and the tools to plan the types of development which will meet their community’s needs.</p>
14	<p>The proposed development represents major development of a prominent and strategically important site lying within an Area of Outstanding Natural Beauty and at the edge of the Tisbury Conservation Area, forming a landmark in a zone of transition, where the railway line forms a clear visual definition between the village and the open countryside; and which is not accompanied by evidence of exceptional circumstances and that development is in the public interest, such as:</p> <ul style="list-style-type: none"> <li>• conformity with a Local Plan or Neighbourhood Plan allocation; or</li> <li>• evidence that its proposed benefits could not be achieved in other ways, with less impact or in more sustainable locations;</li> </ul> <p><b>with the result that</b></p> <p>development would be contrary to National Planning Policy Framework paragraph 177, and <b>where</b> the application of policies set out in the National Planning Policy Framework relating to Areas of Outstanding Natural Beauty provide a clear reason for refusing the development proposed in accordance with paragraph 11d) i.</p>



No	Reason
15	<p>The proposed development would involve a number of significant negative impacts to its setting, to its residents, to the local economy and to the wider public interest which cumulatively would frustrate objectives set out in the National Planning Policy Framework, its associated guidance and ministerial statements dealing with:</p> <ul style="list-style-type: none"> <li>• economic sustainability</li> <li>• promoting high quality design</li> <li>• the qualities of the designated AONB</li> <li>• the promotion of public rights of way</li> <li>• support for communities and neighbourhood planning</li> <li>• support for local health infrastructures</li> <li>• amenity</li> <li>• community cohesion</li> <li>• promotion of active travel</li> <li>• consideration for the needs of older people and those with disabilities</li> <li>• highway safety;</li> <li>• air pollution;</li> <li>• economic growth and the creation of sustainable employment</li> </ul> <p><b>to the extent that</b></p> <p>the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, and therefore render the proposal as being <b>contrary to</b> paragraph 11d)ii</p>



