

## **Lyneham and Bradenstoke Parish Councils Formally Response to Planning Application 20/02387/OUT – Land at Pound Farm, Lyneham, Wiltshire**

*Lyneham and Bradenstoke Parish Council formally voted on this application on 19<sup>th</sup> May 2020, in a Virtual Meeting, held in accordance with the requirements under the Coronavirus Act 2020, and being the first formal meeting of the Parish Council since 20<sup>th</sup> March 2020.*

*At THIS meeting It was resolved that our previous non-binding Statement of Intent (submitted to Wiltshire Council on the 13<sup>th</sup> April 2020) shall STAND and our Intent to Object shall STAND, thus becoming both formal and binding.*

*Consequently,*

Lyneham and Bradenstoke Parish Council wish to formally notify Wiltshire Council, Gleeson Strategic Land Ltd, Terence O'Rourke Limited and the owners of the land concerned that we **OBJECT** to the above application.

Due to the current restrictions in place due to CORVID-19 situation, we were not able to formally meet to pass this as a resolution, however, at the first opportunity that we are able to legally meet in accordance with the Local Government Act 1972, we shall formally adopt this statement.

The reason being unable to respond within the normal time frame for consultations was waiting for the implementation of *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*. Due to the time constraints imposed, we were not able to fully implant the legal requirements needed for a fully constituted virtual meeting as required.

However, all Councillors have had the opportunity to discuss this application, and at present their responses have been securely recorded and will be made available as required. This application has also been discussed through the Parish's Microsoft Teams software and these discussions have been recorded for public scrutiny and absolute transparency.

### **REASONS FOR OBJECTION**

#### **Development Outside of the Settlement Boundary**

The Parish Council are highly concerned that the proposed development site falls outside the Lyneham & Bradenstoke Settlement Framework Boundary, and as such this application should only be considered under Wiltshire Councils Core Strategy 2015 Planning Policy 44 as a Rural Exception Site.

This clearly states that for an exception to occur the development should consist of 100% affordable housing (including social), then the development should not exceed a maximum of 10 housing units and should only be built to meet an identified need.

However,

- a) This application is mixed development, minimum 60% full market/maximum 40% affordable-social.

- b) This application is significantly in excess of 10 units.
- c) This application is significantly in excess of provable local need. \*

(\* Based on both Wiltshire Council Housing Needs Survey 2019 and the Lyneham and Bradenstoke Neighbourhood Plan Housing Survey 2018).

It is very clear from the applicant's Planning Statement<sup>1</sup> (p11 Para 4.7) that although this outline claims there will be a 60/40 market/affordable split, that if agreed, the future build developers could 'negotiate' (or as Wiltshire Council will be painfully aware, all but completely renege on the affordable numbers)

*"Whilst the application form includes an indication of the split between market and affordable provision proposed and the tenure of affordable, this is indicative and subject to negotiation."*

**CONSEQUENTLY**, this application should be rejected as it seriously fails to comply with the Rural Exception Site policy, and the proposal is therefore, contrary to Wiltshire Council's Core Planning Policy 44. A fact known by the applicants as they have consistently and deliberately failed to address this in their previous applications for this site and again have failed to address this.

### **Large Village Development**

Lyneham is defined as a Large Village (Core Policy 19 and Appendix E of the Wiltshire Core Strategy (2015)) and as such is only suitable for limited small-scale development as it is in an unsuitable location for large development purposes.

There is an absolute lack of suitable significant local facilities, thus the proposed development would directly significantly increase vehicular movements due to,

- *there are poor local footpath routes to serve the proposed level of development*
- *there is a lack of easily accessible employment opportunities within the Lyneham locality for the civilian population; the nearest areas of significant employment are Portmarsh Estate, Calne and various business parks in Royal Wotton Bassett. However, there is significant anecdotal evidence to show that many people travel to either Swindon or Bristol for employment*
- *the distances to secondary (and further) educational establishments would combine to lead to significant increases in both commuting (in and out), use of private vehicles (out and in)*
- *though Lyneham does have three community shops, the lack of major shopping facilities would lead to an increase in the need for both shopping trips (out) and commercial deliveries (vans, etc.) (in and out)*

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<sup>1</sup> It is noted that the Applicants have stated that this application is the same as the previous application, but they have not submitted a planning statement. As a result, as they state the application is the same, we have referred to their unsubmitted Planning Statement from 19/08298/OUT

- *there is a lack of medical and dental facilities available to the public (only serving military personnel have access to these services on base, their families do not have this access and thus must use public services ), currently only one medical practice covers this proposed development, Tinkers Lane Medical Practice in Royal Wotton Bassett and the only dental practices taking full NHS patients (under 18, fee pay and/or fee exempt) is Hathaway Dental Practice in Chippenham*

This is to the detriment of the aims of both the National Planning Policy Framework (2018) and the Wiltshire Core Strategy (2015) which both seek to reduce growth in the number of motorised car journeys.

The Wiltshire Core Strategy (2015) clearly states at Section 4.15, “Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries.....Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application).”

**CONSEQUENTLY**, Lyneham and Bradenstoke Parish Council contend that this application is directly contravening Core Policies 1, 2, 60 and 61 of the Wiltshire Core Strategy (2015) and paragraphs 7, 8, 9, 17, 30, 32, 34, and 35 of the National Planning Policy Framework (2018).

### **Core Policy 3 of the Wiltshire Core Strategy (2015), Infrastructure Requirements**

Another reason why this application should be refused is because it seriously fails to satisfy Wiltshire Core Strategy (2015) and specifically contravenes Core Policy 3.

Co-incidentally this is one of the key reasons that previous applications were rejected, by both Wiltshire Council and HM Planning Inspectorate and certainly this reason remains very valid for this application:

*“The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure. Such infrastructure shall include affordable housing, education, public open space and play equipment, footpath connections, junction improvements, public art and measures for future maintenance. The application is therefore contrary to Core Policy 3 of the Wiltshire Core Strategy (2015).”*

So, we are somewhat taken aback by the assertion in the submitted Planning Statement (p7 Para 3.5) where they state that the reason that all the past applications have failed was due to Wiltshire Council’s unjustified past refusals to agree that the application was legal and just.

*“refusal could have been resolved through the signing of a legal agreement if the council was minded to grant permission. Whilst it was not agreed that Wiltshire Council was justified in refusing planning permission”*

We are also very surprised that the applicant has asserted that the Wiltshire Council’s refusal to sign was the reason that it was rejected by HM Planning Inspectorate (p8 Para 3.6)

*“The signing of a legal agreement would have resolved reason for refusal”*

In reality, it is very clear that the reason why Wiltshire Council and HM Planning Inspectorate rejected the previous applications, including under Core Policy 3, was simply because it was against all policies, all guidance, all frameworks and all NPPFs.

The applicant seems to fail to grasp the basic concept that the applicant may disagree with the previous decisions but the decisions made by Wiltshire Council and by the Planning Inspectorate were correct, and not made on a whim, which the applicant want us to believe. So, no doubt they will be just as mystified as to why the application is once again refused and cites this strategy.

**CONSEQUENTLY**, as a result, this application is directly contravening Core Policy 3 of the Wiltshire Core Strategy (2015), Infrastructure requirements

### **Housing Buffer Need of 5% identified in the Housing Needs Measurements 2019**

The applicants have stated that that they have resubmitted this application considering a Common Statement Agreement, by the Planning Inspectorate APP 3940/W/18/3202551 (Purton Road, Swindon).

It is recognised that this appeal has been dismissed by the Planning Inspectorate<sup>2</sup> and in the comments made, especially in paragraph 51 of that decision it is appreciated that:

*“Given the lack of a deliverable five-year housing land supply (in both the Wiltshire and Swindon local authority areas) and the demonstrable need for affordable housing, this is a matter that attracts significant weight,”*

However, in paragraph 52, the Planning Inspector correctly identified that:

*“The proposal is clearly in conflict with the development plan taken as a whole and I attach the conflict significant weight despite the policies being out-of-date for the reasons I have set out above”.*

It was pleasing to see that the Inspector had taken on board the High Court Queens Bench decision from 14 June 2019, *Wavendon Properties v SSHCLG & Milton Keynes Council* [2019] EWHC 1524 (Admin), in which it made it clear that the holistic overview of all documentation must be taken into account rather than an out of date document.

**CONSEQUENTLY**, Lyneham and Bradenstoke Parish Council assert that as law and common sense has been applied by both the courts and the Planning Inspector, that Gleeson’s material argument is thus invalid in law.

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<sup>2</sup> Town and Country Planning Act 1990, Appeal by Beechcroft Land Ltd, John Webb, Sally Ballard & Carole Ann Lindsey  
Site Address: Land at Purton Road, Swindon, Wiltshire, SN5 4FR - Planning Inspectorate Dismissal 6<sup>th</sup> April 2020. Ref: APP/Y3940/W/18/3202551

## Housing Need in the Parish

Wiltshire Council has recently completed a Housing Needs Survey for the Lyneham and Bradenstoke Parish, which included both civilian and military populations (2019) in which it was found that already there is more than enough housing for the population. It also clearly indicated that that requirement for new build could easily be met by the current build strategy that is in place.

The key finding being:

In need of Affordable/Social Housing <sup>3</sup>	23	This is already being addressed by Green Square and current developments
In need of General Housing (Purchase) <sup>4</sup>	17	This is being addressed by brownfield building and current developments

[Please note that five responses are being discounted as they were from members of the Military already occupying Service Family Accommodation, who have indicated that they are in need but only wish to continue renting directly from the Military. Thus, they do not meet either a need for public or private housing need.]

We, and the applicants, are aware of that Green Square (social/affordable) are developing stock, through proposed development, several private developers are in the progress of developing their areas to increase dwelling units, also in progress agricultural conversion for 2 units and there is an upcoming proposal for a brownfield development for a further 10 units. This will increase the natural dwellings in the area by 43 (social/affordable/private) which is excess of identified local need.

**CONSEQUENTLY**, within this area there is not an identifiable need for any large developments, as housing need requirements are already being met.

## Green Field Development

The Parish Council and the residents are fully aware that the applicant is hoping to obtain unopposed outline planning permission for this development, in which a legal precedent will have been set by allowing development on Green Field, which would overturn or circumvent numerous Wiltshire Council Core Planning Policies, National Planning Policy Framework 2015 (as amended in 2018).

This is very much evidenced in this application's original Planning Statement (p11 Para 4.4) where the applicant makes it very clear that this permission is only the start, and that future permission would be sought.

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<sup>3</sup> This figure represents those who have self-identified they would like to live in Lyneham, 9 are from the Housing Needs Register, but Lyneham is not necessarily their first choice, 14 who only wish to buy at affordable prices and 5 who are in Service Family Accommodation who are not in housing need.

<sup>4</sup> This figure represents those who wish to remain in Lyneham, and included military families already accommodated in Service Family Accommodation, of which only 3 have indicated that they are able to pay full market value.

*“As details of the proposed access into the site from the A3102 are considered to be critical to the site’s potential future development, full permission is being sought for these details now”.*

It is acknowledged that there have been some locations in Wiltshire where Wiltshire Council has opted to allow an exception of Core Planning Policy 44, but at these locations there has been strong evidence of need, strong evidence that the immediate locality had a requirement, that would significantly benefit the immediate locality, and was supported by the local populations.

**CONSEQUENTLY**, in this case there is not an identified need, there is no benefit and it is unwanted by the local population, so there is no need to allow a precedent to be set. Unfortunately, if a precedent is obtained and if Wiltshire Council were to refuse future applications on connected parcels, because of the precedent, any appeal to the Planning Inspectorate would almost definitely be found in favour of Gleeson Strategic Land and the lands owners.

**THE FOLLOWING DOES NOT DIRECTLY FORM PART OF OUR FORMAL OBJECTION, BUT WE WISH TO DRAW THE FOLLOWING TO THE PLANNING DEPARTMENTS ATTENTION FOR CONSIDERATION.**

#### **Timing of the Application**

We have been contacted by many people living in the Parish, who have expressed a high degree of suspicion of the timing of this application. As a Parish Council we do accept that this may be coincidental, but the date of the notification also leads us to believe it may have been submitted with the intent to prevent or reduce any formal action or public consultation with regards to the application, due to the ongoing public concerns, restrictions and public fear around COVID-19.

**CONSEQUENTLY**, the Parish Council and residents of the Parish believe that the consultation should be put on hold until after the current COVID-19 Pandemic, to allow members of the public, formal consultees, and all other parties, the opportunity to respond correctly without undue pressure or distraction.

#### **Manipulative Tactics to Subvert Due Planning Process by the Applicants**

The Parish is very aware that Gleeson Strategic Land Ltd, Terence O'Rourke Limited and the owners of the land have previously submitted plans for a much larger development (*Please see 15/12487/OUT*) which was refused.

They then resubmitted the same application, which was again refused, and they consequently appealed which was also dismissed (*Please see 16/05959/OUT*)

Following that refusal, the applicant and owners then appealed to the Planning Inspector, this was dismissed as being a deeply flawed application and failed to comply with many of the Core Planning Policies (*Please see APP/Y3940/W/16/3162581*).

In 2019, Gleeson Strategic Land Ltd, Terence O'Rourke Limited and the owners of the land then submitted a further planning application, which still followed much of the previous planning (*Please see 19/08298/OUT*) which was refused.

As a result of that refusal, Gleeson Strategic Land Ltd, Terence O'Rourke Limited and the owners of the land have now submitted this new outline application which once again is a bland resubmit of the previous application.

However, the Parish Council are highly concerned that this application has also been submitted at the same time as a Planning Inspectorate appeal APP/Y3940/W/20/3248635 dated 10<sup>th</sup> March 2020, in effect producing a two-pronged strategy to force through the application.

We have confirmed with the Planning Inspectorate that the applicants have submitted the appeal but have put it on 'pause' until the indicative response from this online application.

The Parish Council believe that Gleeson Strategic Land Ltd, Terence O'Rourke Limited and the owners of the land have done this deliberately, so that they can act very quickly if this application is refused, and base their arguments and build up their strategies based on the current objection letters and consultation results.

**CONSEQUENTLY**, the Parish Council believe this is a deliberate act by Gleeson Strategic Land Ltd, Terence O'Rourke Limited and the owners of the land to attempt to circumvent normal and natural planning process, by attempting to 'burn out' the system and obtain outline planning permission by default.

Signed by

*Lyneham and Bradenstoke Parish Council*

*19<sup>th</sup> May 2020*