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Your reference ICG/75P/HC

Our reference SW/APP/5408/A/77/11161  
Planning Ref: N/76/1636/OL

Date

5 September 1979

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971  
APPEAL BY E H BRADLEY & SONS LTD



1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr A H G Dobson CB OBE MC BA (Cantab) who held a local inquiry into your clients' appeal under section 36 of the Town and Country Planning Act 1971 against the decision of the North Wiltshire District Council, to refuse planning permission for residential development of 550 dwellings together with associated and ancillary facilities, including a primary school, public open space, shops, car parking, roads, sewers, stream improvements and a storm water storage area on land at Woodshaw, Wootton Bassett.

2. A copy of the Inspector's report is enclosed. His conclusions are that -

"Concomitant with the growth of urban Swindon, it has always been recognised that there would be a need for substantial releases of land in the surrounding rural areas which the county planning authority proposes should be mainly channelled into the nearby small towns of which Wootton Bassett is one. The Secretary of State's decision of 17 January 1978 releasing large areas of land for development in the western expansion areas of Swindon confirmed the government's intention that the population of Swindon should expand to 200,000 by 1986. There is no evidence to suggest that there has been any more recent modification of this aim.

There is some evidence that growth in the rural areas has in the past been out of step with the rate of urban growth but the recent releases of large areas in the western expansion area of Swindon should in due course correct any imbalance which may exist. The long-term ratio between rural and urban growth is, in my view, a matter for the structure plan, but there was evidence of a large shortfall of housing land in the rural area on even the lowest assumption. In these circumstances, further release of land for housing in the rural areas around Swindon in advance of the structure plan is in my view now a matter of urgent necessity if the development of this growth area as a whole is to continue in a satisfactory way. It should not be delayed to await formulation of the plan.

The Quinquennial Review of the Wiltshire Development Plan recognised Wootton Bassett as one of the small towns suitable for development. The Interim Local Plan of 1973 identified areas on the outskirts of the town for housing development and the eastern expansion area into which the appeal site falls

N.W.D.C.

DISTRICT SECRETARY

6 SEP 1979

was part of the area so identified. In my opinion the interim plan, which was approved after local participation, is in the category of local plan envisaged in Circular 122/73, Annex A para 7; as such it was accepted by the then local authorities although there is evidence of some local opposition since hardened under the guidance of an active Town Council. Nevertheless, the county planning authority regard the Interim Policy Plan as a commitment to the structure plan and as representing county policy in the meantime.

The Interim Policy Plan provided for land allocations expected to produce a population of 11,500 by 1986. There was nothing to suggest that this was intended to be the final ceiling for the town which in my view is a matter for the structure plan. In view of the Secretary of State's decision of 17 January 1978 on further expansion of urban Swindon, it seems unlikely that the structure plan could contemplate any lesser population in Wootton Bassett; in my view rather the contrary.

Population forecasting is notoriously difficult and in the present instance the problem is compounded by uncertainty over present population figures. The Town Council's calculations are based on an occupancy figure of 3.22, derived from a sampling process; there is however no evidence that the sample selected was necessarily representative. The figure is inconsistent with the known occupancy rate of occupied dwellings of 3.026 at 1971 and with the national average of 2.96; in my view, even taking into account the special circumstances of Wootton Bassett, the figure must be regarded as unduly high. Occupancy rates are falling throughout the country and there is no reason why Wootton Bassett should be an exception. With the total number of dwellings adumbrated by the Town Council (4072 - para 240 above), the population would be 11,550 at an occupancy rate of 2.82. I can find no compelling reason to suppose that the rate at 1986 would be higher than this, bearing in mind the general fall in occupancy rates. Further development of Stage 2 would require separate planning permission, which would enable the planning authority to control the form of the development in the light of conditions prevailing at the time.

With regard to traffic, I accept that the High Street presents a problem which could probably only be satisfactorily resolved by some form of by-pass. However, in my opinion the additional through traffic at weekday peak hours likely to be generated by the Woodshaw development would be relatively small, while the problem of congestion during Saturdays arising from shopping would be largely solved by additional parking space for which provision is currently included in the District Council's budget for 1980-81. The appellants' layout provides for a new link between Stoneover Lane and the A420 (Swindon Road); if permission for the development were given, this link should be completed before any houses are occupied in order to reduce the flow of traffic on Stoneover Lane and at its junction with Swindon Road. This could be achieved by condition (document 23).

There is no gainsaying the strength of local feeling against the proposals. It is unfortunate that the expansion of Wootton Bassett has coincided with a period of economic retrenchment. However there is nothing to suggest that population related facilities, including medical and education, cannot be adequately met by the appropriate authorities although there will be a need at least initially for more temporary classrooms. The understandable fears of local residents, including no doubt relatively recent arrivals, that their town is being swamped and their way of life seriously affected has to be balanced against the overall national need for houses and the particular need in this growth area. In my view the delay sought by the District Council, most of which has been in any event realised as a result of the appeal, would not materially

improve the situation. On the other hand the increased population base should justify earlier provision of the amenities which the Town Council seeks and in the meantime the very considerable facilities at nearby Swindon cannot be ignored.

There is no doubt that economic realities impose serious difficulties on the District Council in apportioning their resources. The choice of priorities is theirs, but in my view if they make that choice in favour of Chippenham, lack of resources cannot then be put forward as a justification for refusing expansion in accordance with government priority at Wootton Bassett. The appellants' substantial contribution to infrastructure costs would moreover represent gain to the town, notably in the water-supply field and in the provision of at least an initial stage of the much-needed by-pass. I think it only right to add that the substantial investment made by the appellants in the not unreasonable expectation that the Interim Policy Plan would be honoured should be taken into account; if the proposed development were delayed or rejected, there would be substantial waste of capital resources which could only result in the end in higher prices for houses.

On balance, therefore, I consider that the proposal under appeal should be permitted subject to the condition I have noted in paragraph 288 above.

3. The Secretary of State accepts the Inspector's findings of fact. At the same time he takes the view that the planned 1986 population levels for urban Swindon and other major settlements in the Swindon sector of north east Wiltshire can best be determined through the structure plan process. He nevertheless agrees with the Inspector that some further release of land in the rural part of the Swindon sector is justified now and that for the reasons stated in the Inspector's conclusions it would be reasonable to accommodate a substantial part of this growth on the appeal site.

4. The further correspondence and submissions received after the close of the inquiry were considered in the light of the Town and Country Planning (Inquiries Procedure) Rules 1974 and the conclusion was reached that they did not constitute such new evidence as would cause the Secretary of State to disagree with the Inspector's recommendation.

5. Accordingly the Secretary of State accepts the Inspector's recommendation and allows the appeal. He hereby grants permission for the erection of 550 dwellings together with associated and ancillary facilities including a primary school, public open space, shops, car parking, roads, sewers, stream improvements and a storm water storage area in accordance with application No. N/76/1636/OL dated 22 December 1976 and amended on 14 July 1977 on some 84 acres of land at Woodshaw, Wootton Bassett, Wiltshire, subject to the following conditions:-

- I.
  - i. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority.
  - ii. Application for approval of the reserved matters shall be made to the local planning authority not later than ~~31 July~~ 1982.  
30 Sept.
- II. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

- i. ~~31 July~~ 1984; or  
30 Sept.

ii. The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

III. A plan showing the layout of the site including the alignment of distributor and estate roads and areas to be used for a primary school, public open space, shops and a storm water storage area shall be submitted to and agreed with the local planning authority prior to submission of the details referred to in condition I. In default of agreement the layout shall be as may be determined by the Secretary of State.

IV. No dwelling on the site shall be occupied until the completion of the following works to the satisfaction of the local planning authority after consultation with the local highway authority:-

i. the eastern distributor road from A420 to Bicknoll Lane;

ii. the realignment of Bicknoll Lane from the eastern distributor road to Noremarsh Road/Stoneover Lane.

6. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State, if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

7. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

8. A further letter on the subject of the application for costs will be sent to you.

I am Gentlemen  
Your obedient Servant



D PONTING  
Authorised by the Secretary of State  
to sign in that behalf

NORTH WILTSHIRE DISTRICT COUNCIL

APPEAL

by

E H BRADLEY AND SONS LTD

Inspector: A H G Dobson CB OBE MC BA(Cantab)

Dates of Inquiry: 18 July - 4 August 1978

File No: APP/5408/A/77/11161

MJE/F/D  
D/20/4.9

Tollgate House  
Houlton Street  
BRISTOL

25 October 1978

To the Right Honourable Peter Shore MP  
Secretary of State for the Environment

Sir

I have the honour to report that between 18 July and 4 August 1978 I held an inquiry at The Catholic Hall, Wootton Bassett into an appeal by Messrs E H Bradley and Sons Ltd under section 36 of the Town and Country Planning Act 1971 against the refusal of the North Wiltshire District Council to permit residential development of 606 dwellings (subsequently amended to 550) to accommodate a population of 1,700 approximately (subsequently amended to 1,550 approximately) together with associated and ancillary facilities, including a primary school, public open space, shops, car parking, roads, sewers, stream improvements and a storm water storage area, on land at Woodshaw, Wootton Bassett.

1. The Reasons for Refusal are:-

1. The application is premature pending completion of public participation and other consultations on the Planning Policy Review Part II and the definition of the policies arising therefrom leading to the completion of the county structure plan.

2. In view of the change in planning circumstances in the Swindon sub-region and the reconsideration of policy which is currently being undertaken in preparation for the completion of the county structure plan proposals, it would be premature to permit the development of further large areas of land in Wootton Bassett until these overall policy matters have been determined in the light of the decision on the recent planning appeals relating to land in the Toothill area of the District.

3. To permit the development at this time would result in a worsening of the existing unsatisfactory traffic situation in the town and impose a further unacceptable strain on the existing social and community facilities in the town which have not expanded commensurate with recent residential growth.

4. The development at this time of financial restraint would lead to the dissipation of scarce resources required from both the District and County Councils and would inhibit the achievement of the District Council's stated policy of encouraging major growth in the Chippenham area.

2. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendation. Lists of appearances, documents and plans are attached.

NOTE: 1. The Planning Policy Review Part II referred to in Reason for Refusal No 1 is the North-East Wiltshire Planning Policy Review Part 2 published by Wiltshire County Council in February 1977 (document 12 attached to this report).

2. Planning appeals related to the Toothill area referred to in Reason for Refusal No 2 are illustrated on the council's plan at Plan G attached to this report, and in documents 15, 16 and 17.
3. The appeal site, known as the "Woodshaw" site, forms part of a larger area identified in the Wootton Bassett Interim Policy Plan and known as the "Eastern Expansion Area." (document 6).

#### THE SITE AND SURROUNDINGS

3. Wootton Bassett is a small country town located south of the M4 motorway about 6 miles south-west of Swindon on the edge of a limestone ridge with southerly facing slopes. The original nucleus, now a conservation area, centres on the junction of High Street and Station Road. High Street is the main shopping street (Plan E). An escarpment to the west forms a natural limit to the urban area in that direction, and the town has developed mainly to the north and east of the original nucleus and to a lesser extent to the south towards the main western region railway line. The railway station is disused; there is a purpose built comprehensive school. New estates are nearing completion north of the town centre (Green Park and Coped Hall - Plan G).
4. The Woodshaw site (Plan A) lies on the north-eastern edge of the built-up area of the town on the south side of the A420 (Swindon-Chippenham) road about one mile west of its intersection with the M4 motorway which runs east and west about 3/4 mile to the north. The site of about 84 acres comprises mainly grass fields intersected by substantial hedgerows with some mature trees; many elms have however suffered from disease and have been felled in recent years. The land slopes down from the northern corner of the site, gently at first but more steeply as the southern boundary is approached. Upper Woodshaw farm occupies an enclave, not part of the site, near the south-eastern corner; Woodshaw Cottages within the site to the north-east of the farm are derelict.
5. The site is bounded on the west by Stoneover Lane which here forms the eastern boundary of the built-up area of Wootton Bassett consisting in this locality of primarily residential areas developed since 1966. The western boundary turns south-east from Stoneover Lane to run along the garden of a detached house forming part of a small group east of Stoneover Lane and thence around fields for some 600 ft to Bincknoll Lane.
6. Bincknoll Lane is a narrow metalled road leading eastwards and eventually turning north to join the A420 east of the site. The western section of the lane and a strip of land to its south are included within the appeal site. To the south there is the prominent feature, Brynard's Hill, with residential development reaching out from the town centre on its western slopes; to the south-east there is farmland which continues beyond the main railway line. Also included in the appeal site is a stream known as Hancock's Water which flows southwards for some 500 ft from Bincknoll Lane and through a proposed stormwater drainage area immediately to the north of the railway line.
7. The unmarked eastern boundary extends north-eastwards to the A420 (Swindon Road) from a point about 200 ft east of Upper Woodshaw farm. To the east of this boundary there is open farmland with scattered farm buildings. This boundary conforms to the line of demarcation of the "proposed primarily residential area" indicated on the plan attached to the Wootton Bassett Interim Policy Plan (document 6). A strip of land along the A420 road is included at the north-east corner of the site to provide accommodation for a proposed access.

8. The Swindon Road (A420) forms the northern boundary of the site for a distance of approximately 2,560 ft eastwards from its junction with Stoneover Lane. To the north of the A420 is open farmland with the exception of 2 buildings opposite the frontage of the site, an agricultural building and storage yard which is situated 250 ft from the junction of the A420 and Stoneover Lane, and the group of buildings comprising the Churchill House Hotel located approximately 1,300 ft from this junction.

9. There is a substantial thorn hedgerow along the northern boundary of the site and a hedgerow extends along Stoneover Lane to a point approximately 1,000 ft from its intersection with the A420. The site is clearly visible from the open land to the south and east but the hedgerow along the A420 obscures views of the site from the main road. Similarly the hedgerow along the western boundary restricts views of the site from Stoneover Lane. The site is also visible from the south-west from the crest of Brynard's Hill which otherwise restricts views of the site from a south-westerly direction.

10. The A420 is joined at a roundabout immediately north of the main built-up area of the town by B4041 (Cricklade) and B4042 (Malmesbury); A420 and B4041 continue south-westwards as High Street until the B4041 turns south-east in the town centre as Station Road, which functions as a local distributor for the south-western part of the town. A420 continues south-west fairly steeply down before crossing the railway by 2 bridges, one on an awkward skew on the southern edge of the built-up area.

11. There are no restrictions on waiting or parking in the High Street except for short lengths at the Station Road junction and at the central panda crossing; diagonal or lengthways parking is permitted on both sides in most of the shopping area. Stoneover Lane is linked to Station Road by the residential Noremarsch Road; there are 2 links between Stoneover Lane and High Street, Marlow Way and Longleaze, both passing through residential estates. New Road, a mainly residential road, links Station Road to the A420 in the southern edge of the town.

[Inspector's Note: I think it right to observe that on the day the inquiry began there were posters displayed in the High Street and elsewhere saying "11,500 not 15,000" and "No to Expansion" or words having that effect.]

#### THE CASE FOR THE APPELLANTS

The main matters were:-

12. The appellant company has been established in the Swindon area since 1897 and as a group is responsible for the employment of some 1,600 persons, mainly in North East Wiltshire and Gloucestershire. Turnover for the financial year 1977/78 was £18 million and for the current year is expected to be £23 million. The company specialises in the building of private houses and the development of residential estates, and has been traditionally active mainly in the south-west particularly in Wiltshire and Dorset.

13. The Swindon sector forms the most important sales area of the company; in the last financial year out of total sales of 470 units, 160 or 34% were in that sector alone. The company has the ability to gear up to 1,000 units per year by the 1980's, of which some 125 units per year are seen as being provided at Wootton Bassett.

14. The original application for 606 houses on the Woodshaw site which led to the present appeal was submitted to the North Wiltshire District Council

in December 1976. It was deemed a "county matter" (Rule 6 Statement - paragraph 1.2). and on 19 April 1977, subject to reservations, the District Council accepted the proposals in principle. To meet the criticisms a number of amendments to the original application were earlier submitted on 14 July 1977, the effect of which was to reduce the number of houses to 550 on a slightly smaller site. Although a county matter, the revised application was refused by North Wiltshire District Council by resolution of the Development and Planning committee on 3 November 1977 subsequently confirmed by the full council. The appeal before this inquiry is based on the revised application (Plan A).

15. There are no objections from statutory undertakers and all services can be provided; appropriate agreements have been entered into where necessary (document 30 Parts B and C). The Ministry of Agriculture, Fisheries and Food entered no objection. The Rule 6 statement records (paragraph 7.1):

"The authority's officers advise, and the members accept, that the appeal site can physically accommodate the development proposed. It is also accepted that satisfactory arrangements can be made to provide drainage and other main services required by the proposed development."

16. At the inquiry, the appellants submitted an illustrative plan indicating the proposed layout, including primary school, shops, community facilities and public open space (Plan B). The layout had been accepted by the officers of both Wiltshire County Council and North Wiltshire District Council. It was intended that the eastern distributor road should form the first section of a Wootton Bassett by-pass. In the meantime, it was accepted that the whole proposed road from A420 connecting with Stoneover Lane should be completed before any houses are occupied instead of the phasing proposed on the plan so that traffic from the development directed towards Swindon can avoid existing residential areas. (Proposed condition - document 23).

17. Development would be over a period of 5 years at 125 houses per year, preceded by a year of engineering works. Intentions with regard to density and types of house are shown on Plan C; descriptions of the proposed house types and current prices are given in document 28, pages 51 et seq.

18. There have been numerous studies and policy statements for the Swindon area and a number of appeal decisions with a bearing on the present case. A full study of the various sources has been undertaken by the appellants' professional adviser, Mr E E Taylor (document 25). Salient matters are outlined in the following paragraphs.

19. Following designation of Swindon as an expanded town under the Town Development Act of 1952, a number of studies were undertaken. "Swindon": A Study for further Expansion" (The "Silver Report") appeared in 1968. This report amended previous population projections to 205,000 by 1981, 241,000 by 1986 and 296,000 by the end of the century. In April 1970, however, the then Minister of Housing and Local Government proposed a figure of 200,000 by 1986 for Swindon itself, mainly to reduce pressure on the surrounding rural area.

20. The "Silver Report" recommended expansion at Cricklade, Highworth and Wootton Bassett; preliminary studies indicated that, consistent with maintaining the existing character of the towns, populations could be:

Cricklade	8,000
Highworth	11,000
Wootton Bassett	12,000

21. In January 1969, Wiltshire County Council published its Swindon Sub-Regional Study (document 9). This study suggested Wootton Bassett expand to 12,500 by 1986; the town would maintain its identity up to a population of about 14,000 (paragraph 7(a)(iii)). After discussion with district councils, the County Council Development Committee resolved that the report be regarded as a draft strategy to be followed.

22. In April 1970, the Minister approved the first quinquennial review of the Wiltshire County Development Plan (document 13). Wootton Bassett was shown as a category "A" settlement, ie suitable for development (Part 1 - para 2A on page 3).

23. On 4 January 1972, Wiltshire County Council published a draft interim policy plan for Wootton Bassett. The plan contained proposals for northern and eastern expansion and observations were invited from the public via an exhibition and a public meeting held on 27 January 1972. Following observations received, an amended draft plan was exhibited and a further meeting held on 6 May 1973; a draft town centre plan was also exhibited.

24. On 3 July 1973, the Wiltshire County Council Planning Executive sub-committee adopted the Wootton Bassett Interim Policy Plan as amended (IPP - document 6). The plan concluded that there was considerable scope for growth at Wootton Bassett and proposed that approximately 6,000 additional persons could be accommodated up to 1986, giving a population at the latter date of about 11,500.

25. Comprehensive development east of the town (in the area now known as the "eastern expansion area" in which the appeal site lies) was shown as phase 3 and 4 to follow phase 1 and 2 development north of the town, which had already begun.

26. The approved IPP was accepted by the then Wootton Bassett Parish Council and the former Cricklade and Wootton Bassett Rural District Council and subsequently adopted by the successor authorities on reorganisation of local government. As stated by the District Officers in their report in August 1977 to the District Development and Planning Committee,

"The Interim Policy Plan for Wootton Bassett, approved at local level after proper consultation, can be said in the Ministerial view to have much the same status as a formal town map." (Document 28, page 11 Footnote).

27. In April 1974, the South-West Regional Economic Planning Council published a "Strategic Settlement Pattern for the South-West" (SSPSW). This document was broadly endorsed by the Secretary of State in 1975 (document 24). It divided the Region into economic planning areas; Area 5 comprises Thamesdown Borough and part of North Wiltshire District, including Wootton Bassett. This area was seen as a major growth area based on Swindon, where very substantial growth was foreseen; population growth of 57.1% was expected compared with 32% for the Region as a whole and 13.5% for England and Wales.

28. On 26 April 1974, the County Planning Committee resolved that the SSPSW should be used as the basis for the County Structure Plan; this decision was endorsed by the full Council on 28 May 1974.

29. In January 1976, the County Council, having decided to produce 3 separate structure plans for different parts of the county, published "North East Wiltshire Planning Policy Review Pt 1" (NEWPPR Pt 1 - document 10). This was primarily a survey document and was followed by an updated survey (NEWPPR Pt 1a - document 11)

and a discussion document NEWPPR Pt 2 in February 1977 (document 12). The latter recorded the Council's view that achievement of a population of 200,000 in urban Swindon by 1986 was unrealistic (paragraph 2.17) However recent appeal decisions have made it clear that 200,000 by 1986 remains the aim for urban Swindon, in particular the Secretary of State's decision of 17 January 1978 following the inquiry held into expansion West of Swindon, where the Inspector found as a fact and the Secretary of State accepted that the general consensus of numerous reports and studies pointed to a figure of 200,000 by 1986 (report paragraph 311, points 11 and 12 - document 16). At that inquiry eastern expansion of Wootton Bassett was recognised by the County Council as a commitment and was therefore a factor taken into account by the Secretary of State in reaching his decision.

30. The complementary development of the rural area has always been contemplated and is recognised in the NEWPPR Pt 2, where it is stated that it would seem doubtful that a level of growth could be sustained where less than 20% of the total growth is accommodated in the rural area (paragraph 5.23). Three alternative levels of growth in the rural area are considered; in all 3 cases it is noted that the "rural provision would be substantially less than the demand suggested by recent trends" (paragraph 5.18).

31. The document recognises that in preparing the structure plan account must be taken of existing commitments, made up of outstanding planning permissions and relevant local plan allocations, which include the local plan proposals for Wootton Bassett (paragraph 5.16). The allocation made in the IPP is therefore not a discussion option but a firm input in the structure plan.

32. A detailed appraisal of housing needs was undertaken jointly by the main parties to the West of Swindon inquiry and has been updated by the appellants. The updated appraisal (document 26) indicates that, in broad terms, in the Swindon sector a minimum of some 45-50,000 additional dwellings are required if a population of 200,000 is to be achieved in Swindon; natural increase alone of the existing population requires an additional 11,000 dwellings (document 26, page 74 - conclusions).

33. An analysis of the land available to meet this requirement is at document 27.

34. For both the Swindon sector as a whole and the rural part of the sector, land availability falls dramatically short of what is required to meet government policy for the area (200,000 population in Swindon town by 1986) or even the lower population level of 155,000 - 160,000 favoured by the County Council.

35. For the sector as a whole, the shortfall for sites theoretically available is about 29,500 to 34,500 dwelling capacity for a 200,000 urban population (or about 9,500 to 11,500 for the lower population level). For the rural part of the sector depending on assumptions regarding the split between urban and rural growth (NEWPPR Pt 2 paragraph 5.18 refers - document 12), the shortfall for sites theoretically available is about 8,300 to 13,500 dwelling capacity; for sites with planning permission, the shortfall is about 9,700 to 14,900. In the rural part of the sector, land with planning permission is less than half the requirement for natural change alone (document 27; conclusions page 20).

36. For the rural part of the sector, therefore, in order to achieve a 7 to 10 year land supply with planning permission, regarded as necessary in this growth area, land for some 10,000 to 15,000 dwellings should be granted planning permission at the earliest opportunity.

37. Where that requirement is to be satisfied has not been determined in detail by the Secretary of State, although it could be said that the Minister's Statement

of April 1970 approving with modifications the expansion proposals of the "Silver Report" is tantamount to an acceptance of, inter alia, the expansion of Wootton Bassett, Cricklade and Highworth. In these towns, there are less than 500 dwellings with outstanding planning permissions: almost all the remainder of the 1720 dwelling capacity theoretically available is accounted for by the Wootton Bassett Eastern Expansion area (about 1,200 dwellings).

38. The actions of the strategic planning authority since the publication of the "Silver Report", have been consistently directed towards the expansion of these 3 small towns and particularly towards the expansion of Wootton Bassett which, to date, is the only one for which a local plan has been prepared and approved. Cricklade and Highworth do not have a plan of this type and consequently do not have a supply of residential land available to meet the housing demand: remaining land with planning permission in these towns will be used up within 2 years.

39. By implication, the principle of the eastern expansion of Wootton Bassett as set out in the Interim Policy Plan was confirmed by the Secretary of State and his Inspector at the Thunderbrook Estates inquiry of 1974. This inquiry was concerned with an application to develop west of Wootton Bassett. The Inspector in his conclusions, which were accepted by the Secretary of State, stated that, whilst he did not find it within his ambit to compare expansion to the east or west, he felt that both could not be implemented because of the difficulties inherent in the overall phasing of development in the separate areas in accordance with a long term planning policy. He therefore recommended that the appeal be dismissed. That recommendation was upheld by the Secretary of State (document 14, paragraph 400). The corollary of this decision is that expansion should take place at Wootton Bassett and should rightly be accommodated in the committed eastern expansion area. The inspector noted in his report that the "District Council supports the interim policy plan proposals without reservation" (ibid paragraph 248).

40. The appellant company's appreciation of market demand in this growth area reflects the strategic planning policy adopted by the Wiltshire County Council and from the standpoint of the market place fully validates that approach.

41. Purchasers are now demanding a far greater variety of choice; in particular, the housing market in the Swindon sector has been significantly affected by changing commuting patterns, themselves the direct result of the increased cost of petrol. Moreover, attitudes towards the distance between home and workplace have also been changed by the desire to enjoy leisure-time activities which increasingly demand repetition of the self-same journey to work pattern. Location near to Swindon is therefore important not only for ease of access to work but also for ease of access to leisure pursuits.

42. In the 1960's and early 1970's the pattern of commuting choice was such that distances of 10 miles and more were generally acceptable between home and workplace, and the Company's sites at Ramsbury and Faringdon reflected this. However, it is the experience of the Company that changes in patterns of commuting have made the generally acceptable distances from Swindon far less, ie between 5 and 6 miles. In order to provide the requisite variety of housing within this distance, the market now demands a greater diversity of locations in and around Swindon.

43. A further aspect of the Wootton Bassett housing market is the increasing demand from service households seeking to locate in the town. Service families on the Royal Air Force base at Lyneham are transferring from the traditional rented service based quarters into freehold properties purchased at a reasonable distance from that base.

44. The proximity of Wootton Bassett to the core of the sector, the strategic planning policy for the area and the specific demands of the potential house purchaser, together establish the suitability of the town to accommodate a significant proportion of the sector's existing and future demands for housing outside Swindon. Moreover, the general success of the Swindon sector housing market in matching demand with variety of house type and location has always depended, and will continue to depend upon the balanced inter-relationship of the growth town with its hinterland.

45. The government publication "Housing Policy" of June 1977 (Command 6851) highlights among other matters the increasing number of young households desirous and able to set up home independently of the parental home. This is of particular significance in the Swindon sector and was recognised at the West of Swindon inquiry when the Inspector found as a fact accepted by the Secretary of State that

"There is a large 'bulge' in the age group 16-26 which leads to a considerable local housing need in Thamesdown" (document 16, paragraph 49).

46. The reason for this stems from the substantial influx of young families into Swindon in the 1950's and 1960's; it is the children of these immigrants who over the next decade will have such a significant impact on housing demand. The analysis of housing formation made for the West of Swindon inquiry showed an equally pronounced bulge in the same age group for the former Cricklade and Wootton Bassett Rural District. Its importance was further emphasised in the Department of the Environment's comments on the NEWPPR Pt 1a which read in part:-

"One point that may have been overlooked here is the housing demand effect of the processes outlined in paragraph 1.7. The bulge in the age structure which will create additional labour supply...will also produce a bulge in demand for houses. This would be true irrespective of immigration."  
(Document 21, paragraph 2).

47. Circular 63/77 on Housing Strategies and Investment Programmes set out a new approach towards housing market analysis for local authorities to follow. Amongst other things local authorities are required to improve the efficiency of their capital expenditure by relating:-

"their own proposals more explicitly to the housing contribution likely to be made by the private sector and other agencies" (paragraph 5).

48. The circular stresses the need for financial realism and an intelligent use of capital resources, which must take cognisance of private sector investment. The need for co-operation between local authorities and the private sector in the supply of land is further reinforced in circular 44/78 (published since the refusal which led to the present appeal).

49. North Wiltshire District Council's opposition to the present proposals runs counter to government policy set out in the quoted documents; it ignores the implications of the analysis of housing need and provision accepted by the Secretary of State in his decision letter of 17 January 1978 following the West of Swindon inquiry. The decision to pre-empt the County Council's consideration of the matter was taken in a purely local context without regard to wider national or regional interests.

50. The nature of the Company's investment at Wootton Bassett is of fundamental importance. Where the financial investment of the developer is made with the

support of a planning permission or approved planning policy then that operation should be, without question, an assured investment. To suggest that such formal planning commitments and consequent investments can be overturned arbitrarily is to strike at the very basis of the formal planning system as it is operated in this country.

51. Following publication in January 1972 of the draft interim policy plan the Company began its negotiations for the purchase of the southern half of the proposed eastern expansion area of Wootton Bassett during November 1972. Similar negotiations regarding the Woodshaw land began during 1973.

52. In March of 1974, directly as a result of the formally adopted Interim Policy Plan the Company formally completed its 2 main land purchases of the designated eastern expansion area of Wootton Bassett. Later minor purchases simply rounded off the landholding in the expansion area, as defined in the policy documents.

53. The Company's land purchase at Wootton Bassett is quite clearly an investment taken on a site allocated and committed in an authoritative policy document which has been publicly debated and accepted.

54. The financial commitment of the Company in this context at Wootton Bassett is considerable. The total sum expended on land purchase to date by the Company, including legal fees and interest charges, is approximately £2,185,000. With stage payments during development of its landholding, the total sum expenditure on land by the Company will increase to £2,860,000.

55. Since the formal adoption of the Interim Policy Plan and the Company's consequent completion of their land purchase at Wootton Bassett, discussions on and negotiations with the Wiltshire County Council, North Wiltshire District Council and statutory undertakers, have been continually pursued by the Company. All such discussions have concerned details of development, the principle of such development has never been called into question.

56. In November 1974 the Company submitted an informal application to both Wiltshire County Council and North Wiltshire District Council setting forth its ideas as to how the Company viewed development of the eastern expansion area as a whole. Copies of the document were also sent to the Wootton Bassett Town Council.

57. In following this procedure of an "Informal Submission" the Company had been strongly influenced by DOE Circular 142/73 "Streamlining the Planning Machine" where effective consultation between the applicant and the local authorities both before any formal application is made, and indeed afterwards, is seen to be of great importance.

58. A working party of officers of the County and District Councils was set up and detailed discussion continued over a period of 2½ years, culminating in the proposals now under appeal.

59. Wiltshire County Council envisaged a policy of comprehensive development of the whole eastern expansion area in order to secure its proper servicing and an equitable distribution of off-site development costs. This development would take place over a period of 8 years beginning with the completion of private development in either phase 1 or 2 (IPP - document 6, pages 5 and 6). During April of this year McLeans, building on phase 2, confirmed that they had sold all the houses on their phase. Phase 1 development is due for completion early in 1979.

60. Consequently, the proposed 8 year development programme which the Interim Policy Plan saw as covering those phases of eastern expansion controlled by the Company should be starting now in 1978.

61. However, one of the problems facing the Company in its negotiations with the strategic planning authority, the Wiltshire County Council, was the fact that that authority from later 1974 onwards sought to downgrade the potential growth of the Swindon sector. The Company felt that this was an arbitrary action not supported by facts, and indeed the subsequent decision letter of 17 January 1978 on the West of Swindon inquiry clearly shows that such a downgrading is not accepted by the Secretary of State.

62. Whilst still holding to the release of land to the east of Wootton Bassett as a commitment, this view of the sector's growth potential naturally affected the rate at which the County Council saw Wootton Bassett expanding. Consequently during discussions with that authority during 1976 it was proposed to the Company that eastern expansion should take place in 2 stages: the first stage receiving a start to infrastructure works in 1977 with housing occupations during 1978. This first stage is the currently appealed Woodshaw application.

63. The Company reluctantly accepted such an approach to development at Wootton Bassett and agreed with the County Council that even within the 2 stages, the first stage could be subject to an annual cumulative ceiling figure. As a result, therefore, in December 1976 the Company submitted the Woodshaw application which, with some minor amendments, forms the application formally before this inquiry.

64. However, both from the point of view of good planning and sensible development economics, the Company views the application currently on appeal as stage 1 of the comprehensive eastern expansion development outlined in the Interim Policy Plan. Stage 2 would follow in the mid 1980's, with a possibly lower population and housing unit provision; although for the purposes of current comparison, it is perhaps more reasonable to assume a somewhat similar figure.

65. Whilst the Secretary of State, by his decision letter of 17 January 1978 relating to the West of Swindon inquiry, has not upheld the population downgrading that caused the County Council to request a 2-staged approach, and while the time span of the Interim Policy Plan has not been extended formally, the Company is willing to stand by its commitment to such an approach. The Company feels this approach fully accommodates the concern of those local residents who would prefer to see a more "gradual" development at Wootton Bassett as it basically means that the town will expand over the next decade or so through the phased release of the eastern expansion area.

66. Such an arrangement cannot, however, be to the advantage of those seeking homes, since limiting land release induces an artificial premium in market supply; nor does the company accept that such restricted release will in some way enable a more orderly absorption of households into the existing community.

67. The Company believes that it has both acted in good faith and been eminently reasonable in balancing the need for growth of Wootton Bassett against the concern of those who believe that immediate development of the total eastern expansion area would constitute too much too soon.

68. It must be stressed, however, that the Company undertook the phasing agreement on the understanding that it would be permitted to start engineering works during the financial year 1977/78 and housing occupations during 1978/79. This programme has already slipped to the Company's considerable concern.

69. The Woodshaw application is a coherent scheme within itself which is at the same time an interdependent part and first stage of the complete comprehensive scheme that constitutes the eastern expansion area of Wootton Bassett. From the outset of the publication of the Interim Policy Plan (page 3 of that document) both the Wiltshire County Council and the North Wiltshire District Council have held to the principle that piecemeal development of the eastern expansion area would not be acceptable.

70. Both required that a plan for the whole area must be agreed with the Strategic planning authority in order to provide the principal infrastructure necessary, that is:

- a. on and off-site distributor roads;
- b. foul sewerage;
- c. surface water drainage;
- d. water supply.

The need for comprehensive development was and is, two-fold. Firstly, the scheme provides a logical and balanced planning framework as opposed to piecemeal development. Secondly, such a scheme permits the economic development of the area as the high cost of infrastructure works necessary to develop the Woodshaw stage can only be justified by the roll-over and continuation of development onto the scheme's more southerly stage.

71. The officers of the Wiltshire County Council and the North Wiltshire District Council have accepted the Company's proposals for the development of Stage 1 at Woodshaw whilst in the full knowledge of the Company's general intentions for the overall eastern expansion area. A possible overall layout for the area showing how the Company envisages the comprehensive development of the eastern expansion area is at Plan D.

72. In order to develop stage 1, the Company will have to construct the infrastructure as set out below:

INFRASTRUCTURE

APPROXIMATE COST £

a. A peripheral distributor road with a new junction off the A420. This road is called the Eastern Distributor and forms the first phase of 2 phases which the Company will construct of Wootton Bassett's future by-pass.	118,000
b. A new road to replace Bincknoll Lane.	105,000
c. A new water supply to the expansion area.	50,000
d. A main sewerage drain from the A420 to the Scotlands Farm sewage works.	85,000
e. Culvert improvements underneath the London to Bristol and Cardiff railway.	10,000
f. A storm water balancing pond and storm water sewers and stream regrading.	88,000
	<u>88,000</u>
Total	<u>£456,000</u>

The total cost of the above works falls on the Company. No significant burden of cost, other than the provision of schooling facilities at a relevant point in time will fall upon any of the local authorities or statutory undertakers concerned.

73. Furthermore, in dealing with the question of foul sewerage and storm drainage, the Company has aided the North Wiltshire District Council as far as possible.

74. In early discussions on these 2 matters it was indicated by officers of North Wiltshire that, should the Company seek to requisition storm and foul drainage rights, the workload on the District Council in terms of design would be extremely heavy given other commitments. The Company, therefore, at no little expense, agreed to design and secure those aspects of requisition under the 1973 Water Act. This in itself will have effected a considerable cost saving to the District Council.

75. The Company has always made it clear, both to the County and District Council concerned, that it will honour its commitments; there is no suggestion from either the Wiltshire County Council or the North Wiltshire District Council that the lack of any formal legal agreement should inhibit the grant of permission.

76. After considering the original application (for 660 houses) the Development and Planning Committee of the North Wiltshire District Council on 25 April 1977 accepted in principle development in the eastern sector of the town and resolved to forward the application to Wiltshire County Council with their observations (see paras 165/166).

77. On 17 May 1977 a motion was put before the full District Council to refer the matter back to the Development and Planning Committee; however on 31 May 1977 that committee again resolved that development to the east of Wootton Bassett was acceptable in principle.

78. A move on 19 July 1977 at the full North Wiltshire District Council not to accept the resolution of the Development and Planning Committee of 31 May 1977 was defeated. Following this the full council endorsed the minutes of 31 May thereby accepting the principle of further development to the east of Wootton Bassett. Thus as recently as July 1977 the North Wiltshire District Council demonstrated its continued support of the Company's application to develop its land to the east of Wootton Bassett.

79. Meanwhile following the observations by the Development and Planning Committee the original proposals were amended to the form before the present inquiry. The officers commented on these changes as follows (document 28, page 10):

"The officers are of the view that, with the exception of the point regarding the proposed starting date for the development, the other criticisms of the previous proposals by the committee have been met".

80. There was then 3 months delay until a special meeting of the North Wiltshire District Council Development and Planning Committee held on 3 November 1977. The agenda included the officers' recommendation that observations be passed to the Wiltshire County Council with the recommendation that the Woodshaw application be given permission (document 28, pages 26-27).

81. Despite the officers' recommendation, the committee resolved that the application be refused (document 28, pages 33-35).

82. Following this last minute volte-face by the committee, the appellant company wrote to individual members of the North Wiltshire District Council pointing out that the proposal was a county matter in line with approved policy and that the committee's decision was at variance with recent resolutions of the council itself. The letter observed further that the only reason why the application was again before the committee was because the appellants had made amendments to meet the committee's earlier criticisms (document 28, pages 36/37). However, at their meeting on 15 November 1977, the full council upheld the decision of the Development and Planning Committee (document 28, page 46).

83. This decision was taken against both the advice of North Wiltshire District Council's professional officers and of the officers of the Wiltshire County Council. Indeed, the County Council have continued to support the proposals and have made that position quite clear to both the Town Council and the District Council. In a letter to the appellants dated 12 January 1978, the County Planning Officer confirmed that the county council policy in relation to Wootton Bassett was that set out in the interim policy plan and that the present application was in accordance with county council policy for the development of Wootton Bassett. (document 38).

84. On 21 April 1978 the County Planning Officer reported to the County Planning Sub-Committee of the Environment Sub-Committee on the "Wootton Bassett Policy Plan". (Document 28, pages 38-41).

85. In that report the County Planning Officer made it quite clear that the application was a County matter and that had it fallen to the County Council to determine the matter, the recommendation would have been conditional approval (document 28, page 40). He went on to recommend that, because the County Council viewed Wootton Bassett expansion as a commitment and because the County Council supported the application, the County Council should take no part in the planning appeal and should also inform the District Council that the County Council could be of no assistance to them in the appeal. The recommendation was endorsed by the County Planning Sub-Committee (document 28, page 42).

86. Following this decision, the appellants again approached the District Council with a request to reconsider the grounds of refusal and to give better particulars of those grounds. At a meeting chaired by the Chairman of the Planning Committee held on 25 May 1978, the Company pointed out that for several months it had attempted to clarify with the District Council the grounds of refusal contained in the notice of 3 November 1977. It was made clear to the District Council that the Company was being put to great expense in having to cover a large number of general issues contained within the grounds of refusal because of the District Council's inability to provide any detailed facts to support those grounds of refusal. Moreover, the Company observed that certain of the grounds of refusal had either been overtaken by events or were indeed not the responsibility of the District Council but of the County Council who supported the application.

87. As a result of that meeting a minute setting out the Company's view was put to the full Planning Committee of the District Council on 31 May 1978, so that in the light of the observations made by the Company, the Council could at least reconsider certain grounds of refusal (document 36 - 15(b)(ii)).

88. The full committee did not see fit to respond to the Company's request and has continued to prosecute grounds of refusal which the Company feels cannot be sensibly substantiated or are indeed not the responsibility of the District Council.

89. In spite of continued requests by the Company for the District Council to explain more fully the reasons behind their grounds of refusal, such an explanation

has not been forthcoming. Indeed, even the District Council's Rule 6 statement failed to elaborate satisfactorily the grounds of refusal and the case that the Company had to meet.

90. Having pre-empted a strategic planning decision properly the concern of the Wiltshire County Council, it is incumbent on the District Council to provide compelling reasons for so doing. No such compelling reasons have been advanced. The District Council's action is closely parallel to the action of Thamesdown Borough Council which was the subject of criticism at the Park Farm inquiry in 1977/78 when the Inspector observed in his conclusions (document 17 - paragraph 182).

"In the circumstances the precipitate, though perfectly legal, action of the Thamesdown Borough Council in pre-empting the county council's decision taken in the knowledge of the Wiltshire County Council's letter of 30 July 1976 and its accompanying plan as well as the later consultations can only indicate an absolute determination to block the use of this land. In such circumstances it would be reasonable to expect very cogent reasons for this action together with unassailable argument as to why this particular piece of land should not be used. This must particularly be so in a major growth area such as Swindon."

91. The North Wiltshire District Council's refusal displays a disregard for accepted planning policies and procedures and for the financial implications for the company. Such decisions if upheld must place in jeopardy the confidence a developer needs to place in national, regional and local planning policy. This vital point was clearly accepted by the County Planning Officer in reporting before the County Planning Sub-Committee on 21 April 1978 when he is reported to have said:

"Wootton Bassett people have changed their minds. But one must remember, and this was fundamental, that county produced a plan to meet the wishes of the electorate for the development of this area, after proper consultation, which was then agreed by everyone concerned.

Having produced that plan, County had a moral responsibility to follow that basis of it. If there was no moral commitment, the whole of planning and consultation would be in complete disarray. The public is entitled to expect some certainty in following that plan. Unless there is some major special reason for it not to be followed, that commitment should stand. Bradleys have invested against that policy. There must be some certainty in it. Otherwise the whole planning process would fail utterly." (North Wiltshire Standard - Friday 28 April 1978).

92. The changed attitude of certain people referred to by the County Planning Officer does not constitute sufficient reason for this land not to be released now. There has been no significant change in circumstances, or departure from the planned growth of Wootton Bassett, since the inception of the Interim Policy Plan in 1973.

93. The Interim Policy Plan refers to a population "of about 11,500 by 1986" and the County Council as strategic planning authority have always anticipated that variations will occur through the development of the allocated land at Wootton Bassett. This is made clear in a letter from the Chief Executive to the Town Clerk of Wootton Bassett Town Council dated 15 June 1978:-

"The reference to "about 11,500" is a qualification to allow for the fact that a number of variables such as density and occupancy will, over a period

of time, result in variations to the final population as a result of the development of the land allocated in the Plan. Acknowledging that these variations would inevitably occur also implies that a figure of 11,500 was not a precise limit for the growth of Wootton Bassett." (document 28, pages 47-49)

94. The IPP is concerned with land allocation and not primarily population; the total of 11,500 people at 1986 was an estimate of the probable result of the land use allocation, not a target or ceiling. The Town Council's population estimates are based on an occupancy rate of 3.22 which is inconsistent with past experience in Wootton Bassett (table below) and the county generally; more than half the households in Britain now consist of only one or two people (circular 24/75, paragraph 6). There is no indication in the Town Council's calculations as to the type or location of the 10% of houses selected for establishing the occupancy rate, thereafter applied to dwellings of all types throughout the town. Moreover occupancy rates are falling and it is unlikely that this high rate of occupancy, even if correct today, will be maintained in the future. Some of the demand for houses will arise from people already living in Wootton Bassett especially young people in the "population bulge" setting-up house for the first time.

WOOTTON BASSETT PARISH CENSUS

Census Date	Population	Occupancy Rate	Dwellings
1951	3419 (increase 971)	3.436	995 (increase 386)
1961	4390 (increase 2268)	3.179	1381 (increase 819)
1971	6658	3.026	2200
	Total Increase 51-71 = 3239		Total Increase 51-71 = 1205

Note: Statistics supplied by Wiltshire County Council (Source - census document).

95. The Town Council's estimate of the current population of Wootton Bassett at August 1977 of 10,679 ± 527 (document 48 - Table 3) is not supported by the officers of the District and County Councils, who in a joint paper arrived at a figure of 9,450 at September 1977. The Rule 6 Statement suggested 10,000 (para 2.6).

96. The County Surveyor's department was consulted on the highway implications of the proposals and raised no objections, nor saw any need to give evidence at the inquiry. In a memorandum dated May 1978, the County Surveyor wrote to the County Planning Officer regarding traffic on certain roads in Wootton Bassett:

"It may be seen that the present day traffic flows are well below the estimated design flows."

and

"It may therefore be concluded that the roads mentioned are likely to be adequate to carry the traffic that the proposed development at Woodshaw would generate." (document 32, pages 82/83).

97. The Interim Policy Plan proposed an eastern by-pass from the A420 south of the town to link with the A420 (Swindon Road) about one mile east of the roundabout, in order to relieve High Street of through traffic. However in discussion with the Surveyor's department, it became evident that funds would not be available for the construction of the by-pass within the foreseeable future. It is not included in any current county road programme.

98. It was therefore decided by the Highway Authority and agreed by the appellants that the district distributor road indicated in the IPP should be re-aligned to provide a dual purpose eastern relief road within the eastern development. It is appreciated that the portion of this road to be constructed in the Woodshaw phase of the development will not of itself provide an effective town by-pass, but it will ensure that the majority of the traffic from the development will not impinge on the existing network. Moreover, this portion of the relief road would be funded fully by the appellant company, thus releasing public funds for other priority traffic measures; it would be a substantial initial contribution to the ultimate provision of a full relief road.

99. The ground for refusal relating to traffic states:

"To permit the development at this time would result in a worsening of the existing traffic situation in the town."

This statement is in no way explicit as a ground for refusal.

100. The Rule 6 statement goes no further with regard to expanding this highway or traffic objection, it merely states:

"The Authority will put forward evidence relating to the capacity of the highway network to accommodate the traffic which the proposals would generate."

Again this is neither a statement that the highway network cannot take the traffic generated from the development nor an amplification of the ground for refusal. It is noteworthy that Mr Oliphant, the District Council's traffic adviser was not engaged until April 1978, that is 5 months after the decision to include traffic considerations in the grounds for refusal, which were self-evidently speculative. His findings were not available to the appellants until immediately before the inquiry.

101. Meanwhile, the Company decided, despite the fact that the Wiltshire County Surveyor had raised no highway objection to the application, to carry out an independent survey of the existing traffic situation in Wootton Bassett and an investigation into the effect of the development on the existing road network. The results of this investigation are contained in document 31.

102. With the exception of High Street, no road-flow following completion of the Woodshaw development would exceed 50% of capacity (document 31, Table E, page 16). In High Street, using the County Surveyor's figure of 1,400 vehicles per hour capacity (document 32, page 83), which takes account of reduced capacity due to the nature of the road, there will be a margin of 2% reserve. Moreover, the proportion of traffic from Woodshaw using High Street expressed as a percentage of total High Street peak hour traffic would not exceed  $2\frac{1}{2}\%$ . By 1986 the capacity of High Street will be approaching its limit irrespective of the Woodshaw development; the value of an early start to the eastern distributor relief road as proposed by the appellants is evident.

103. Because Department of the Environment Technical Memorandum H11/76 on the "Design of Major/Minor Priority Junctions" gives recommendations specifically for the design of new or improvement of existing junctions, investigation into

junction capacities was based on Transport and Road Research Laboratory Report No 735 entitled "The Capacity of some Minor/Major Priority Junctions" which deals with the capacity of existing junctions. Justification for this course is supported by Road Research Laboratory letter dated 20 July 1978 (document 22). On this basis the development under appeal would not overload any junctions of the existing highway network (document 31, pages 21-47).

104. Sight distances at all junctions conform with the minima recommended in Technical Memorandum H11/76 with the sole exception of the Station Road-High Street junction, where in one direction 94% of the minimum only is available (document 31, Table A, page 5). This is an existing junction of classified roads in the town centre, a by no means uncommon feature of towns such as Wootton Bassett; it is nearly one mile from the nearest access to the appeal site.

105. Surveys shewed that maximum use of available car parking spaces during peak periods (Saturday mornings) was 80% with average utilisation of 73%. (Document 31, Table H, page 49). Although land was available for a central car park it has been taken up temporarily for allotments, which suggests that car parking was not regarded as a matter of great urgency by the District Council as the responsible authority. Provision is at present made for a car park for 150 cars in the District Council budget for 1980/81. Future car parking needs are difficult to assess; a significant factor is likely to be the attraction of the district centre being planned in the West of Swindon development which will have shopping and other facilities only 10 minutes drive from the Woodshaw development site. Much of this will have been opened by 1981 before any major development of the Woodshaw site has taken place. It is concluded that adequate car parking would be available in Wootton Bassett for such future demand as can be identified at present.

106. The question of accidents was not raised until the inquiry. The relevant statistics are analysed at document 33. The conclusion is reached that Wootton Bassett as a town has a better than average accident rate; on a national comparison it has in effect a better rate than 55% of other built-up areas.

107. Wootton Bassett town centre is typical of many similar throughout the country which have developed along main roads. The only way by which the effect of through traffic can be significantly alleviated is by the construction of an alternative route.

108. Development of the appeal site in the manner proposed by the appellants would enable a start to be made now on the relief road with the added planning gain of the works being funded by the appellants. Far from worsening the existing traffic situation, the proposal offers the only viable way of improving it in the foreseeable future.

109. Although the refusal notice referred to the traffic situation in the town, it is now suggested by Mr Oliphant that as a result of the proposed development, there would be overloading on the A420 (Swindon Road) outside the town east of the site. Measurements indicate that this part of the road is of 8 m carriageway width; the maximum working flow is therefore 1,781 vehicles per hour (document 34, page 3) compared with the highest forecast of 1,760 made by Mr Oliphant (document 40, addendum page 3). Even accepting Mr Oliphant's figures, the overload would be at most 22.65%; at the Haydon Wick inquiry in 1975 (document 15) the Secretary of State allowed the appeal, despite the fact that Thames Avenue, a main distributor, would as a result be brought up to 1.37 and possibly 1.49 utilisation (Inspector's Report page 53, point 18).

110. Throughout the course of the Company's lengthy discussions with both the County and District Councils, the principle of development in the eastern expansion

area has never been questioned until the decision of the North Wiltshire District Council Development and Planning Committee on 3 November 1977. Insofar as bodies other than the District Council have made representations regarding the principle of development, the Company questions whether these are representative of informed public opinion in Wootton Bassett. The Company does not accept that many of the propositions put to those members of the public who have responded adversely have been necessarily fair or balanced. Neither does the Company accept that the context in which growth and the supposed options to accommodate that growth have been placed by the Town Council and other opposing bodies, constitutes an accurate assessment of the needs and demands of the Swindon sector and much less those of the sub region.

111. During the negotiations with the planning authorities the appellants have tried to keep local residents informed of the issues involved and the reasons for their proposals. An article was published in the local magazine "Community" in 1974 and local people invited to write expressing their concern or giving their ideas. Only the Rugby Club responded, expressing their need for a suitable pitch. Meetings of the Civic Trust were addressed in April 1975 and again in July 1978. The Civic Trust in a paper (document 3), while finding the present application objectionable at the present time, accept the inevitability of eastern expansion.

112. A meeting convened by the Town Council in September 1976 was addressed by a company representative; whilst the majority of those present expressed their opposition, it has to be realised that the proposals discussed related to the whole expansion area, a much larger area of land (300 acres including land for drainage which would not be developed at all) than the present application under appeal. Opposition at the meeting was otherwise not so much concerned with outright rejection of all expansion proposals but rather with their effect on school provision, medical facilities, a "balanced" community and town centre parking.

113. Given the stance taken by the North Wiltshire District Council during late 1977, and the active lobbying of a local pressure group disapproving of expansion, the Company was anxious to ascertain with greater accuracy a representative cross section of response to its proposals. Accordingly, a letter was sent to the Secretary of each club and society in Wootton Bassett requesting an opportunity to address the committee members in order to explain the Company's proposals and the context in which they were set. Of the 106 societies in Wootton Bassett only 4 replied, of whom 3 took up the offer of a meeting, the Ecumenical Synod, the Townswomen's Guild, and the Civic Trust.

114. The Company believes that a significant element of the opposition derives not so much from opposition to expansion per se, but from concern over the impact of expansion on existing social and community facilities in an attempt to accelerate their provision. It is, therefore, important to look at existing levels of provision within Wootton Bassett in order to quantify the validity or otherwise of these claims.

115. Many of the services are provided by the county council. Wiltshire County Council continue to stand by their commitment to the IFF. The County Council has a statutory obligation to provide such population-based services as education.

116. Pressure on local primary schools is likely to increase requiring additional temporary classrooms but the county education officer does not take issue with the application under appeal. Secondary education is currently under review by the education authority as part of an overall re-evaluation of secondary school provision in this sector of the county (document 29-page 34). The Secretary of State for Education and Science in the document "Education in Schools, a Consultative Document" published in July 1977 noted that the school population was then at its peak.

117. The consultations the Company has conducted with the authorities responsible for the provision of services at Wootton Bassett have indicated that the proposed development will not over-burden those facilities (document 29). Some such services, for example medical facilities, are population related and are reviewed on an annual basis. An increase in population will, therefore, be taken into account at each annual review and the service provision improved accordingly.

118. Given the current restraints under which many services and facilities have to be managed, Wootton Bassett is broadly well provided. It is not accepted that lack of squash courts, or refreshment facilities at the sports centre nor the relative discomfort of the local Magistrate's Court are matters which in the current economic climate should hold up the provision of vital housing; similarly the present library facilities are below standard, but this is no reason for barring essential housing development. The appellants have offered £30,000 as an ex gratia contribution towards the cost of providing playing fields. It is not disputed that dental services fall below ideal requirements, but this is a reflection of a national situation.

119. Social and community facilities at Wootton Bassett cannot be viewed in isolation but must be set in the context of the surrounding sector and more particularly of Swindon and its Western Expansion Area. Swindon performs the role of a very well provided sub-regional centre in terms of shopping, community, cultural and medical facilities, and functions as a major centre of employment easily accessible to Wootton Bassett as a whole and to the appeal site in particular.

120. The planned expansion of Swindon to the west is now proceeding apace at Toothill and will provide increased employment opportunities. In addition to such development, the Secretary of State's confirmation on 17 January 1978 of further growth in the Western Expansion Area of Swindon will ensure the provision by 1981 of further shopping, employment, and social and community facilities within 10 minutes driving time of Wootton Bassett.

121. Both on the basis of its consultations as set out in document 29, and in the context of facilities which are already available in Swindon, or which will shortly become available, the Company does not accept that the provision of facilities for residents at Wootton Bassett is inadequate or that further expansion at Wootton Bassett will cause such provision to become inadequate.

122. With regard to the relationship of the eastern expansion development area to the existing town, it is pertinent to note the report of the officers of North Wiltshire District Council to the Development and Planning Committee on 3 November 1977, with regard to the Company's proposals (document 28, page 11):

"The problems of separation of the proposed development for the existing town as earlier recognised by the Committee are considered to have been largely overcome in the revised application. In particular, improved road and footpath links with the existing town encourage integration."

123. Linkages in terms of personal and community relationship are formed through clubs and societies, parent teacher associations, and the workplace. Wootton Bassett has a varied and thriving number of clubs and associations, and the Company is willing, where possible, to help introduce those newcomers to the community of Wootton Bassett through eastern expansion to the existing clubs and organisations in the town. The Company has also offered for the first 5 years of development to underwrite financially the cost of production and distribution of the magazine "Community" to all those moving into the expansion area.

124. The "resources" available to both the District Council and the County Council comprise, in the main, their respective (a) rate levies (primarily available for meeting expenses other than capital expenditure though to a limited extent

they can be available for capital expenditure as well) and (b) borrowings for capital expenditure. Other available resources such as capital receipts and internal funds are relatively negligible.

125. No one can dispute the fact that for some years, from about the latter part of 1974, it has been the Government policy to apply severe curbs on the expansion of local government expenditure, as a part of the public expenditure sector. It is further agreed that it is the Government's present intention to persist with similar policies for some years yet. Command Paper 7049, presented to Parliament in January 1978 gives the public expenditure plans up to 1981-82 and DOE Circular 28/78 distils from the Command Paper, the budgets affecting all local authority services.

126. Table H1 (document 35) presents an extract from the Command Paper referring to the local authority sector. This shows the expenditure on main services groups 1972-73 to 1977-8 at 1977 price levels and the projected targets for the next 4 years, to 1981-82 on the same constant price base. Small annual increases are allowed for, for the next 3 years, at constant prices but certainly these increases are minimal.

127. Restraint on public expenditure is therefore a fact; in a sense it has always been so. It is however irrelevant in the context of the present appeal for the following reasons:

a. Despite the severity of the restraints at no time have the Government suggested that the attainment of restraint in public spending should be secured by limiting normal housing development or that the planning process should be used to secure that end. All housing has some needs and environmental amenity may need to be postponed or omitted; this applies everywhere, not only to Wootton Bassett.

b. Similar pleas made on behalf of the Wiltshire County Council in relation to the Haydon Wick (Swindon) development 1975 (document 15) and the West of Swindon developments (document 16) were unavailing, not being supported by the respective Inspectors or the Department of the Environment. (Wiltshire County Council make no such submission in this case though they are the authority affected to the major degree).

c. Housing and related development is proceeding all across the country. If the plea of general restraint on resources were a legitimate objection it could apply almost universally.

d. Major policy decisions approved by the Government such as the expansion of the "Swindon area", in population and housing would have to be seen as in conflict with Government policies generally. Obviously they are not so regarded.

128. In certain circumstances, undue strain on local financial resources might be adduced as relevant to consideration of a proposed development, for example a new town proposal which threatened to monopolise allocation of resources (not applicable in the present case) or where the existing rate burden borne by ratepayers was unduly high and the proposed development involved additional burdens not matched by commensurate increase in resources and/or not matched by adequate contributions from the developer.

129. The latter situation does not prevail in the present case. The tables (document 35) make it abundantly clear that North Wiltshire does not carry an unduly high rate burden. It is one of the lowest rated districts in England; of the 296 districts, only 23 in 1977/78 and 30 in 1978/79 had a lower rate levy which was in those years little more than half the average district levy in all

districts. This is no criticism of the District Council's finances, rather the contrary, but it establishes that there are no grounds for special pleading for North Wiltshire. Taking account of the county rate (by far the major part of the total rate) a similar picture is presented; in only 31 (1977/78) and 15 (1978/79) districts was the total rate levy lower than for North Wiltshire and then only fractionally so.

130. Nor is the North Wiltshire District unduly burdened with debt compared with other districts in Wiltshire. Expressed in relation to population, the figures at April 1977 were;

	Housing (Council)	Other than Housing	Total
	£	£	£
North Wiltshire	210	64	274
Kennet	207	34	241
Salisbury	206	50	256
West Wiltshire	200	76	276
Thamesdown (exceptional)	294	426	720

131. Likewise, North Wiltshire's current capital expenditure programme is normal in every sense. The capital expenditure programme for each of the Wiltshire districts in 1977-8, expressed in relation to population, was:

	Housing (Council)	Other than Housing	Total
	£	£	£
North Wiltshire	19	12	31
Kennet	28	11	39
Salisbury	28	9	37
West Wiltshire	21	18	39
Thamesdown	56	64	120

132. Admittedly the district council has had to postpone certain projects in its capital expenditure programme. This of course has been the common lot of all local authorities in response to the Government's policy of restraint in public expenditure. There is nothing unusual in the North Wiltshire situation. The restraints imposed on North Wiltshire are no more severe, relatively, than those suffered by other local authorities. It cannot reasonably be argued that all housing and related development should be suspended whilst the period of restraint continues.

133. The situation would be different if the proposed development was likely to involve the local authorities in unduly high infrastructure and service costs. This is not the situation; the developers will meet the costs of all basic infrastructure works.

134. In so far as the development involves an increase in the population of Wootton Bassett it will in due time involve the cost of the extension of some services (eg refuse collection) and some extra but limited pressure on amenity services. This is the normal consequence of development anywhere, but rating resources increase commensurately with population increases. The cost of the expansion of local services should be quite marginal and should fall well short of the increase in rating resources. Furthermore, it is the desire of the Council

to provide certain additional facilities in Wootton Bassett. These the Council deem to be needed for the existing population. It could well be that the increased rate base will help to facilitate their provision.

135. The District Council claim that development at Wootton Bassett would inhibit their policy of achieving major growth at Chippenham. But there is no clear plan at Chippenham where expansion seems at best to be just the current favoured policy of the District Council. It cannot, in any event, be reasonably argued that people who might want to come to Wootton Bassett ought to be encouraged to go to Chippenham, over 20 miles away and far from the core of the Swindon expansion area.

136. The District Council claim to speak for the County Council; it is implied that the development at Wootton Bassett would draw off county funds which are needed for development at Chippenham. But this does not appear to be the case:

i. expenditure on roads in the Chippenham area is required (and proposed by the County Council). But this is required in any event, either with the present population or for an increased population to the limits favoured by the County Council;

ii. similarly with schools, whatever the requirements are they are appropriate up to the population favoured by the County Council.

137. In respect of the District Council, it is suggested that expenditure would be required on services and amenities at Wootton Bassett, taking up money that Chippenham requires. But there is no evidence that the proposed development would require significant expenditure at Wootton Bassett - at its highest it is a matter of increasing services to some degree and in the course of time meeting pressure for facilities for which the need is there in any event.

138. The District Council claims that the present proposals are premature first because of the consultations in connection with the Planning Policy Review Part 2, and secondly the County Structure Plan preparation and the planning appeals for the West of Swindon area.

139. These objections are without foundation for the following reasons:

a. The expansion of Wootton Bassett is a commitment in the Planning Policy review documents and is not therefore an option to be affected by public participation.

b. The County Council, which is the Structure Plan authority, regards this proposal as a commitment and therefore an input into the Structure Plan analysis and not an option.

c. The West of Swindon appeals have been determined and the decisions have confirmed the expansion of Swindon and thus the consequential and complementary development in the rural area.

d. The County Council clearly consider that consultation with the North Wiltshire District Council on the Planning Policy Review are completed as a letter from the Wiltshire County Solicitor and Clerk to the Chief Executive of the North Wiltshire District Council dated 17 April 1978 shows.  
(Document 27A).

140. The present proposals would not result in rural development being "out-of-step" with urban development in Swindon. The latter has fallen behind due to the failure

of the County Council to release land, whereas the former in so far as Wootton Bassett is concerned is "on target". Recent releases of land in the urban area are not a substitute for approved complementary rural development; the proper expansion of Swindon must provide a full range of housing by type and location if it is to continue to be successful.

141. As regards the alleged unacceptable strain on existing social and community facilities, Wootton Bassett is by no means badly provided compared with many other small towns, and the very considerable facilities of Swindon are readily available. It is right that expansion should take place where there are reasonable existing facilities. The County Council, the authority mainly responsible for their provision has raised no objection. Many of the facilities are "population-related" and there is a statutory obligation on the County Council to provide them. In other cases the increased population base would encourage their provision. Public concern over the effects of town expansion is understandable but in the present case there is a strong emotive element based on exaggerated population forecasts made by the Town Council; the District Council has remained neutral in the controversy over population figures.

142. Pressure on communal facilities is a problem which the local authorities must remedy; it cannot be resolved by failing to provide houses when and where they are needed. Evidence on the dramatic shortfall of housing land in the rural area was not effectively challenged. Growth in Chippenham, which the District Council prefer, would have little if any benefit in meeting the needs of the Swindon expansion plans approved by the Secretary of State.

143. All the criticisms made by the District Council in respect of the original proposal were met in the revised proposals submitted on 14 July 1977 with the exception of the proposal to delay the start (paragraph 76 above refers). Subsequent delays are however having the result that first occupations are now unlikely before 1980 at the earliest.

144. The County Surveyor has raised no objections on traffic grounds and his views are supported by the analysis of the appellants' expert witness Mr Jones. According to the IPP (table at end) the proposed by-pass was not required until after phase 3; the present proposals would result in the start of the relief road much earlier.

145. According to Mr Oliphant, the 2 critical areas are the High Street and the A420 (Swindon Road) outside the town altogether. Based on the agreed figures for traffic generation and directional split, the increase in traffic at normal peak hours on High Street arising from the Woodshaw development would be 2½%; if special conditions arise on Saturdays because of shopping requirements, they are primarily parking problems the solution to which lies in the District Council's own hands. It is not accepted that any serious overloading of the A420 (Swindon Road section) would occur, but even if it did it is submitted that it would be within limits found acceptable elsewhere.

146. The decision of the District Council disregards the policy of the strategic planning authority, Wiltshire County Council, which responsibly seeks to ensure that growth is channelled into those areas best able to accommodate it. It ignores current housing need and demand in this area which has been established before the Secretary of State so many times and is certainly not in keeping with the spirit of Circular 63/77 on Housing Investment Programmes or Circular 44/78 on Private Sector Land: Requirements and Supply. The substantial capital investment made by the Company has been totally disregarded and no account taken of the fact that this provides valuable support to the public sector in a time of economic restraint.

147. In the light of circular 122/73, there is a strong presumption in favour of releasing this land for housing; no compelling reasons for refusal have been advanced, certainly none which would justify refusal in a growth area. The onus of proof that the land should not be released lies on the District Council; they have failed to discharge their duty in this respect (circular 9/76 refers).

148. On almost every count the decision of the District Council demonstrates the imprint of caprice rather than thoughtful judgement. Their decision was taken against the advice of the professional officers of both the Wiltshire County Council and the North Wiltshire District. On the admission of the District Council's principal planning witness, Mr Gifford, "the council fumbled a bit" and "it was a question of who put the stronger view on a particular day as to what action prevailed". It is the duty of Councillors to act judiciously; in the event they did not do so but allowed purely local considerations to override the wide needs of county, regional and national policy.

149. This inquiry is essentially concerned with equity in planning and the relationship between the building industry and the planning system. The decision of the North Wiltshire District Council in refusing the application strikes at the very heart of proved and tried planning procedures. If the current appeal is not upheld, then the relationship between formally adopted plans and the building industry's investment decisions will be totally disrupted as will the relationship between those who plan and those who implement proposals. The end result would be planning anarchy.

#### THE CASE FOR THE NORTH WILTSHIRE DISTRICT COUNCIL

The main matters were:-

150. The application under appeal must be related to the planning policies for Swindon and the sub-region of that town which includes Wootton Bassett. It has for many years been recognised that Swindon should be the focus of major growth in this part of the South West Region of England. Much has already taken place; over the last 25 years the industrial and commercial base of Swindon has been completely restructured and there has been considerable population growth through increased migration and natural increase. Since the late 1960s further growth of Swindon has been a recognised policy at national and local level. North Wiltshire District Council acknowledge those policies but with reservations. The rate of growth and the level of growth of Swindon itself should not be seen as absolute commitments. The forecasts of population and jobs contained in the Silver Report and the subsequent Sub-Regional Study generated the idea of a Swindon expansion aimed at '200,000 by 1986' and it is, in the District Council's view, unfortunate that this still appears to be regarded as a 1986 'target' by Thamesdown Borough Council.

151. North Wiltshire District Council must clearly be concerned at the rate of growth of urban Swindon because of its consequences for the surrounding area including Wootton Bassett. By resolution of the Planning and Development Committee of 25 April 1977, the District Council's observations on the North East Wiltshire Planning Policy Review Part 2 (Document 12) included:

"...population and employment projections for the Swindon Urban Area must, for the foreseeable future, be viewed as more likely to accord with the "low" projections contained in the report". (Document 36.9 minute 126).

152. The inquiry into the west of Swindon expansion proposals opened in May 1977; evidence was given on behalf of the District Council in support of the

County Council's objections to planning permission being granted. (Document 36.4). The Secretary of State however allowed the appeal, accepting his inspector's conclusion that:

"...in more recent years there have been changed circumstances and changed policies which could be thought to have an adverse bearing on continued expansion, but there is no evidence of any kind to indicate a Government conclusion that Swindon's growth should be slowed down, let alone stopped". (Document 16 page 2).

The implication that 200,000 for urban Swindon by 1986 is government policy is accepted but the possibility of its achievement is questioned.

153. Large-scale expansion of Swindon has an impact on the surrounding sub-region, by way of pressures for development on the towns and villages within that sub-region. It is not possible to totally resist those pressures, but it is incumbent upon a planning authority to try to control and direct them. The Silver Report recognised the situation and sought to direct those pressures chiefly to the towns of Highworth, Cricklade and Wootton Bassett which were identified as towns which could accept some development. However, that report recognised that the capacities of each of those towns was limited. At that time it was suggested that a population of 12,000 for Wootton Bassett might be the desirable maximum.

154. The Swindon Sub-Regional Study which followed the Silver Report went on to recommend that a total population of 12,500 in Wootton Bassett by 1986 should be the desirable maximum. The Wootton Bassett Interim Policy Plan, however, reduced that figure to "about 11,500 by 1986" after carefully examining potential future housing development areas adjacent to the town, and this figure was agreed after a full public participation exercise.

155. The function of the 3 towns of Highworth, Cricklade and Wootton Bassett was, and is, to enable land to be made available, in parallel with the release of land in Swindon, in order to provide a reasonable choice of houses and locations to the population of the area during the time of major growth. It is therefore of the utmost importance that the release of land in Wootton Bassett should be in step with the release of land in Swindon. This had not happened in the past.

156. The North East Wiltshire Planning Policy Review Part 2 (Document 12) showed that the proportionate growth in the rural areas surrounding Swindon was, during the period 1961-71 far higher than was anticipated in the Silver Report:

"Relationship between urban and rural growth  
2.40 The Part 1 Study of this Sector revealed that population growth has been divided between the urban and rural settlements in the period 1961-71, in the ratio of 55:45. This is a far higher proportion of growth in the rural area than was anticipated in the Silver Report".

A policy or policies aimed at reducing the amount of growth in the rural areas was seen as a major objective of the Planning Policy Review and is supported by the District Council.

157. During 1974-75-76 - time of most acute national economic problems - development at Wootton Bassett continued at a very high level. No doubt development brings benefit by way of increasing commercial opportunities and infusing 'new blood' into the area, but scarce land was used-up out of step with the development of land in Swindon and Wootton Bassett was called upon to absorb, socially and structurally, a large new influx of population. Whilst this growth was going on, local authorities, both District and County were precluded by severe financial

restraint, from providing essential community facilities, such as off-street car parks, a new police station, health centre, a new library and new roads to alleviate traffic congestion - matters identified in the Interim Policy Plan.

158. When the County Council were preparing the Wootton Bassett Interim Policy Plan, a Town Centre Plan was being prepared alongside. The Town Centre Plan was never finalised but it exists in draft form, and shows proposals for the construction of rear-access service roads, off-street car parks and proposals for a new library, police station etc.

159. None of these proposals has been realised although the land on the north-west side of the High Street is largely owned by the County Council and, indeed was purchased by them for the purposes of the provision of public buildings and uses as the town expanded.

160. The rapid growth of the town together with no improvement in roads, parking and social and community development lies at the root of the intense public opposition to the present proposals for further development and with which the District Council fully sympathise as evidenced by their refusal of permission.

161. In the months preceding the application under appeal, members were aware that there was considerable concern in Wootton Bassett over the present population of the town. It was the view of the Town Council and others that the population of Wootton Bassett was higher than that allowed for in the programming of development envisaged in the Interim Policy Plan and that further large scale development would greatly exceed the limits laid down in the Interim Policy Plan.

162. Officers of the District Council sought to estimate the existing population of Wootton Bassett and considered that the population of Wootton Bassett in April 1977, was between 9,000 and 9,500 but were reluctant to be more precise than that.

163. At a meeting held on 18 April 1977, between Members and officers of the District Council and Members of the Wootton Bassett Town Council and their Town Clerk at Wootton Bassett to discuss the application for development at Woodshaw, the Town Council firmly expressed the view that the population of the town was considerably higher than that suggested by Officers of the District Council, and that a population in excess of 10,000 was nearer the true level. Furthermore, there was considerable discussion on the principle of further development in Wootton Bassett which the Town Council felt was undesirable. The Town Council recommended the District Council to refuse the application.

164. On 25 April 1977, the Development and Planning Committee considered the report of their working party set up in February to consider the implications of the North East Wiltshire Planning Policy Review documents and associated matters. The committee resolved that the following observations in respect of Wootton Bassett be passed to the County Planning Authority:-

"e. Wootton Bassett

In order that:-

- i. adequate educational and other community facilities and infrastructure are available at all times;
- ii. the environment is safeguarded; and
- iii. problems of social integration are minimised

the policies in the draft Structure Plan and conditions imposed on individual planning applications regarding programming, density etc should be designed to ensure that the 1991 population for Wootton Bassett does not exceed 11,500 persons. In view of the increased demand being placed upon the existing facilities within Wootton Bassett by the surrounding settlements within this sector there is a strong need for them to be improved accordingly, and that the County Council be asked to provide information in particular as to their proposals for improving the educational facilities in the town. (Document 9, minute 126, 1.1.2(e))."

165. At the same meeting it was resolved (minute 129) by a majority that the following observations in respect of the Woodshaw application which was recognised as a "county matter" be forwarded to the County Planning Authority:-

"1. That in the light of the existing population and the known and accepted limit on population growth for the town, some additional development in the eastern sector be accepted in principle.

2. The density of such development should be carefully examined and a resulting population of 1,500-1,650 should be regarded as the maximum density range accommodation at 50-55 habitable rooms per acre.

3. "The form of the present application is such as to result in the development of an isolated residential area and the possibilities of integrating new development with existing development should be fully investigated. In particular the proposed road pattern appears to encourage separation rather than integration.

4. Bearing in mind the concern expressed on the effects of rate of growth on the existing physical and social structure of the town, the start on the development of this site should be delayed by some 3-4 years to permit the assimilation of existing development into the town."

166. Following reference back by the full Council, the Committee resolved at their meeting on 31 May 1977, nem con, that the original observations be submitted to the County Planning Authority, subject to the addition at the end of observation No 1, the words:

"...within that limit". (Document 11, minute 7).

Although questioned at the full Council meeting on 19 July 1977, the amended observation were not further changed.

167. Throughout their deliberations, members of the Working Party and the Development and Planning Committee were increasingly aware of the concern of Wootton Bassett Town Council and of many groups and organisations in Wootton Bassett over the proposals for development. Copies of letters and submissions received and a petition are at Documents 37(i) and (ii) (pink paper). The revised application made by the appellants on 14 July 1977, the subject of the present appeal, gave the Council a further opportunity to consider the proposals. The Town Council, having expressed grave doubts on the validity of the population calculations made by the Officers of the North East Wiltshire District Council, asked for time to prepare their own survey for the District Council's consideration.

168. In order to give time for the survey to be done, the meeting of the Development and Planning Committee on 2 August 1977, deferred consideration of the application to a special meeting of the Committee on 5 September 1977 which was further deferred to 21 September 1977, due to the late receipt of information from Wootton Bassett Town Council relating to the population of the town.

169. This meeting was again deferred to 3 November 1977 due to the steady inflow of letters of objection and correspondence from the Town Council. It was preceded by a joint meeting on 2 November 1977 at which County Council members and officers were present and representations from the Town Council were considered. The meeting on 3 November then took place in the presence of a large number of residents from Wootton Bassett who had attended the meeting especially to hear the debate, and who more than filled the public gallery in the Council Chamber at Chippenham. The agenda and other material put to the Committee are at Document 36.13.

170. Among other material before the Committee was a population survey submitted by Wootton Bassett Town Council which indicated a population of the town at the date of survey (August 1977) of approximately 10,700. In a joint paper prepared by the Officers of the District and Council Authorities, also before the Committee, it was concluded that "a population of around 9,500 persons for the parish (9,200 in the Interim Policy Plan area) would not seem unlikely; figures of around 8,500 and 10,500 would seem less likely". The Officers added that none of the estimates by the Town Council Survey or subsequent planning department researches could be "proved". The Committee remained neutral making no formal comment on the population question.

171. The Officers recommended that observations should be passed to the County Authority to the effect that the application be given permission conditionally (Document 36.13, agenda page 2). The application was however refused (Document 36.14, minute 65) and the decision confirmed by the full Council on 15 November 1977.

172. The Wootton Bassett Interim Policy Plan was prepared by the County Council during the period 1971-73 and was finally approved by the County Council in July 1973. This procedure was in accordance with Department of Environment advice current at the time. On re-organisation, the plan was passed to the new District Council as a 'notified document' to which the District Council was required to have regard in considering matters of planning policy in the district, and is now regarded by the county council as a "commitment" to which regard must be paid in structure planning (North East Wiltshire Planning Policy Review Pt 2, para 5.16 - document 12). The county council's views on what constitutes a "commitment" in planning terms was the subject of criticism at the inquiry into the west of Swindon expansion (document 16 para 328). In their negotiations with the appellants, the officers of the council paid close regard to the content of the Interim Policy Plan, although it should be added that at no time did the District Council debate its merits or contents. Although the Officers' report raised no technical objection to the proposal, it was felt that there were other factors which should take precedence over the purely technical considerations.

173. The members of North Wiltshire District Council firmly believe that planning is not a purely technical matter. In maintaining that position, the Development and Planning Committee have not delegated any of their powers of decision to Officers on any planning application. Officers' delegation is a matter that has been considered on 2 occasions since re-organisation - the last in March 1978 - but members hold the view that, in order to consider all aspects of a planning decision - the human side as well as the technical considerations - the final decision should rest with the elected representative.

174. The members of the Development and Planning Committee during 1977 found themselves on the horns of a dilemma. They were aware that the Wootton Bassett Interim Policy Plan was the notified policy document which should guide their consideration of the development of Wootton Bassett. Indeed, Officers had been involved in lengthy negotiations with Bradleys for over 2 years with a view to securing a satisfactory application from a technical planning point of view.

175. However, members experienced a growing disquiet in themselves and expressed to them by the Town Council and members of the public and local organisations that the scale of development proposed was too large and too rapid, on top of the development of the town which had taken place within the previous 2 or 3 years. These reservations, at first, expressed themselves in resolutions of the Committee seeking to control the amount and rate of development and by seeking to delay the start of the development.

176. Members of the District Council were however becoming increasingly aware of public concern that the community was in danger of being swamped. Not that newcomers were unwelcome as persons; far from it, the town has a very active social and community life involving all sectors. But there was a need for time to absorb the new population. These are observations impossible to quantify, but which must be given due weight in considering planning proposals of the present size and importance. It had become clear that the people of Wootton Bassett were overwhelmingly opposed to the proposed development and councillors must listen to that public view.

177. In the view of the District Council, the problem in the Swindon sub-region is not the promotion of growth, but the need to control growth through a policy of programmed land release in order to husband the land resources and to reduce, so far as possible the impact of major rapid development on the towns and villages. In considering its response to NEWPPR2 the District Council paid particular attention to 2 issues. First, the growth potential of Swindon itself, bearing in mind the duty of the District Council to programme the release of land in the North Wiltshire part of the Swindon sub-region 'in step' with the development of land in Swindon. Second, the future of Wootton Bassett itself, both in the short-term and in the wider context of the Swindon sub-region over the next 10 or 15 years.

178. With the Secretary of State's decision in January 1978 (document 16) to permit development of very large areas of land west of Swindon it is clear that there is support at national level for the continued expansion of Swindon. In allowing the appeal the Secretary of State concurred with his Inspector's view that land with planning permission would then, as it should, accommodate the growth of Swindon for some 7 to 10 years. Development at Toothill has been progressing for some 2 years and there remain several hundred acres to be developed, while on the additional areas considerable infrastructure works are required and the prior preparation of a master plan was a condition of the planning permission.

179. It is, in itself, a reasonable assumption that, since more land has been released for Swindon's growth, land might also be released in the sub-region in parallel with it. However, that assumption must be tempered by 2 factors. First, what has happened in the past in respect of the relative rates of growth of Swindon and its sub-region, and second what is the relative availability of land in Swindon and the sub-region over the next few years.

180. Wootton Bassett has expanded year by year since the late 1940s, but major growth took place in the late 1960s and is still going on. The highest rates of building in Wootton Bassett in fact took place in the period 1973-1976 - at a time when, nationally, the house completion levels were very low. One major reason for this growth can be identified readily. The years 1974-76 were a period during which Swindon was 'between' major developments. The housing areas of the Dorcan, east of Swindon were nearing completion and the Toothill area, west of Swindon was not yet fully available. In fact far from being 'in step' development was clearly 'out of step' and the choice of housing area, for prospective purchasers, was limited. Additionally the houses then being built in Wootton Bassett were attractive to first time buyers and it seems likely that many were occupied by families moving out of Swindon and not new to the area.

181. Officers of the County Council have said that, if the application had come before them it would have been recommended for permission since the application was in accordance with the Interim Policy Plan for Wootton Bassett which was a 'commitment' of planning policy. This attitude appears to the District Council to be totally at odds with the intention and spirit of the NEWPPR2, which was a consultation document leading to the structure plan and intended inter alia to discover views and attitudes on levels of growth in the area.

182. The very title 'Interim Policy Plan' meant 'interim' pending the structure plan. It is accepted that the world cannot stop pending the advent of the Structure Plan, but the plan for Wootton Bassett should not be regarded as absolute, and the time is now right for its reconsideration.

183. The County Council has said, in meetings with Members and Officers of the District Council that the eventual development of Wootton Bassett could continue, taking in all the land shown on the Interim Policy Plan, yielding a total population depending on occupancy rates possibly in excess of 13,000 (not the 11,500 mentioned to the public, ie an increase of 15%). This view is totally unacceptable to the District Council. Irrespective of the outcome of this appeal, the District Council will continue to press the County Council for a change in policy on Wootton Bassett. The refusal of the County Council to discuss the matter further at present or to take part in the present inquiry is regrettable. (Document 36.15).

184. The District Council's stance expressed in the first 2 reasons for refusal is not that there should be not more development in Wootton Bassett but that there should be a 'breathing space' prior to the release of more land, and that the local plan for Wootton Bassett should be reviewed and the longer-term development of the town re-examined as part of the work leading to the formulation of the County Structure Plan. The development of Wootton Bassett should be viewed in the Structure Plan context and not as a separate issue.

185. The third reason for refusal is concerned with the likely impact of further developments on the town of Wootton Bassett. Wootton Bassett has, during the last 7 years or so increased in population from about 6,600 to possibly 10,000 - some would say more. It was, and indeed still is in many respects, a small country town offering a wide range of shops and services and serves a fairly wide rural area to the north and west. Its commercial life appears vigorous and competitive and it has not been overshadowed to any marked degree by the proximity of Swindon. It has so far adapted to change very well.

186. Whilst there has been an expansion in the commercial and social life of the town, there has not been a commensurate expansion in the provision of local authority and other services. The financial stringencies of the last few years have in large measure prevented such developments, and even now the very limited availability of public sector finance can hold out little hope of significant improvement.

187. It is this aspect of further development, namely the unacceptable strain on the existing town, that has been a particular point of concern to the public and to the Town Council. These views have been put forcefully and articulately to the members of the District Council by the Town Council and the organisation SANE. District Council members fully sympathised with those views and gave them considerable weight in reaching their decision on the application.

188. It may be said that facilities follow, but do not precede population; the population of Wootton Bassett has already grown considerably and no additional facilities have followed. Apart from housing, the only expenditure by the local authorities on facilities completed since 1973 has been the replacement of a toilet block in the town centre.

189. Alongside the Interim Policy Plan, a draft Town Centre Plan was published. (Document 7). The land shown in this plan on the north-west side of the High Street behind the shops is in the ownership of the County Council. It was acquired by the County during the 1960s in order to provide buildings to accommodate a wide range of services. The plan envisaged ultimate provision of rear servicing of all premises fronting High Street, and the development of the land north-west of the High Street for civic and community uses including a police station, a public car park and possibly a health centre, magistrates' court and permanent library. (Document 7, page 6). None of these projects has come into being, and none are included in the present County Council 3-year capital programme ending 1980/81.

190. Before any further development takes place in Wootton Bassett it is necessary to plan in considerable detail for the implementation of the draft Town Centre Plan. This involves financial commitment for the County and District Councils and planned expenditure over a number of years.

191. The District Council has for some years included financial provision for a car park but financial restraints have resulted in the work being postponed; it is at present included in the forecast for 1980/81 but may be further postponed because of the cost involved. Temporary provision might be possible but would be difficult because of soil conditions and access problems.

192. The police station remains in an old unsuitable building in Station Road as do the Magistrates Courts. The library is in a temporary building behind the High Street; the selection of books is limited by the inadequacy of the library premises and the proposed development would not bring the population total within the next higher library "group", so that the library service would inevitably deteriorate. Excellent facilities exist in Swindon, but cost of travel then becomes a factor.

193. An area within the appeal site adjoining Stoneover Lane was identified in the Interim Policy Plan for open space purposes. Part has been acquired by the County Council and is the subject of negotiation with the ultimate aim of leasing to the Town Council for use as a sports field; Mr Roberts as owner of the other part is unwilling to sell. (Plan B). The District Council has not yet been able to include the cost of grading and seeding the site, which would in any event only suffice to replace the former Show Field recreation area on which Council housing has been built. The appellants have now made public an earlier confidential offer of £30,000 for provision of a recreation field if planning approval is forthcoming.

194. The so-called Wootton Bassett Sports Centre comprises shared use of Wootton Bassett comprehensive school sports hall, swimming pool and hard tennis courts. It lacks social amenities and its use is consequently limited. The provision of £10,000 for improvements has been postponed; the District Council would be pleased to enter into a substantial scheme of improvements, but it is unlikely to happen for some years in the present climate of restraint.

195. The County Council has acquired a site within the appeal site for a primary school which would be needed at an early stage of the development.

196. The local purpose-built comprehensive school has at present 14 temporary classrooms. In a memo dated 19 April 1978, the County Education Officer stated that the total number of children on the roll in January 1978 was 1,364 against available accommodation of 1,430. (Document 38). The proposed development would alone give rise to 136 secondary pupils in the long-term; in the early years the County Education Officer says he would expect a substantial excess in numbers of pupils for whom temporary accommodation would be needed.

197. Temporary classrooms give rise to serious management difficulties, including problems of control of children and to greater pressure on communal resource areas of the school. There is no provision in the current county budgets for permanent extensions to the school.

198. The severe reductions in the level of public expenditure over the last 4 years have created a totally new environment in which plans for expansion of services involving sizeable capital investment have had to be totally re-thought. It is abundantly clear that the reduction in permitted spending which the Government has imposed on local authorities in general in recent years are more than a short-term reaction to economic difficulties and represent a more fundamental reappraisal of the position of public investment in general. Against the background of national indicators of this nature, the District Council in its own restricted sphere of operations has itself felt the impact of these changes, both in respect of its recent investment parameters and also those against which it must now operate for the foreseeable future.

199. As an illustration of the problems which have occurred, the following figures representing levels of permitted borrowing for capital purposes in the locally-determined sector of the Council's activities (expressed at November 1977 prices) indicate the extent of the problem:-

Permitted Borrowing Totals - Locally Determined Sector (Constant Prices)

	£
1975/6	575,030
1976/7	350,750
1977/8	193,050
1978/9	151,225

200. The White Paper "The Government's Expenditure Plans 1978/9 to 1981/2" (Command Paper 7049) provides the background against which Councils have to plan their capital investment for all functions throughout the area. The figures relate to planned levels of investment to be permitted by the Government, either through the direct influence of loan consents, or, as appears to be actively under consideration, by more specific controls directly upon the level of investment itself.

201. The level of planned expenditure promulgated by the Government for the period in question under the heading of "Other Environmental Services" within the locally-determined sector are as follows (£m at 1977 survey prices):-

1975/6	1976/7	1977/8	1978/9	1979/80	1980/1	1981/2
<u>£445</u>	<u>£340</u>	<u>£159</u>	<u>£121</u>	<u>£139</u>	<u>£162</u>	<u>£162</u>

202. The corresponding figures for the total of the locally-determined sector are as follows (£m at 1977 survey prices):-

1975/6	1976/7	1977/8	1978/9	1979/80	1980/1	1981/2
<u>£755</u>	<u>£605</u>	<u>£396</u>	<u>£343</u>	<u>£359</u>	<u>£399</u>	<u>£382</u>

203. In neither case does the level of permitted expenditure for the period under review reach anything approaching the levels of 1975/6 or 1976/7; only under the specific heading of "Other Environmental Services" is there in fact even the most marginal improvement in prospect over the investment levels permitted for 1977/8 which themselves are totally inadequate.

204. Against this financial background Councils have of necessity been required to reappraise their investment plans with a view to ensuring that such finances

as can be made available for capital investment are concentrated where they can be used most effectively. It is obvious that a dissipation of effort will be totally unproductive against an economic background of this severity. In these circumstances the Council must concentrate its available resources on specific objectives.

205. In respect of Wootton Bassett, the District Council's Forward Programme, as developed in recent years (Document 41) has indicated necessary expenditure on car parking and recreational facilities to serve the town. Amounts of upward of £25,000 have been allocated in the provisional Forward Programme for recreational land acquisition and development and in excess of £70,000 for car parking provisions. Sums have also been included for the improvements to the Sports Centre and for the relocation of the Council's Depot at Wootton Bassett. In all cases reappraisals of capital investment levels have required inevitable postponement of these projects as well as others which could not, because of limited resources, be included in the Programme in the first place.

206. With the difficulties which have been experienced in the recent past and which can be clearly and incontrovertibly seen for the foreseeable future it is clear that investment of the type which would be required to serve an expanded town of Wootton Bassett while at the same time catering for the more immediate needs of other centres in the District will be completely out of reach of the Council.

207. In its response to the Planning Policy Review documents prepared by the County Council as part of the Structure Plan proposals the District Council has seen that it is only in the Chippenham area that any significant growth in population can be both accepted and accommodated. Because of land and infrastructure availability the Council is concentrating its resources in that area with the expressed purpose of creating further employment opportunities and attracting additional investment to a town which, it is generally agreed, has suffered from a lack of investment in the past.

208. In pursuance of that policy, at a recent meeting of the District Council authority was given for the expenditure of £340,000 in opening up a new employment area in Chippenham. Against the background of the Council's total capital investment programme this sum represents an enormous proportion, but it is, nevertheless, a true reflection of the Council's firm intent to prevent a deterioration in the economic prosperity of the Chippenham area. It is clearly, therefore, impossible for the Council to contemplate expenditure of the levels which it has long recognised should be made, in particular in Wootton Bassett, at this time and any development proposals which exacerbate the present difficulties in the town must be resisted. No local authority can reasonably withhold its resources where there is urgent need, but in times of constraint such as presently obtain and which seem likely to continue in the future it is an irresponsible authority which does not carefully plan the use of limited resources to best effect. This involves difficult choices which materially affect such fields as planning and housing, but they are choices which the Council must make and which inevitably, whilst pleasing one sector of the community, must disappoint others.

209. It is therefore clear that some breathing space must be allowed at Wootton Bassett if the Council is properly to discharge its obligations to the present inhabitants. Hopefully the future may permit the present financial stringency to be eased and allow the Council to implement its stated objectives. When this is permitted it should then be possible to consider some modest enhancement of the town. But it is at this time too early to make that decision.

210. With regard to traffic, the District Council engaged an independent traffic consultant, Mr D N Oliphant; his report is at Document 40. Both the Wootton Bassett

Interim Policy Plan and the draft Town Centre Plan stressed the problems caused by traffic in the High Street and a fundamental feature of the IPP was the provision of an eastern by-pass, for which there are at present no proposals in the Wiltshire County programme. The section of eastern distributor road now proposed would not appreciably relieve High Street and then only at the expense of increased traffic on residential roads. The County Surveyor's appraisal of the traffic situation (Document 32 page 82) is based on a substantial under-estimate of the traffic generation from the Woodshaw development and of future traffic growth, out-of-date traffic counts and over-optimistic evaluation of design flow in the High Street. Taking account of environmental factors, a capacity of 850 vehicles per hour in High Street would be realistic compared with the County Surveyor's 1,400. In forecasting future traffic, too little account has been taken of the fact that this is a growth area; recent traffic counts (June 1978) in High Street east of Station Road indicate peak hour flow is already greater than the middle range estimated by the County Surveyor for 1991. There is reason to believe that the County Surveyor failed to take proper cognisance of relevant accident statistics (Document 40, Tables 1-3). The A420 through Wootton Bassett has an accident rate appreciably above the national average for a comparable road (Document 40, Table 4).

[Note: a request by Counsel for the County Surveyor or his representative to be sub-poenaed to give evidence at the inquiry was refused].

211. There is no dispute with the appellants over the forecast normal weekday generation and directional split of the traffic from the proposed development. However, the greatest impact within the town would be felt on the major shopping day (Saturday) when traffic generation would be directed towards the central High Street area. A measure of the impact is that present demand already exceeds both the capacity of the road and the parking provision; the present proposal would add about 17% to the number of dwellings with a corresponding addition to the pressure on the town centre even though it is accepted that a proportion of the residents may opt to shop in the Swindon urban area.

212. The appellants' use of the Road Research Laboratory's experimental results for junction capacity in lieu of technical memo H11/76 is not justified. There are moreover a number of junctions in the existing highway network where the required visibility is only attainable from the minimum acceptable 2m back from the edge of the road. At the Station Road/High Street junction in particular the visibility from the ideal 9m back is only 12-13m in lieu of the recommended 90m; using H11/76, peak flow at this junction is already almost at its allowable maximum (Document 40, paragraph 3.6) without the addition of traffic from the Woodshaw development and normal growth.

213. As regards the Swindon Road (A420) east of the proposed distributor road junction, the appellants' assertion that the width is 8m is not accepted; the general width is 7.3m although there are short stretches of marginally greater width on the curved sections in accordance with standard practice. There would be overloading at peak hours (Document 40, addendum p 3).

214. Mr Oliphant's conclusions are that the High Street and central area of Wootton Bassett deal with traffic flows above the allowable design flow and greatly in excess of environmental capacity. Lack of off-street parking leads to chaotic conditions of double parking on the highway and the accident rate is well above the national average rate especially in fatal and serious injury categories. It would therefore be wrong to permit any further residential traffic-generating development to take place in advance of the implementation of a complete by-pass to relieve the traffic situation in High Street.

215. The District Council does not seek totally to stop the development of Wootton Bassett. It should be looked at as an integral part of the Swindon sub-region,

and its available land developed slowly, parallel with Swindon in order to maintain a choice of housing locations for some years to come. The town should not be developed ad infinitum. There is an upper limit to development beyond which the character of the town will suffer. There have been several contradictory population ceiling figures mentioned in the past, ranging from 12,000 in the "Silver Report", 12,500 in the County Council's "Swindon Sub-regional Study" and 11,500 in the "Interim Policy Plan." The Interim Policy Plan should be reviewed, and this question re-examined. The District Council will continue to press the County Council on this aspect as part of the consultation process leading to the Structure Plan. The physical and social infrastructure of the town requires development, and a careful examination of the feasibility and necessary commitment needed to implement the town centre plan should be made.

216. The Interim Policy Plan, together with the draft Town Centre Plan, identified what was necessary to make Wootton Bassett properly furnished consonant with a population expanded to about 11,500; it was a "package" deal. All the facilities identified are at the very least desirable and the by-pass, rear-servicing and car parks are manifest necessities. Insofar as there was public acceptance of the proposals at the public participation stage, it was subject at least to the provision of the by-pass. As regards education, national trends are misleading in the context of Wootton Bassett; the prospect of more and more temporary classrooms for education of the children is highly undesirable. While recognising the generosity of the appellants' offer of £30,000 towards provision of a recreation field, this would not necessarily solve the problem because of land ownership difficulties. With the possible exception of the car park none of the deficiencies is likely to be made good by 1986.

217. There is nothing unusual in councillors disagreeing with the advice of their own officers; councillors have a duty to pay regard to local opinion. In the present case there was a strong presumption that the County Authority would permit the proposals; the District Council is fully entitled in law to pre-empt the county decision. The original resolution confirmed on 19 July (Paragraph 165-166 above) suggesting delay foreshadowed the decision of 3 November 1977 to refuse the application; the Council's actions were not inconsistent. The Secretary of State is in any case entitled to make his decision as if the application had been made to him in the first place.

218. The Secretary of State's decision in January 1978 on the west of Swindon expansion (Document 16) has dramatic consequences in relation to structure planning of the area. The NEWPPR approach is seen to be misconceived, with all population targets too low; more land must be allocated for housing and there is bound to be a new hard look at Wootton Bassett where reaction is certain to be almost universally hostile. A fundamental re-appraisal is necessary taking into account financial restraints and local opinion. There is at present ample land with planning permission west of Swindon and further land to the north is available as reserve if it is used up before the Wootton Bassett problem is resolved.

219. The District Council is not taking a blinkered view; the need for housing 1,550 people should not override the needs of the present population of Wootton Bassett. Single-minded pre-occupation with housing is itself a blinkered view. The urgency is to relieve the immediate pressure on Wootton Bassett. There is no intention to thwart the appellant company's investment; the District Council is looking for postponement only. Their decision will not result in "planning anarchy" as alleged by the appellants. Far from the planning process failing utterly if what the County Council sees as a moral commitment is not followed (the view apparently held by the County Planning Officer), what is more important is that the public view must be taken account of, and every appropriate opportunity given for such views to be expressed - for it would be the total system of local government which would be brought into disrepute if this were not so.

## THE CASE FOR THE WOOTTON BASSETT TOWN COUNCIL

The main matters were:

220. The Town Council opposes the present proposals for eastward expansion and in support of their case submitted 2 papers entitled respectively:

1. "Report on the Expansion of Wootton Bassett in relation to the Projections in the Interim Policy Plan" with addendum (Document 47).
2. "Population and Social Survey" with addendum (Document 48).

These papers were specially compiled for the inquiry based on reports submitted to the planning authorities during consideration of the application under appeal.

221. The expansion of Wootton Bassett since the 1930's is illustrated on Plan H. The physical change in the town's shape began in 1935 when development away from the original "one-street hill-top" town began. There followed after the war up to 1958 a phase of local authority development (pink, Plan H). By 1958 expansion of Swindon was becoming a reality, Lyneham air base was being expanded and the route of the M4 motorway decided; between 1958 and 1968 the town gradually encroached upon open country (orange, Plan H) and the hill-top character was being obscured. Since 1969, development has been dramatic (yellow, Plan H) with the virtual completion of the Coped Hall development east of the A420 (phase 1 of the 1973 Interim Policy Plan although granted planning permission in 1961) and McLeans' development west of the A420 (phase 2, planning permission in 1972). The shape of the town was further distorted and large areas of land consumed.

222. The Wiltshire County Development plan review (1970) does not include an inset or town map for Wootton Bassett. The land surrounding the town is shown as white land, but the town is categorised as expansion type A, that is:

"Small towns and villages which by virtue of their local communications, services and educational facilities available or proposed, are suitable for development without adversely affecting the character of the area of the settlement itself."

223. The report "Swindon - a Study for Further Expansion" (the Silver Report) was prepared following the 1966 government proposal for the further planned expansion of Swindon under the terms of the 1952 Act by taking 75,000 people from London by 1981. The purpose of the study was inter alia to indicate where the development should be, what form it should take and what might be the social and financial implications. The report was based on expansion of urban Swindon to 241,000.

224. The report defined the Swindon sub-region as extending about 12 miles round the town (chapter 9.2). Some limited expansion of the small towns of Cricklade, Highworth and Wootton Bassett was indicated. The report commented:

"18.9 In planning their limited expansion the following factors must be taken into account:

- a. the development should not destroy the character of the respective town centres and relief roads may need to be constructed; and
- c. the centre of Wootton Bassett is in line, and within 4 miles of the end of the main runway of Lyneham airfield which is a base for large jet aircraft.

18.10 Having considered these factors, it is suggested the respective populations should not exceed:

Cricklade	8,000 persons
Highworth	11,000 persons
Wootton Bassett	12,000 persons"

225. Following the Silver Report, Wiltshire County Council published in January 1969 a report entitled "Swindon Sub-regional Study." The Introduction states:

"The Swindon Planning Study suggests a strategy for the Sub-Region. This report sets out details of further investigations carried out by County Council Officers into the implications of increased population in the Sub-Region and suggests planning solutions.

Section 7a reads:-

"The potential for growth of the towns Highworth, Cricklade and Wootton Bassett has been investigated and the implications of growth on education, social and public health services, shopping, town centres, landscaping and road networks have been examined. Wootton Bassett which drains into the Avon, could expand at its present rate until the 1980's. It has been assumed that the drainage problems could be resolved and present population levels exceeded and apart from the drainage question, all the towns are capable of relatively large scale expansion."

and Section 71 iii:-

"The main problem of expanding Wootton Bassett is in its situation in relation to the Swindon expansion area. The Town could be developed in either of 2 ways:

- a. separated from Swindon and surrounded by countryside.
- b. as an integrated part of the Greater Swindon development.

The investigation showed that the town maintained its separate identity up to a population of about 14,000 persons but suggested an increase from the 1966 population of about 4,860 to a population by 1986 of 12,500. It was recognised that further pressures for development would have to be strongly resisted to maintain this town's separate identity."

226. Following publication of the Swindon Sub-regional Report, the then Minister suggested a reduction in the growth of Swindon to a population of 200,000 by 1986. This clearly inferred a reduction in the rate of growth within the sub-region.

227. The Interim Policy Plan was adopted as County Council policy in July 1973 following publication of a draft plan in January 1972 and public participation. The final plan incorporated a population figure of about 11,500 for 1986, just within the limits imposed by sewerage capacity, and taking account of the need to maintain Wootton Bassett as a separate entity and safeguard the town centre. The plan envisaged that the development of Wootton Bassett would be phased with the development of Swindon, which was dependent upon the inward population movements and the development of employment.

228. Wiltshire County Council published its Planning Policy Review - North East Wiltshire Study Area Part 1 in January 1976. Relevant sections of this document reproduce much of what is said in the Swindon Sub-regional Study and the Wootton Bassett Interim Policy Plan. However, the report does state (paragraph 6.84) that:

"No re-assessment has been made of growth potential in the Section (Sub-region) outside Swindon, in relation to a reduction in the levels of growth assumed in the Silver Report/Sub-regional Study.

Growth policies have however been developed for Highworth, Cricklade and Wootton Bassett but in the context of a significantly higher growth level for Swindon than now envisaged. In relation to Wootton Bassett it was recently acknowledged that the proposals put forward in the Interim Policy Plan represented a rate of growth that was too high in view of the reduced level of growth anticipated at Swindon and it was proposed that the time scale of the plan should be extended, perhaps to 1991."

229. In February 1977, Wiltshire County Council published Part 2 of the North East Wiltshire Planning Policy Review for public comment (Document 12). Alternatives presented for Wootton Bassett were completion of existing commitments only, growth beyond existing commitments "strictly limited" or growth beyond existing commitments "limited" (Table 2 page 57). Existing commitments (at 1974/75) were given as 1,650 dwellings (including the Wootton Bassett eastern expansion phases 3 and 4).

230. In the view of the Town Council, the commitment to 1,650 dwellings is completely incompatible with the forecast population of the Interim Policy Plan of 11,500 persons. The Town Council's survey of population leads them to believe that the town could grow to 11,500 persons without the eastern expansion. With the latter it could reach 15,000. It is the contention of the Town Council, based on research reported in their paper on the "Expansion of Wootton Bassett in relation to the Projections in the Interim Policy Plan" (Document 47) that the plan was based on wrong data, especially with regard to the outstanding planning permissions at the time resulting in a false figure for base population. Taken together with under-estimated occupancy figures the population forecast was much too low. The population question is dealt with in greater detail in later paragraphs (paras 237-240).

231. However, it became clear at the County Council's exhibition and a public meeting in the town that the County Council regarded itself as committed to the figure of 1,650 further dwellings and the public of Wootton Bassett questioned the role which it could play in the planning of its town since it was being presented with a "fait accompli".

232. The County Planning Officer's report on the Consultation/Public Participation programme dated 22 July 1977 specifically notes the relatively high response from Wootton Bassett (Document 38 paragraph 5.2). The report says:

Paragraph 6.3.6.

"The majority of rural settlements were firmly against any further expansion beyond natural growth, usually to preserve the character or community spirit or the landscape surroundings. This was made particularly clear in the case of Ramsbury, Pewsey, Wootton Bassett, Great Somerford and Minety, both through the many replies sent and at the meetings and exhibitions. In the case of Ramsbury, Pewsey, Wootton Bassett and Wanborough, even the growth levels and allocations in the approved Local Plans are now considered to be excessive.

Paragraph 6.3.7.

It has been explained on a number of occasions that in the County Council's view, the Planning Policy Review and its public participation programme were seen as, in part, a vehicle for ascertaining a public view as to the continuing validity of Local Plan proposals. Clearly therefore, in some instances, Local Plans might require re-appraisal and meetings with the Kennet District

Council regarding Ramsbury and Pewsey have been initiated to discuss this situation and the possibility of modifying plans in the context of the very strong local feelings evident."

233. Public response was much higher at Wootton Bassett than at Pewsey or Ramsbury and in paragraph 7.6 of the report it was conceded that strong local feeling was in some cases, including Wootton Bassett, questioning the validity of approved non-statutory local plans. The need for discussions with the relevant district councils was accepted. Although there has been a dialogue in relation to the present planning application, culminating in the county council's refusal to take part in the present inquiry, there has been no wider discussion at member level and the county council continues to regard the Interim Policy Plan as a firm commitment (Document 38: County Council letters of 26 April and 26 June 1978).

234. The Town Council gave very careful and detailed consideration to the North East Wiltshire Policy review documents and submitted comments as under:

"Planning Policy Review Part II

Comments of Wootton Bassett Town Council

1. Wootton Bassett Town Council is concerned that population growth of the Town has exceeded County Council projections; additional development, such as the Bradley Planning Application for Woodshaw, are viewed as premature to the Structure Plan, for such development would ensure a population figure in excess of 11,500 persons.

The Town Council requests that the County Council do all within its power to suppress any further development of Wootton Bassett until such time as the people of the Town have been afforded the opportunity of making comments on the Structure Plan.

2. Wootton Bassett is at this time over-developed, and has insufficient amenities and services for its existing population. Any further development in the near or medium term would aggravate the situation and cause irreparable harm to the existing community.

3. The present community of Wootton Bassett requires the benefits of the undermentioned facilities - which are not listed according to priorities - prior to any further development in the Parish of Wootton Bassett:

- a. A Community Hospital
- b. A By-pass
- c. A Community Centre
- d. Facilities for the mentally and physically handicapped
- e. Central car parks
- f. Rear access roads on both sides of the High Street
- g. Improved library facilities
- h. A site for an industrial estate within the District Council control, upon land other than that owned by British Lely or Unigate.
- i. The pedestrianisation of the Town Hall precinct.

- j. The safeguarding of public transport links with Swindon.
- k. Provision of additional public open spaces.
- l. Improved school facilities.
- m. The provision of improvements within the conservation area.
- n. Specific areas between Wootton Bassett and Swindon delineated Green Belt.

4. The Town Council is mindful of the County Council's problem in allocating resources during the present economic recession, but requests the County Council give urgent attention to programming the above mentioned amenities, to safeguard the existing community of Wootton Bassett.

5. In broader terms, it is the view of Wootton Bassett Town Council that any expansion of the Swindon Sector should be contained within the boundaries of the Thamesdown Borough Council." (Some boundary adjustment would now be necessary in the light of the recent appeal decision to release land within North Wiltshire District for the West of Swindon expansion).

235. During consideration of the Planning Policy Review and discussions upon the planning applications submitted by the appellants, members of the Town Council frequently expressed concern that the County Council and the North Wiltshire District Council estimates of populations were grossly in error. The County Council ignored the Town Council's observations and the District Council, although they held talks with the Town Council, were quite sure that their estimates were correct.

236. In view of the continuing controversy over population figures, the Town Council undertook an investigation into the apparent incompatibility between the county council's "commitment" and the Interim Policy Plan total of about 11,500. The means of investigation and the results are set out in Documents 47/48.

237. Document 48 (Population and Social Survey) summarises the findings of a 10% random census survey conducted in August 1977. It was found that in the 318 dwellings visited, there were 1,024 people living representing an occupancy rate of 3.22, much higher than the estimates of the planning authorities. The higher figure is attributed to the special make-up of the population of Wootton Bassett resulting from the expansion of recent years and consequent immigration of young families. A second sample census taken a year later confirmed the previous figure (addendum to Document 48).

238. The resulting population of Wootton Bassett is calculated at Table 3 of Document 48 at:

10,679<sup>+</sup>527

The District Council's Rule 6 Statement concedes "about 10,000" (paragraph 2.6).

239. In Document 47, the total of dwellings in the town after completion of outstanding planning permissions and existing commitments other than the eastern expansion is calculated to be 3,522 (page 15). (The addendum to this document arrives at a slightly lower figure, but still in excess of 3,500...paragraph 3 of addendum). On this basis, allowing for 85 people living in "sheltered" accommodation, the population would be in excess of 11,400:

Dwellings	x	occupancy	=	population
3,522	x	3.22	=	11,340 + 85 total 11,425

The potential population of Wootton Bassett is therefore already very near the 11,500 foreseen for 1986 in the Interim Policy Plan without any development in the eastern expansion area.

240. With the addition of the 550 houses over 5 years now proposed, the total would be  $3522 + 550 = 4072$ . At an occupancy rate of 3.22 the population would then be over 13,000. Subsequent development of the remainder of the Eastern Expansion area would add a further 650 dwellings giving a population on the same basis of over 15,000. Only if the overall occupancy rate fell to less than 2.5 could development of the Eastern Expansion area continue within the population confines of the Interim Policy Plan.

241. A further significant finding of the Town Council's survey conducted in 1977 (Document No 48) is that Wootton Bassett although it could be classed as a dormitory town, could not be said to be a dormitory town for Swindon. Wootton Bassett provides employment for some 23% of its working residents while Swindon provides 32%. The remainder of the economically active adults work over a very wide area - the most significant being Lyneham. All recent planning policy has suggested that Wootton Bassett should be a dormitory area for Swindon employees, but this has not happened and there has been no significant change in percentage terms of the proportion who work in Swindon since the 1966 National 10% Population Sample.

242. Wiltshire County Council's refusal to support the District Council is inconsistent with their attitude at the Thunderbrook inquiry in 1974 which considered a proposal for expansion west of the town. Relevant sections of their evidence at that inquiry (Document 14) are set out below:

Paragraph 217

"The Swindon Study for Further Expansion (1969) proposed that Wootton Bassett should expand from its population of 4,860 to 12,000 by 1986. It must be emphasised that this scale of expansion at Wootton Bassett rested on the proposition that expansion at Swindon would take place on the scale and at the rate envisaged in the Swindon Study"

Paragraph 238

"...It can therefore be argued that the Wootton Bassett Interim Policy Plan in allowing growth to 11,500 by 1986 is already overgenerous in its residential land allocations. If permitted, the appeal proposal (ie Thunderbrook) would release sufficient land to increase the future population to above the 15,000 mark."

Paragraph 239

"There is considerable doubt if Wootton Bassett should ever be allowed to grow to such a size within the foreseeable future, whatever the direction of growth. Formidable thresholds occur before the level with regard to drainage problems, traffic conflict and the capacity of the town centre..."

243. It is quite clear therefore that in 1974 the County Council regarded population as the most important factor in relation to the future of Wootton Bassett. It is only on the basis of population that preparation can be made for the infrastructure needs of an expanding society. The Town Council is, therefore, greatly concerned that the County Council has decided not to support the District Council in this appeal, and in so doing has appeared to place more emphasis on the commitment of certain land for development in the Interim Policy Plan and on the purchase of that land by the appellants rather than on the commitment to a population of 11,500.

244. The County Council has always laid great stress on the adoption of the Interim Policy Plan after public consultation. It has also gone through the motions of a Public Participation/Consultation programme in respect of the Planning Policy Review. The Town Council believes that public participation is a most important factor in Planning and finds it hard to reconcile statements made by the County Council to this effect with its complete withdrawal from the responsibilities in respect of this appeal.

245. In May 1973, at the second meeting to consider the Interim Policy Plan, none of the 200 residents attending favoured the expansion plans and a resolution was passed that there should be no further expansion before a by-pass was provided. County Council officers insisted that it was Central Government that required the land to be released for housing. The policies incorporated in the Interim Policy Plan were adopted by the County Council despite public opinion rather than in accordance with it.

246. After submission of the original application for development of the whole expansion area (1200 dwellings) many members of the public attended Town Council meetings at which the application was discussed. A special town meeting was held on 7 September 1976 at which Mr Gransby of the appellant company was present and explained the proposals. The meeting passed a resolution by an overwhelming majority expressing the view that any expansion of Wootton Bassett at the time was totally inappropriate. At the public meeting held by Wiltshire County Council on 21 March 1977 to consider the planning policy review, it was made clear that even a population of 11,500 was considered too high by the residents of the town.

247. In response to a circular letter distributed by the Town Council before the present inquiry (document 45), 3650 people from Wootton Bassett (from 1869 addresses) signified their support for the Town Council in objecting to the present proposals. During the inquiry further replies raised the total to over 3,800.

248. The Town Council has made representations to the North Wiltshire District Council that there is urgent need for a reconsideration of the planning policy for Wootton Bassett in view of the many anomalies contained in the present informal plan. A new District Plan for Wootton Bassett is not programmed until 1981. However, the District Council at a meeting of the Development and Planning Committee on 31 January 1978 did resolve that:

"Attention be given to the possibility of accelerating the work of the review of the Wootton Bassett Interim Policy Plan to proceed in the event that the Minister upholds the District Council's refusal of the Bradley application."

The Town Council are firmly of the opinion that a new plan should be prepared, and members of the public given the democratic right to comment before any other major development takes place at Wootton Bassett.

249. The Town Council is very concerned about road junction adequacy, safety and traffic flow densities. The likely funnelling of traffic into Noremarsch Road (in places less than 18 ft wide with individual accesses to dwellings) is especially disquieting, given the added problems caused by the sub-standard junction of Station Road with High Street. There are no official public car parks in the town centre; vehicles use the roadside for parking, with consequent restriction of traffic flow as they manoeuvre. In the absence of rear service roads, delivery vehicles and other vehicles frequently double park. It is considered that traffic conditions would deteriorate still further with the additional residential development now proposed.

250. The Wootton Bassett sewage disposal works were designed to serve a population of 11,500 from the town and about 1,500 from nearby settlements. The limited

sewage treatment facilities are already a constraint on large industrial expansion. The Wessex Water Authority has stated:

"The Wessex Water Authority recognising this limitation have included proposals for the expansion of the sewage disposal works in the 5-year rolling programme with a view to commencement in 1980. This means it is not a confirmed commitment and will be reviewed in the light of the works performance during the financial year 1978/79 and a decision taken for programming extensions to cater for further developments up to 1991."

The proper time to decide if the town should grow beyond 11,500 is when a new plan is published following a detailed investigation of the infrastructure needed to serve a larger population. It may well prove that expansion of the sewage works will not be necessary.

251. There are no proposals at present to provide any additional industry at Wootton Bassett; it would be wrong to provide more houses in the town without some provision of jobs. It may be argued that the breadwinner will be employed outside the town, but this does not meet the need for employment for wives and teenagers.

252. Existing educational facilities in Wootton Bassett enjoy a high reputation, but the recent rapid expansion has put the schools under stress. All primary schools in the town are full and even the newest has a mobile classroom. It is questionable if the one primary school planned in the application under appeal would be sufficient and there is no indication when it would be provided. The education authority is obliged to provide education for children from the beginning of the term which starts after their fifth birthday; for those born early in the academic year there is no problem, and there is space to accommodate them when or even before they are five; for those born after the start of the summer term there is no room left and in consequence they cannot start school until the following September. As a result, some children have a whole year more schooling than others who will nevertheless be subsequently in the same academic year, with consequent difficulties both for teachers and children. When a school is full, temporary classrooms are provided bringing further problems. It is virtually impossible to plan more than one term ahead and in consequence it is impossible to guarantee that a pupil will have one particular teacher for more than a term. Mobile classrooms alleviate the shortage of teaching space but put added pressure on communal facilities. All these problems already exist in Wootton Bassett as a result of the years of expansion in the town; if the development now proposed goes ahead the problems will continue and may well worsen.

253. The existing comprehensive school has currently about 1400 pupils and an estimated capacity of 1500. The mobile classrooms lead to disadvantages of school organisation and communication; shared facilities have not increased in proportion, a problem aggravated by the fact that some buildings are put to other uses outside school hours by the Youth Service. In the governors' view, 1500 is about the right maximum; if further large scale development takes place as now proposed it would be contrary to current educational thought for the size of the school to be increased to meet the need, estimated at about 150 children from the current proposal and up to a total of 350 if stage 2 of the eastern expansion were fully implemented. Consequently, either a second site for secondary schooling must be found so that the Wootton Bassett Comprehensive School would be split or those children who could not be accommodated would have to be bussed elsewhere. In either event, especially the latter which is considered the more likely, the community of Wootton Bassett would risk loss of identity which it is at present, with some success, striving to retain.

254. The average doctor's list in Wootton Bassett is at present about 2540, compared with the national average of 2330 and the county figure of 2250. The permitted

maximum is 3500. Wootton Bassett since 1977, when an additional doctor arrived, is an area formally classified "intermediate" by the Medical Practices committee, that is an area having an under average patient list per doctor. On current figures it lies in the "designated" range described as having a large patient list per doctor (document 29, para 6.4 refers). There is a monitoring system. The expansion envisaged in the 2 stages of the Bradley development could lead to 3500 more patients, enough for more than one doctor. This would involve the establishment of a new practice which even with the financial help of the National Health Service would be expensive and likely to appeal only to a small minority of doctors; the post would therefore be difficult to fill satisfactorily.

255. The appellants' contention that there is a national shortage of dentists (document 29, para 6.15) is not disputed, but the absence of complaints received by the family practitioner committee does not necessarily indicate that the situation in Wootton Bassett is satisfactory. Many people would like to obtain treatment in Wootton Bassett but are unable to do so. The situation described by the appellants at para 6.18 of the document is misleading. There are no group practices in Wootton Bassett; 3 of the 4 dentists practise only part time. At present there is the equivalent of only 2 dentists full-time. A full-time replacement for one part-time dentist is expected shortly and there will then be the equivalent of 2½ full-time dentists. The existing practices serve not only Wootton Bassett but much of the surrounding area with a catchment area estimated at 20,000 people; the dentist/patient ratio is clearly far worse than the 4016 patients per dentist quoted by the appellants as the average for England (1976). Finance and manning levels permit only one visit per year by the community (formerly school) dentist although it is generally considered that a visit every 4 months is desirable.

256. There are many amenity and other facilities which require improvement or in some cases basic provision. The library is housed in an inadequate building without proper vehicular access and with pedestrian access from the High Street through a public house yard. Magistrates Courts and the Police Station are sub-standard. There is no community centre, although the Town Council is in the course of attempting to provide one from its own resources. There is no health centre, although it is realised that the town's doctors are not at present in favour of such provision. None of the requisites for the expansion envisaged in the Interim Policy Plan and the related draft Town Centre plan have in the event been provided and no funds have been set aside for their provision in the county council's 3 year rolling programme. The only 2 relevant projects in the District Council's programme, car park and recreation land, have each been put back. The district council are negotiating for the purchase of 6 acres for lease to the town council but lack the resources to bring the land up to the standard required. This land is required to replace open space earlier used for council housing west of the High Street (Showfield...Plan G). The additional land for playing fields proposed by the appellants is not under their control (Roberts land...plan B).

257. The town council disputes the need for so many houses; the district council has resolved that they cannot justify even 78 local authority dwellings. If there is so great a demand for houses in the sub-region, they should be built in the expanding urban area of Swindon where land is available and excellent amenities already exist. Wootton Bassett already has sufficient high density housing; shortages occur in larger houses and in old people's bungalows which would release family houses.

258. The proposed eastward expansion would use up grade 3 farmland which has been farmed since Saxon times, even though not of prime agricultural value. It would reduce the gap between Wootton Bassett and the western limit of Swindon expansion to about one mile, probably too narrow to be considered for green belt which the town council has for long advocated.

259. The paper (document 3) submitted by the Wootton Bassett branch of the Civic Trust supporting in principal eastward expansion of Wootton Bassett did not

represent correctly the views of the members and had not been formally cleared at any annual general meeting. Its principal author, Mr Jeacock, had resigned from the post of secretary in 1976 (document 50) because of disagreement with the membership on the matter. Mr Jeacock is now chairman of the Wootton Bassett branch. The document submitted represents only the views of a handful of people on the Civic Trust Planning Committee and not the total membership of the trust (at present about 110).

260. Since 1945 the developed area of the town has doubled; the population increased from 1961 to 1971 by 51% to 6400, compared with an increase in Swindon of 13% (Planning Policy Review Pt 1 Fig 28 on p 41...document 10). In the period following the Silver Report between 1968 and 1973, in the Swindon sector, 42% of growth occurred in the expansion towns (Cricklade, Highworth and Wootton Bassett) and 58% in Swindon compared with a split of about 15% to 85% proposed in the Silver Report (ibid fig 40 page 49).

261. In 1966, the base date of the Silver Report, the population of Wootton Bassett was 4860 (Swindon Sub-regional Study, Table 1 page 7). The town council's present estimate is over 11,000, representing growth of about 130% in half the time scale of the Silver Report. The unnatural division of growth between the urban and rural area has resulted from the inadequate releases of land in the urban area which is only now being corrected following a series of appeals. There is no evidence of any immediate demand for more houses in Wootton Bassett which has made its contribution; it is 'laggard progress' in Swindon which now needs to be corrected.

262. The Interim Policy Plan (document 6) was misleading in that phases 1 and 2 were already in course of development when it was produced. Their contribution to the population total appears to have been underestimated possibly due to increases in density and other factors during construction. In 1974 in their evidence at the Thunderbrook inquiry the County Council were already saying that it could be argued that the Interim Policy Plan was over-generous in its residential land allocations (Report of Inquiry para 238 - document 14); the planning authorities rejected the appellants' plans for comprehensive development of the whole eastern expansion area by 1986 as envisaged in the Interim Policy Plan in favour of the present proposals for development of the appeal site only by 1986 and subsequent development of the remaining area up to 1991. The plan is in need of revision, and does not commit the structure planners.

263. There are serious environmental arguments against further development of this ancient small market town at the present time on the scale proposed. The appearance of the charming High Street is already on the way to being ruined by traffic. The streets were built for horse and cart; junction visibility and road capacity are inadequate and improvement is virtually impossible. The Interim Policy Plan and the draft Town Centre Plan recognised the need for a by-pass and for rear service roads and car parks in the town centre, as necessary concomitants of the proposed expansion of the town.

264. There are deficiencies in provision of facilities for education, medical attention, dentistry, library service and other community functions. While these may be corrected over the years, this can only happen in present economic conditions if the present rapid rate of growth ceases. It is conceded that no single item would of itself justify refusal, except possibly education but the cumulative effect is frustrating for the present inhabitants. In education, since mobile classrooms are not provided until the children are there, half the population of young children lose half their first year's education a situation aggravated by the lack of nursery schools. With the possibility of the second stage of the eastern expansion following directly after the present proposals, this situation could continue for 10-15 years.

265. Increasingly the people of Wootton Bassett have come to oppose further expansion of the town pending the provision of proper facilities, and now have the support

of the North Wiltshire District Council. Opposition is widespread and is not to be measured by the relatively small numbers able to attend the present inquiry. The logical and democratic solution to the problem of providing more homes is to provide them in Thamesdown District, where the district council supports further expansion and has expended £426m on the necessary facilities and ample land is available.

266. It is appreciated that the appellants have invested a large sum in the land and are now one of the largest landowners in the area. But in so doing they took a calculated risk, reflected in the price paid: in the absence of planning permission, they must have been aware of the possibility of delay at the very least. There is nothing unusual in such a situation, nor does it constitute an argument in favour of granting planning permission.

267. The Interim Policy Plan set out as policy that the town should grow to 11,500 by 1986, now being extended to 1991. The town will be almost at this figure by 1980, 11 years ahead of schedule. Dismissal of the present appeal would at least maintain the status quo and give time for the North Wiltshire District Council to draw up a properly researched town plan for public comment. Should however the Secretary of State decide to support in principle the appellants' proposals, the town council ask that serious consideration be given to a reduction in the size and density of the development.

#### THE CASE FOR INTERESTED PERSONS

The main matters were:

268. Mr D Jeacock appeared in his capacity as Chairman of the Wootton Bassett branch of the Civic Trust. He produced copies of minutes of the proceedings of the branch (document 58). The document submitted on behalf of the Trust to the Secretary of State prior to the inquiry (document 3) was produced by the planning sub-committee and approved by the main committee in accordance with the rules of the branch which were framed in line with the Trust's statutes. It did not necessarily reflect the views of every individual member. While accepting the general principle of eastern expansion at Wootton Bassett, the document nevertheless expressed the view that the present application should be rejected.

269. Mr G A Loveday appeared on behalf of the North Wiltshire Group of the Council for the Protection of Rural England. The group had not opposed the Wootton Bassett interim policy plan because it was believed to be county policy that Swindon should not expand westwards (despite indications in the Silver Report that it might do so). There would therefore be a large tract of open country between Wootton Bassett and Swindon; the former would retain its identity and remain a small town of 11,500 people. On this basis the group had written to the district council in February 1977 to say they had no objection to Bradley's application for 606 houses on the appeal site. It is now apparent that neither condition is going to be fulfilled. The population is already around 10,000 and growing and in 10-15 years time there is likely to be nothing but the motorway dividing Wootton Bassett and Swindon. If the present application were granted, it would be the death knell for Wootton Bassett as a separate community and the CPRE therefore now oppose the granting of planning permission.

270. Mr P Giles represented the Wootton Bassett Ecumenical Synod. Wootton Bassett is officially recognised by the governing bodies of the Church of England, the Methodist Church and the United Reformed Church as an area of ecumenical experiment. The Ecumenical Synod comprises all the clergy and ministers of the 3 churches with elected lay representatives; the Roman Catholic priest and elected members

of his congregation are members in an observer capacity. The Synod's views on the application under appeal were incorporated in a statement as follows:

"As Christians we are concerned with the quality and human dignity of life in our town.

"We feel that any large scale development, at this present time, will seriously detract from a harmonious community spirit as existing facilities are already overstretched.

"Whilst recognising the national need for low cost housing for young couples, we feel there is already an adequate supply of this type of private development in our town."

Representatives of the appellants discussed the proposed development with the Synod at a meeting under the chairmanship of the Bishop of Ramsbury; the Synod made no change to their statement as a result of what was said at the meeting. In detail, it was thought that the proposed densities were too high but it was accepted that the relatively low proportion of houses falling into the category described in the last paragraph of the statement (about 1/3) lessened the force of that objection. Nevertheless, the Synod remained opposed to the proposals on the wider issues involved.

271. Mr E Hodges was first elected to the then Wootton Bassett Parish Council in 1961 to the then Cricklade and Wootton Bassett RDC in 1964 and served continuously with both councils until re-organisation in 1974. Since 1 April 1974 he has been a member of both Wootton Bassett Town Council and the North Wiltshire District Council and a member of both councils' planning committees. He appeared however in his private capacity. He produced a bundle of documents in support of his evidence (document 51).

272. Discussions on the Interim Policy Plan began in October 1968; the size of the future Wootton Bassett was however pre-determined in the early 1960's when the RDC decided to enlarge the sewage disposal works. He was aware that no objections were raised by the District Council against the present proposals on drainage grounds.

273. In December 1969, Cricklade and Wootton Bassett RDC agreed it was necessary to achieve a satisfactory expansion of Wootton Bassett but that expansion should be limited to avoid becoming merely a suburb of expanding Swindon. Discussions with Wiltshire County Council began on 18 February 1970; the RDC objections to the county's proposals centred on the lack of an industrial site, the lack of a definite date for the construction of the by-pass and the lack of guarantees on phasing of the developments and to define a strict growth limit. These remain valid objections and should be stressed in the context of the present inquiry. It was not disputed that the North Wilts District Council witness at the Thunderbrook inquiry in 1974 indicated that the Interim Policy Plan was supported by his council without reservations, but at that time the Council had not had time to study the matter adequately.

274. Witnesses for the North Wilts District Council at this inquiry had apparently accepted the population estimates of the council officers rather than the figures produced by Wootton Bassett's town clerk. No vote was ever taken on this matter. Councillors with whom he had discussed the matter thought the town clerk's arithmetic accurate and considered that the district officer concerned had "dropped a number of red hot bricks". The vote to reject the officers' advice implied in his own case and to his knowledge in that of other members, rejection of the council officer's arithmetic. The main reason why district council members did not debate the arithmetic of the respective population estimates was due to the unprofessional way the officers behaved.

[At this point, Mr Woolley interposed to say that as the representative of the North Wiltshire District Councillors in their corporate capacity, he wished to stress that it was no part of his case to castigate the council's officers; they had advised the council to the best of their ability. He wished publicly to disassociate his clients from Councillor Hodges' criticisms.]

275. The Interim Policy Plan is a non-statutory document; any developer who buys land on such a document is betting that the future will turn out as per the document. The appellants took a calculated gamble and there is no reason why their gamble should be allowed to outweigh valid and cogent arguments against the proposed massive development. There is no evidence of demand for houses on this scale in Wootton Bassett; such expansion should take place in the Swindon area where the Thamesdown Borough Council is in favour of further expansion.

276. Thamesdown Borough Council carried out a door-to-door survey in Toothill in August 1977 (results appended at document 51). Study of the place of residence of families moving to Toothill and the schools attended by their children prior to the move there make it clear that only a very very small percentage of families came from outside the borough; in other words Swindon has had to expand to house/rehouse Swindon families. There is no need whatever for further development on the scale proposed to house/rehouse Wootton Bassett families.

277. The refusal of the request to subpoena a witness from the county highways department to establish the figures on which the county council base their illogical and false assumptions was unreasonable. Indeed, it should have been recognised that there was a need to question Wiltshire County Council officers on a number of points besides highways if justice was to be seen to be done as a result of this very expensive and time consuming inquiry.

278. Mr R Denton-White has lived in Wootton Bassett for 4 years and teaches in a comprehensive school at Malmesbury. Developments of the type proposed tended to ignore human factors; houses alone do not make communities. The principles of the Government White Paper were not being put into practice in Wootton Bassett in regard to nursery schools and 4-year olds could no longer get into primary schools due to lack of space. Youth facilities were shared with the comprehensive school and were inadequate. Lack of local facilities for recreation was leading to a drastic increase in under-age drinking; use of the excellent facilities in Swindon was inhibited by the public transport fare of about £1. Facilities were however gradually catching up but could not compete with the sudden further expansion now being proposed. Juvenile unemployment in Swindon was a scandal in the Swindon area; there were no jobs in Wootton Bassett. He supported the District Council's refusal of planning permission.

279. Mr A Greenwell denied any suggestion that local residents were not interested in the inquiry; short of demonstrations in the streets there was little more they could do to bring their views to notice. In his view the remarks attributed to the county planning officer (recorded at paragraph 91 of this report) were out of order. The developers' sole interest was in profits. The proposals if implemented would destroy the identity of Wootton Bassett; a ballot of residents would confirm a majority against the proposals. He supported the Council's refusal of planning permission.

280. Mr M M Hopkins also supported the council's refusal of planning permission. It was difficult for residents to attend the inquiry due to attendance at work place, absence on holiday, domestic difficulties and other matters. It should not be taken as a sign of apathy.

281. Evidence was presented by individual witnesses as under on behalf of 6 local Societies and Associations, all of whom opposed the granting of planning permission:

- |                    |  |             |
|--------------------|--|-------------|
| 1. Mr E H Hodges   | Wootton Bassett Area Committee<br>for Age Concern                            | document 52 |
| 2. Mr R Tylee      | Thamesdown & District Society<br>for the care of the Mentally<br>Handicapped | document 53 |
| 3. Mrs G Gale      | Society for the Environmental<br>Preservation of Wootton Bassett             | document 54 |
| 4. Mr R G Hopkins  | Wootton Bassett Liberal<br>Association                                       | document 55 |
| 5. Miss D Matthews | Wiltshire Gypsy Council  | document 56 |
| 6. Mr C C Holland  | SANE ("Say Adamantly No<br>Expansion")                                       | document 57 |

#### FINDINGS OF FACT

282. I find the following facts:

1. Wootton Bassett is a small country town situated south of the M4 motorway about 6 miles south-west of the centre of Swindon.
2. The original nucleus centred on the junction of High Street and Station Road and is now a conservation area.
3. There is a steep escarpment to the west and the town has developed mainly to the north and east of its original nucleus.
4. There has been considerable post-war development: new estates have been recently completed or are nearing completion on both sides of High Street north of the original town centre.
5. High Street is the main shopping street and is part of the A420 (Swindon-Chippenham) road; Station Road is part of B4041.
6. The appeal site comprises about 84 acres mostly green fields on the north-east edge of the built-up area of the town, south of the A420 road (here known as Swindon Road) about one mile west of its interchange with the M4 Motorway.
7. The appellants are a well-known and substantial firm long-established in the Swindon area.
8. On the 1970 approved quinquennial review of the Wiltshire County Development Plan, Wootton Bassett is shown as a category A settlement suitable for development; the appeal site is "white" land.
9. Wootton Bassett falls into economic planning area 5 of the South-west Region; area 5 is seen as an area of major growth based on Swindon.
10. Swindon was designated for expansion under the Town Development Act of 1952.

11. The "Silver Report" of 1968 envisaged a population of 241,000 for Swindon by 1986 but this was subsequently amended by the then Minister to 200,000 mainly to reduce pressure on the surrounding rural area.
12. The "Silver Report" recommended expansion at Cricklade, Highworth and Wootton Bassett; a population of 12,000 at Wootton Bassett was suggested.
13. Wiltshire County Council's Swindon Sub-Regional Study published in 1969 indicated that Wootton Bassett maintained its separate identity up to about 14,000 persons but suggested a 1986 population of 12,500.
14. On 3 July 1973, Wootton Bassett Interim Policy Plan for the period up to 1986 was formally adopted by the Wiltshire County Council after public participation; comprehensive development north and east of the town was proposed leading to an estimated population of 11,500 by 1986. Proposals for development west of the town were rejected on appeal in 1974 (Thunderbrook Appeal).
15. The Interim Policy Plan was accepted by the then authorities concerned, Cricklade and Wootton Bassett Rural District Council, and Wootton Bassett Parish Council; on the re-organisation of local government in 1974, it was accepted as a "notified" document by the successor North Wilts District Council whose witness expressed unreserved support for it at the Thunderbrook inquiry in 1974.
16. The plan indicated development in 4 phases; the northern area fell in phases 1 and 2 and was already partly under way when the plan was approved and is now substantially complete. Phases 3 and 4 comprise the "eastern expansion area" within which the appeal site lies.
17. The plan indicated a town by-pass to be provided before development of phase 4; no provision has been made for this by-pass in the county's current programme of road construction and its funding in the foreseeable future is unlikely.
18. Concurrently with the Interim Policy Plan, a draft Town Centre Plan was exhibited; it envisaged a number of improvements to the town centre, including provision of central car parking and rear servicing roads together with new or improved community facilities including police station, magistrates court, library etc. The draft Town Centre Plan was never formally adopted.
19. No funds have been set aside in the county's 3 year rolling programme for town centre improvements although some necessary land has been acquired; provision for a central car park is provisionally made in the District Council's programme for 1980/81.
20. As part of the structure planning process, Wiltshire County Council published a survey document in January 1976 entitled "North-East Wiltshire Planning Policy Review Pt 1"; this was followed in February 1977 by part 1a (updated survey) and Part 2 (discussion document).
21. The discussion document accepted that the Wootton Bassett Interim Policy Plan was an existing commitment of which account must be taken in preparing the structure plan. (para 5.16).
22. The discussion document expressed the County Council's view that achievement of a population of 200,000 by 1986 in urban Swindon was unrealistic (para 2.17), a view supported by North Wilts District Council.

23. Recent appeal decisions, notably that of 17 January 1978 referring to land releases for expansion west of Swindon, have confirmed the government's intention that 200,000 by 1986 should be the target.
24. The need for complementary growth in the rural areas has always been recognised. From 1961 to 1971 population growth was divided between the urban and rural settlements in the ratio 55 to 45; in the case of the 3 expansion towns (Cricklade, Highworth and Wootton Bassett) growth between 1968 and 1973 was in the ratio 58 to 42 compared with about 85 to 15 foreseen in the Silver Report. The discussion document suggests that a minimum 20% of total growth would require to be accommodated in the rural area (paras 2.40 and 5.18).
25. Figures produced by the appellants, which were not effectively challenged, indicate outstanding need for land to be released in the rural part of the sector for 10,000 to 15,000 dwellings over the next 7 to 10 years.
26. The appellant company completed its main land purchases in the designated eastern expansion area of Wootton Bassett in March 1974; total investment in land purchase including charges to date is approximately £M2.185.
27. Negotiations with the planning authorities began in 1974 with the submission of an informal application to both the District and County Councils; a copy was also sent to Wootton Bassett Town Council.
28. A working party of officers of the county and district councils was set up and detailed discussion with the appellants continued for 2½ years on the basis of the Interim Policy Plan.
29. Agreement was reached that the eastern expansion area should be developed in 2 stages; the Woodshaw site (subject to the current appeal) would be developed immediately and the southern part put back to the mid-1980's.
30. Formal planning permission for Stage 1 was sought, on the basis of 606 houses, in December 1976; it was deemed a "county matter".
31. On 25 April 1977, the District Council Development and Planning Committee resolved that, subject to certain reservations, eastern expansion of Wootton Bassett was acceptable in principle but should be delayed for 3/4 years; after discussion this was accepted by the full Council on 19 July 1977.
32. To meet the committee's earlier criticism of details, amendments to the original application were submitted on 14 July 1977, the effect of which was to reduce the number of houses to 550. An illustrative layout on this basis was put before the inquiry (Plan B). It had been agreed by district and county officers.
33. There is no dispute that the site can physically accommodate the proposed development and that satisfactory arrangements can be made to provide drainage and other main services; the cost of the infrastructure to the appellants is estimated at £456,000. In addition the appellants have offered an ex-gratia payment of £30,000 to assist in the provision of playing fields.
34. There were no objections from any statutory undertaker and appropriate agreements have been concluded where necessary.
35. The Ministry of Agriculture Fisheries and Food made no objection.
36. There were no objections from the county surveyor on highway matters.

37. The county education officer raised no objection.
38. The officers of the District Council advised that the application be passed to the County Planning Authority with a recommendation for conditional approval.
39. The revised application was refused by the District Council Development and Planning Committee on 3 November 1977, confirmed by the full Council on 15 November 1977.
40. In a report dated 21 April 1978 to the Planning Sub-Committee of the County Council, the county planning officer said that if the county had been the authority to determine the application, the recommendation would have been conditional approval. The District Council's refusal was not supported by the County Planning Authority.
41. Population of Wootton Bassett was 4860 in 1966 and rose to 6400 by 1971. Population at September 1977 is variously estimated at 9450 (joint paper by the district and county officers) and 10,700 rising to 11,425 if all outstanding planning permissions are taken up (survey by the Town Council). The Rule 6 statement suggested 10,000 (June 1978).
42. High Street is for the most part not subject to any waiting restrictions; longitudinal or diagonal parking is permitted both sides. There is no central public car park.
43. The junction with Station Road is sub-standard.
44. Accident statistics May 1975 to April 1978 indicate a total of 204 accidents in Wootton Bassett as a whole (including 4 fatal and 19 serious injury); on A420 (High Street) within the built-up area there were 110 (including 3 fatal and 16 serious injury).
45. The permitted borrowing totals of the North Wiltshire District Council (locally determined sector) fell from £575,030 in the financial year 1975/76 to £151,225 in 1978/79 at constant November 1977 prices.
46. The District Council is concentrating its resources in the Chippenham area where expenditure of £340,000 has recently been authorised.
47. North Wilts District is one of the lowest rated districts in the country; both its debt burden and its capital expenditure programme are similar, in relation to population, to other districts in the county, with the exception of the special case of Thamesdown (Swindon).
48. The present proposals for eastern expansion of Wootton Bassett are opposed by the Wootton Bassett Town Council.
49. Opposition to the proposals was supported in evidence by the North Wiltshire Group of the Council for the Protection of Rural England, and by a number of local societies and individuals.

## CONCLUSIONS

Bearing in mind the foregoing findings of fact:

283. Concomitant with the growth of urban Swindon, it has always been recognised that there would be a need for substantial releases of land in the surrounding rural areas which the county planning authority proposes should be mainly channelled into the nearby small towns of which Wootton Bassett is one. The Secretary of State's decision of 17 January 1978 releasing large areas of land for development in the western expansion area of Swindon confirmed the government's intention that the population of Swindon should expand to 200,000 by 1986. There is no evidence to suggest that there has been any more recent modification of this aim.

284. There is some evidence that growth in the rural areas has in the past been out of step with the rate of urban growth but the recent releases of large areas in the western expansion area of Swindon should in due course correct any imbalance which may exist. The long-term ratio between rural and urban growth is, in my view, a matter for the structure plan, but there was evidence of a large shortfall of housing land in the rural area on even the lowest assumption. In these circumstances further release of land for housing in the rural areas around Swindon in advance of the structure plan is in my view now a matter of urgent necessity if the development of this growth area as a whole is to continue in a satisfactory way. It should not be delayed to await formulation of the plan.

285. The Quinquennial Review of the Wiltshire Development Plan recognised Wootton Bassett as one of the small towns suitable for development. The Interim Local Plan of 1973 identified areas on the outskirts of the town for housing development and the eastern expansion area into which the appeal site falls was part of the area so identified. In my opinion the interim plan, which was approved after local participation, is in the category of local plan envisaged in Circular 122/73, Annex A para 7; as such it was accepted by the then local authorities although there is evidence of some local opposition since hardened under the guidance of an active Town Council. Nevertheless, the county planning authority regard the Interim Policy Plan as a commitment to the structure plan and as representing county policy in the meantime.

286. The Interim Policy Plan provided for land allocations expected to produce a population of 11,500 by 1986. There was nothing to suggest that this was intended to be the final ceiling for the town which in my view is a matter for the structure plan. In view of the Secretary of State's decision of 17 January 1978 on further expansion of urban Swindon, it seems unlikely that the structure plan could contemplate any lesser population in Wootton Bassett; in my view rather the contrary.

287. Population forecasting is notoriously difficult and in the present instance the problem is compounded by uncertainty over present population figures. The Town Council's calculations are based on an occupancy figure of 3.22, derived from a sampling process; there is however no evidence that the sample selected was necessarily representative. The figure is inconsistent with the known occupancy rate of occupied dwellings of 3.026 at 1971 and with the national average of 2.96; in my view, even taking into account the special circumstances of Wootton Bassett, the figure must be regarded as unduly high. Occupancy rates are falling throughout the country and there is no reason why Wootton Bassett should be an exception. With the total number of dwellings adumbrated by the Town Council (4072 - para 240 above), the population would be 11,500 at an occupancy rate of 2.82. I can find no compelling reason to suppose that the rate at 1986 would be higher than this, bearing in mind the general fall in occupancy rates. Further development of Stage 2 would require separate planning permission, which would enable the planning authority to control the form of the development in the light of conditions prevailing at the time.

288. With regard to traffic, I accept that the High Street presents a problem which could probably only be satisfactorily resolved by some form of by-pass. However, in my opinion the additional through traffic at weekday peak hours likely

to be generated by the Woodshaw development would be relatively small, while the problem of congestion during Saturdays arising from shopping would be largely solved by additional parking space for which provision is currently included in the District Council's budget for 1980-81. The appellants' layout provides for a new link between Stoneover Lane and the A420 (Swindon Road); if permission for the development were given, this link should be completed before any houses are occupied in order to reduce the flow of traffic on Stoneover Lane and at its junction with Swindon Road. This could be achieved by condition (document 23).

289. There is no gainsaying the strength of local feeling against the proposals. It is unfortunate that the expansion of Wootton Bassett has co-incided with a period of economic retrenchment. However there is nothing to suggest that population related facilities, including medical and education, cannot be adequately met by the appropriate authorities although there will be a need at least initially for more temporary classrooms. The understandable fears of local residents, including no doubt relatively recent arrivals, that their town is being swamped and their way of life seriously affected has to be balanced against the overall national need for houses and the particular need in this growth area. In my view the delay sought by the District Council, most of which has been in any event realised as a result of the appeal, would not materially improve the situation. On the other hand the increased population base should justify earlier provision of the amenities which the Town Council seeks and in the meantime the very considerable facilities at nearby Swindon cannot be ignored.

290. There is no doubt that economic realities impose serious difficulties on the District Council in apportioning their resources. The choice of priorities is theirs, but in my view if they make that choice in favour of Chippenham, lack of resources cannot then be put forward as a justification for refusing expansion in accordance with government priority at Wootton Bassett. The appellants' substantial contribution to infra-structure costs would moreover represent gain to the town, notably in the water-supply field and in the provision of at least an initial stage of the much-needed by-pass. I think it only right to add that the substantial investment made by the appellants in the not unreasonable expectation that the Interim Policy Plan would be honoured should be taken into account; if the proposed development were delayed or rejected, there would be substantial waste of capital resources which could only result in the end in higher prices for houses.

291. On balance, therefore, I consider that the proposal under appeal should be permitted subject to the condition I have noted in paragraph 288 above.

#### APPLICATION FOR COSTS

292. Mr John Drinkwater QC on behalf of the appellants submitted an application for costs. He drew attention to Circular 73/65 and submitted a bundle of documents (document 59 attached to this report). In his submission, paragraph 9(b) of the circular was especially relevant, read in conjunction with paragraphs 23, 24, 26 and 27 of the "Extracts from the Report of the Council on Tribunals on the Award of Costs at Statutory Inquiries"; these paragraphs refer to "Award of Costs in Cases of Unreasonable Conduct".

293. His clients submit that the North Wiltshire District Council, that is the Councillors in their corporate capacity as respondents in this appeal, behaved unreasonably throughout. The matter was first mentioned in the appellants' Ground of Appeal No 7 and every opportunity was given in subsequent correspondence for the council to reconsider their actions.

The council's refusal was unreasonable under 6 heads:

1. It contradicted clearly established current planning policy.
2. It pre-empted a county council decision on a county matter.
3. The District Council's conduct displayed vacillation.
4. The District Council ignored their officers' advice.
5. The District Council failed to support their refusal by substantial evidence.
6. The District Council failed to supply particulars before the inquiry of the case which the appellants had to meet.

294. Under heading 1, the council chose to flout or ignore established policies; first, of the Secretary of State, for Swindon as a major growth area, confirmed by the decision of 17 January 1978 on the West of Swindon inquiry which re-asserted the target of 200,000 people by 1986. Second; of the strategic planning authority, Wiltshire County Council, in the Wootton Bassett Interim Policy Plan.

295. Under heading 2, it is not contended that the council acted unlawfully but their action was unreasonable given the previous close discussion on the application with the Wiltshire County Council and secondly the strategic nature of the decision in relation to the county council general provision of land seeking to satisfy central government requirements. Mr Drinkwater drew attention to the Inspector's report at the Park Farm inquiry, especially paragraph 182 (document 17). Cogent reasons for pre-emption were absent.

296. Under heading 3, Mr Drinkwater drew attention to precedents on the subject of vacillation in relation to costs awards, notably in the Haydon Wick 2 inquiry (document 15 para 227) and the West of Swindon inquiry (document 16 para 308). In the present case, North Wiltshire District Council took over the Wootton Bassett Interim Policy Plan on re-organisation; at the Thunderbrook inquiry in 1974 their witness said the district council supported the IPP proposals without reservation. There were almost 3 years of discussion on the basis of the IPP. On 19 July 1977, the full council accepted the original proposal for 606 houses on the appeal site for onward transmission to the county planning authority with their observations. Yet on 3 November 1977, the application, which had in the meantime been amended to meet the council's criticisms and would not otherwise have been before them again, was refused. There were no changes in circumstances between 19 July 1977 and 3 November 1977 to justify such a volte face; there was a reference in evidence to growing awareness of local public opinion but the new material before council in the intervening period was extremely scanty (agreed bundle of letters document 60). The District Council was well aware of all the matters raised by the Town Council and others before 19 July 1977; the decision to refuse could only be characterised as "vote-catching".

297. Under heading 4, rejection of the officers' advice does not of itself imply unreasonable behaviour on the part of the council but increases the burden in the circumstances of showing what they did was not unreasonable.

298. Under heading 5, the council's case was not supported by substantial evidence; reasons for refusal on grounds of prematurity were unsupported; the highways case was shown to be insubstantial; there was no evidence of unacceptable strain on existing social and community facilities; the analysis of social and community facilities submitted by the appellants (document 29) was not effectively challenged; assertions as to lack of certain

facilities are not of any substance when viewed in the absence of any objection from the county council which is going to have to provide most of them, especially education. There is no evidence to support the opinion that major growth at Chippenham would be inhibited.

299. Under heading 6, Mr Drinkwater referred to the bundle of letters put in at document 59. In his submission, it indicates that repeated requests for more details of the council's case were made from January 1978 onwards until the start of the inquiry but brought a quite inadequate response. [Mr Drinkwater then went through the correspondence in some detail and I have thought it best to include the agreed transcript of what he said on the matter with the bundle of documents (document 50).] He submitted that it was no answer to say that the appellants could have sought an adjournment. An adjournment brings heavy penalties, both financial and otherwise and it would be quite wrong to accept that a council can delay giving information repeatedly asked for simply because an appellant has a right to seek an adjournment.

300. In conclusion, Mr Drinkwater said that he wished wholly to acquit the officers of the District Council of any blame. Further, he wished to make it plain that the application for costs was framed on the basis that it lies in any event, whatever the outcome of the inquiry.

#### REPLY ON BEHALF OF NORTH WILTS DISTRICT COUNCIL

301. Mr Woolley, on behalf of the North Wiltshire District Council, resisted the demand for costs. He submitted that the Secretary of State's policy target for Swindon of 200,000 by 1986 refers to the urban area. The appeal site is not in the urban area; there is no direct or necessary connection between a population target for the Swindon urban area and a population target for the area outside within the Swindon sector. The case depends on application of policies as to whether or not that part of the Swindon sector should develop in step with the urban area, quite another matter. The District Council did not ignore those policies and complaint on that score is unjustified.

302. There was no commitment to grant immediate planning permission but only to consider the matter in the context of the structure plan and the district council was in step with that approach.

303. The circumstances of the Park Farm inquiry to which Mr Drinkwater referred were different, in that there had been previous intimation of the county planning officer's views. In the present case the only clear intimation of opinion from the county council available to the district council is to be found in the letter of 26 April 1978 from the county solicitor (document 36.15), which says that the council regards Wootton Bassett as a commitment and nothing else.

304. The district council all through had a choice. It could on the one hand send the matter on to the county for its determination in the light of such observations as the district council thought fit to make. The alternative was to exercise its undoubted powers in law and refuse permission. But when one is looking at the pre-emption, and at the next complaint of vacillation it is essential to bear very clearly in mind the sequence of events.

305. The district council made it clear, by its resolution of 19 July 1977, that it wanted to delay from the start. The appellants went back and sought to meet all the criticisms set out in that resolution. They refused - and one does not complain about this, except when the district council is charged with pre-emption and vacillation - to meet one criticism and that was the criticism that the start should be delayed. In those circumstances a planning authority is faced with one course of action only, and it is a course of action which is endorsed by the

Secretary of State in Circular 5/68, because the Secretary of State said in terms in that circular that it is not right to attempt to impose conditions postponing the start of planning permission. In the circumstances, there was no point in re-iterating the comment that the start should be delayed; the only consistent reasonable and lawful course was that which was taken.

306. It is not disputed that the council gave unqualified support to the Interim Policy Plan in their evidence to the Thunderbrook inquiry in 1974. But there has been 3 years further experience since then which led the council to the conclusion that community facilities should be implemented further before more residential development. The council is entitled to take public opinion into account.

307. There is no basis in law or in any policy document under which the council's decision to ignore their officers' advice increases the burden on the council to show that what was done was not unreasonable. Nor has such a proposition any basis in evidence before the inquiry.

308. Consultations on the North East Wiltshire Planning Policy review Pt 2 are incomplete and the document is itself inadequate; it is probably going to have to be fundamentally re-appraised in the light of the decision of 17 January 1978 on the Swindon Western Expansion area. In these circumstances, the council's reasons for refusal based on prematurity were justified.

309. The highways case has been greatly over-simplified; evidence on behalf of the council by their expert witness (Mr Oliphant) went in to the matter in detail. It is refuted that there is no evidence of unacceptable strain on existing facilities; much of the evidence on behalf of the council was directed at this very point. The appellants' analysis was in fact challenged on a number of matters, especially recreation and education.

310. The county council has founded itself upon "commitments" and has not, as far as is known, applied its mind to any of the issues which have been canvassed at the inquiry; it is therefore not surprising that Mr Drinkwater claims absence of objection from the county council.

311. There is ample evidence to support the council's wish to avoid inhibition of Chippenham; moreover, taking account of the extent to which financial material is common ground, it is not right to say that there is no evidence to justify the ground of refusal based on lack of resources.

312. With regard to the complaint that there were inadequate particulars given before the inquiry, reference is made to the District Secretary's letter of 18 May 1978 (in bundle document 59) which identified specifically every facility about which the council eventually gave evidence. Subsequent correspondence related to 2 matters, traffic and resources alleging lack of detail. Detail on traffic was supplied in the course of the meetings between Mr Oliphant and Messrs Bradleys' representatives. Details on financial matters were supplied in the Rule 6 Statement and in meetings between Mr Hill and the council representatives. The sanction open to the appellants was to apply, as they are entitled to do under the Inquiries Procedure Rules, for an adjournment of the Inquiry if they felt that they had not had sufficient time to consider the case that was being put forward in the way it had been fore-shadowed. They chose not to avail themselves of this right and they cannot therefore be heard to complain that they were given insufficient particulars in order to enable them to present their case. When Mr Oliphant's proof was delivered to the appellants early in this Inquiry it was specifically made clear to the appellants that if they wished to seek an adjournment the district council would raise no objection.

313. Mr Drinkwater makes it clear that he makes his application whatever the outcome of this Inquiry. With the exception of the last of the 6 complaints, all of them go to the weight of the evidence. If the Secretary of State finds in the council's favour on the weight of the evidence, there is no ground at all for awarding costs against the council. The sixth complaint, that of lack of particulars before the Inquiry, does not go to the weight of the evidence. Once again, if the council wins on this; the award of costs ought not to be made against the council. If, on the other hand, the Secretary of State finds in Bradley's favour on the merits then, he will have done so on the weight of the evidence and not because the council has behaved in an unreasonable fashion, and once again that ought not to entitle the appellants to be paid their costs.

#### INSPECTOR'S COMMENTS

314. In my opinion, the most significant matter in relation to the costs issue is that the council's officers negotiated with both the appellants and the county officers about development of the eastern expansion area for between 2½ and 3 years from 1974 onwards. It is inconceivable that they did so without the knowledge, let alone the guidance, of councillors. In the circumstances it seems to me that the appellants were justified in expecting that their proposals would at least be put to the county planning authority and not pre-empted at district level. Had they been so put forward, it seems probable that they would have been approved. In this connection, it should be noted that with the county solicitors' letter of 26 April 1978 to which Mr Woolley made reference (para 301 above), there was attached a copy of the county planning officers' report dated 21 April 1978 to the planning sub-committee; it included the statement

"If the County Council had been the authority to determine the planning application submitted by Messrs Bradley's which was a county matter, the recommendation would have been for conditional approval." (Document 38 - marked "C").

While this statement was not made until well after the district council had refused planning permission, I find it difficult to believe that the county planning officer had not earlier made his views known at least to the district officers and through them to the district councillors.

315. Many of the other matters raised go mainly to the merits of the case on which my views are contained in earlier paragraphs in this report.

316. In a complicated case of this nature, I think the appellants were entitled to reasonably full advance information of the precise nature of the council's case. I do not dispute that this was forthcoming eventually, but there is some evidence that it was late, especially details of the traffic case.

317. The several references purporting to find precedents in earlier appeals need in my view to be treated with caution; the cases referred to were complicated and in my view not necessarily relevant to the present case in so far as costs are concerned.

#### RECOMMENDATION

318. I recommend that the appeal should be allowed subject to standard conditions and to the condition which I have suggested in paragraph 288 above.

I have the honour to be  
Sir  
Your obedient Servant

A H G DOBSON  
Inspector

## APPEARANCES

### FOR THE APPELLANTS

Mr J Drinkwater QC  
with Mr A Anderson

- instructed by Messrs McKenna & Co, solicitors, Inveresk House, 1 Aldwych, WC2R 0HG

He called:

Mr E E Taylor FRICS FRTPI

- senior partner, Development Planning Partnership, 21 The Crescent, Bedford.

Mr D M Gransby BA(Hons)Manch  
MPh York

- Chairman & Managing Director, E H Bradley Planning Services, Okus, Swindon.

Mr M C Jones BSc CEng MICE  
MIMunE

- Chief Engineer, Bradley Planning Services.

Mr S W Hill MCIPFA

- Public Finance Consultant, Westminster.

### FOR THE NORTH WILTSHIRE DISTRICT COUNCIL

Mr D Woolley

- of counsel, instructed by H Miles Esq, District Secretary, North Wilts District Council.

He called:

Mr G Gifford

- Member North Wilts District Council and former Chairman, Development & Planning Committee, of Thickwood Farm, Colerne.

Mr V F W Clarke

- Member, North Wilts District Council, of Marlborough House, Broadtown, Wootton Bassett.

Mr D N Oliphant BSc(Hons)  
CEng FICE FIHE

- Consulting Engineer, of 27 Old Milmeads, Horsham, Sussex.

### FOR WOOTTON BASSETT TOWN COUNCIL

Mr W M Huntley

- of counsel, instructed by Messrs Bevir & Son, solicitors, High Street, Wootton Bassett.

He called:

Mrs J A Clarke

- Town Clerk, Wootton Bassett, Council Offices, The Manor House, Wootton Bassett.

Mr D G Magill

- Mayor, Wootton Bassett, 12 Vowley View, Wootton Bassett.

- Mr W G Tuckett - Headteacher, St Bartholomews Primary School, of 5 Longleaze, Wootton Bassett.
- Reverend B R Cooper - Vicar of Wootton Bassett, of The Vicarage, Wootton Bassett; member of board of governors, Wootton Bassett Comprehensive.
- Mr G A Loveday - Member Wootton Bassett Civic Trust, of Bushton Manor, Bushton Nr Wootton Bassett.
- Mr B W C Aslett BDS LDS RCS - Dental Surgeon, of 25 Honeyhills, Wootton Bassett.
- Dr W A Bliss - General Practitioner, 20 High Street, Wootton Bassett.

#### INTERESTED PERSONS

##### Societies and Organisations

- Mr G A Loveday - representing Council for the Protection of Rural England, North Wilts Group - of Bushton Manor, near Wootton Bassett.
- Mr P Giles - representing the Ecumenical Synod of Wootton Bassett - of the Old Vicarage, Honeyhill, Wootton Bassett.
- Mrs G Gale - representing the Society for the Environmental Preservation of Wootton Bassett - of 32 New Road, Wootton Bassett.
- Mr E H Hodges - representing the Wootton Bassett Area Committee for Age Concern, - of 53 Longleaze, Wootton Bassett
- Mr R Tylee - representing Thamesdown and District Society for the Care of the Mentally Handicapped - of 73 Dunnington Road, Wootton Bassett.
- Mr R G Hopkins - representing Wootton Bassett Liberal Association.
- Miss D Matthews - representing Wiltshire Gypsy Council - of 96 Dunnington Road, Wootton Bassett.
- Mr C C Holland - representing the local group "Say Adamantly No Expansion" (SANE) - of 66 Noremarsch Road, Wootton Bassett.

INTERESTED PERSONS (Contd)

Individuals

- Mr R Denton-White - local resident of 31 Eveleigh Road, Wootton Bassett.
- Mr E H Hodges - local resident, North Wilts District and Wootton Bassett town councillor, of 53 Longleaze, Wootton Bassett.
- Mr A Greenwell - local resident, of 14 Homefield, Wootton Bassett (also represented Mr D Wells of Sheridan Drive).
- Mr W M Hopkins - local resident, of 26 Parsons Way, Wootton Bassett.

Representing the Chairman & Officers of the Wootton Bassett Civic Trust

- Mr Seymour - of counsel, instructed by D Jeacock, Solicitor, of 2 The Rope Yard, Wootton Bassett.

He called:

- Mr D Jeacock - Chairman, Wootton Bassett Civic Trust.

SHORTHAND WRITER

- Mr A G M. Newman - of Walsh, Clerer & Co Ltd, Clifford Inn, Fetter Lane, EC4. (present for submissions on costs only).

DOCUMENTS

- Document 1 - Lists of persons present at the inquiry (for each day)...on main file.

DOCUMENT COVER NO 1

- Document 2 - Letter of 11 May 1978 from Town Council to Minister (Mr Barnett).
- " 3 - Paper by Wootton Bassett Civic Trust submitted to the Secretary of State 7 July 1978.
- " 4 - Notification of the inquiry and letters in reply thereto.

DOCUMENT COVER NO 2

- Document 5 - Extract - Swindon-A study for Further Expansion (Silver Report).
- " 6 - Wootton Bassett Interim Policy Plan (IPP) July 1973.
- " 7 - Wootton Bassett Town Centre Plan Draft March 1973.
- " 8 - North East Wiltshire - "The Way Ahead".

DOCUMENTS (Contd)

- Document 9 - Wiltshire County Council - Swindon Sub-Regional Study (1969).
- Documents 10/11 - Planning Policy Review - North-East Wiltshire Study Area, Parts 1 & 1a.
- Document 12 - Planning Policy Review - North-East Wiltshire Study Area, Part 2.
- " 13 - County of Wiltshire Development Plan - first quinquennial review.
- " 14 - Report on Inquiry (Thunderbrook Estates Ltd) 1974 (APP/2025/A/73/2367 & 11792).
- " 15 - Inquiry Report and Decision Letter (Haydon Wick) 1976 (APP/5410/A/75/4018).
- " 16 - Inquiry Report and Decision Letter (west of Swindon expansion Jan 1978 (SW/P 5408/220/1).
- " 17 - Inquiry Report and Decision Letter (Park Farm) June 1978 (APP/5410/A/77/2667).

DOCUMENT COVER NO 3 (documents submitted by the appellants)

- Document 18 - Letter 4 July 1978 Messrs McKenna to Town Clerk Wootton Bassett Town Council.
- " 19 - Letter 15 June 1978 Wiltshire County Council to Town Clerk.
- " 20 - Letter 14 July 1978 Wiltshire Family Practitioner Committee to appellants.
- " 21 - Letter 28 April 1977 D of E to Wiltshire County Council (Planning Officer).
- " 22 - Letter 20 July 1978 Transport & Road Research Laboratory to appellants.
- " 23 - Proposed condition to attach to planning permission.
- " 24 - D of E Press Notice and Minister's letter to Chairman, SW Economic Planning Council, 21 August 1975.
- " 25 - Extract from evidence of Mr E E Taylor with supporting documents.
- " 26 - Swindon Sector Dwelling Requirements.
- " 27 - Swindon Sector Housing Land Availability.
- " 27a - Letter of 17 April 1978 from County Solicitor and Clerk.
- " 28 - Bundle of documents referred to in evidence by Mr D M Gransby.
- " 29 - Appellants' analysis of Social and Community facilities, Wootton Bassett.
- " 30 - A. Geological appraisal B. Drainage aspects, with copies of relevant agreements C. Provision of Services.

DOCUMENTS (Contd)

- Document 31 - Study of traffic implications of the appellants' proposals by Mr E Jones.
- " 32 - Technical references referred to by Mr E Jones in evidence on traffic matters.
- " 33 - Additional study of accident statistics.
- " 34 - Additional study of traffic implications - section of A420 from Stoneover Lane to M4 motorway intersection.
- " 35 - Financial tables submitted in evidence by Mr S W Hill.

DOCUMENT COVER NO 4 (documents submitted by North Wilts District Council)

- Document 36 - Batch of documents relating to North Wiltshire District Council Development & Planning Committee.
- " 37 - Petition and other documents available at application stage ( bundles on pink paper).
- " 38 - Correspondence between North Wiltshire District Council & Wiltshire County Council.
- " 39 - Correspondence and papers originating from Wootton Bassett Town Council.
- " 40 - Extract from evidence of Mr D N Oliphant, expert witness on traffic.
- " 41 - Capital Investment scheduling - Wootton Bassett.
- " 42 - Decision letter SW/APP/5408/A/76/11620 - appeal by Wootton Bassett Rugby Club.

DOCUMENT COVER NO 5 (Documents submitted by Wootton Bassett Town Council)

- Document 43 - Letter from Secretary, Wootton Bassett Labour party.
- " 44 - Letter from Messrs Smith & Hope Ltd re car-parking facility.
- " 45 - Copy letter sent to residents of 8 June 1978.
- " 46 - Correspondence between Town Council & Wiltshire County Council.
- " 47 - Report on Expansion of Wootton Bassett (Town Council paper 16 with addendum).
- " 48 - Population and Social Survey (Town Council paper No 17 with addendum).
- " 49 - Paper submitted to North Wilts District Council for Development and Planning Committee meeting 3 November 1977.
- " 50 - Letter of 8 September 1976 from Secretary Wootton Bassett Civic Trust to member of the Trust's committee.

## DOCUMENTS (Contd)

DOCUMENT COVER NO 6 (statements and documents submitted by Interested organisations and individuals)

- Document 51 - Documents submitted in support of evidence given by Mr E H Hodges.
- " 52 - Evidence presented on behalf of Wootton Bassett Area Committee for Age Concern.
- " 53 - Evidence presented on behalf of the Thamesdown & District Society for the Care of the Mentally Handicapped.
- " 54 - Evidence presented on behalf of the Society for the Environmental Preservation of Wootton Bassett.
- " 55 - Evidence presented on behalf of the Wootton Bassett Liberal Association.
- " 56 - Evidence presented on behalf of the Wiltshire Gypsy Council.
- " 57 - Evidence presented on behalf of "SANE" (Say Adamantly No To Expansion).
- " 58 - Extracts from minutes of Wootton Bassett & District Civic Trust.

## INDIVIDUAL COVERS

- Document 59 - Batch of documents submitted by appellants in support of application for costs.
- " 60 - Batch of documents submitted by North Wilts District Council in reply to application for costs.

## PLANS

- Plan A - Application site and land ownership 1:2500 (application plan).
- " B - Proposed layout and phasing 1:2500.
- " C - Proposed densities and dwelling types.
- " D - Proposals for further expansion within Eastern Expansion Area, Wootton Bassett.
- " E - Site and surroundings to shew schools, shopping area etc (EET 1).
- " F - Wootton Bassett area - road accidents.
- " G - Location map - to shew developments sites (submitted by District Council).
- " H - Development in Wootton Bassett (submitted by Town Council).

TOWN AND COUNTRY PLANNING ACT 1971

A P P E A L by E.H. Bradley & Sons Ltd. against the refusal of planning permission by North Wiltshire District Council for proposed residential development with associated and ancillary facilities at WOODSHAW Wootton Bassett Wiltshire PUBLIC INQUIRY July 1978  
DOE reference APP/5408/A/77/11161(13) N/78/1836/OL AD/DA/210

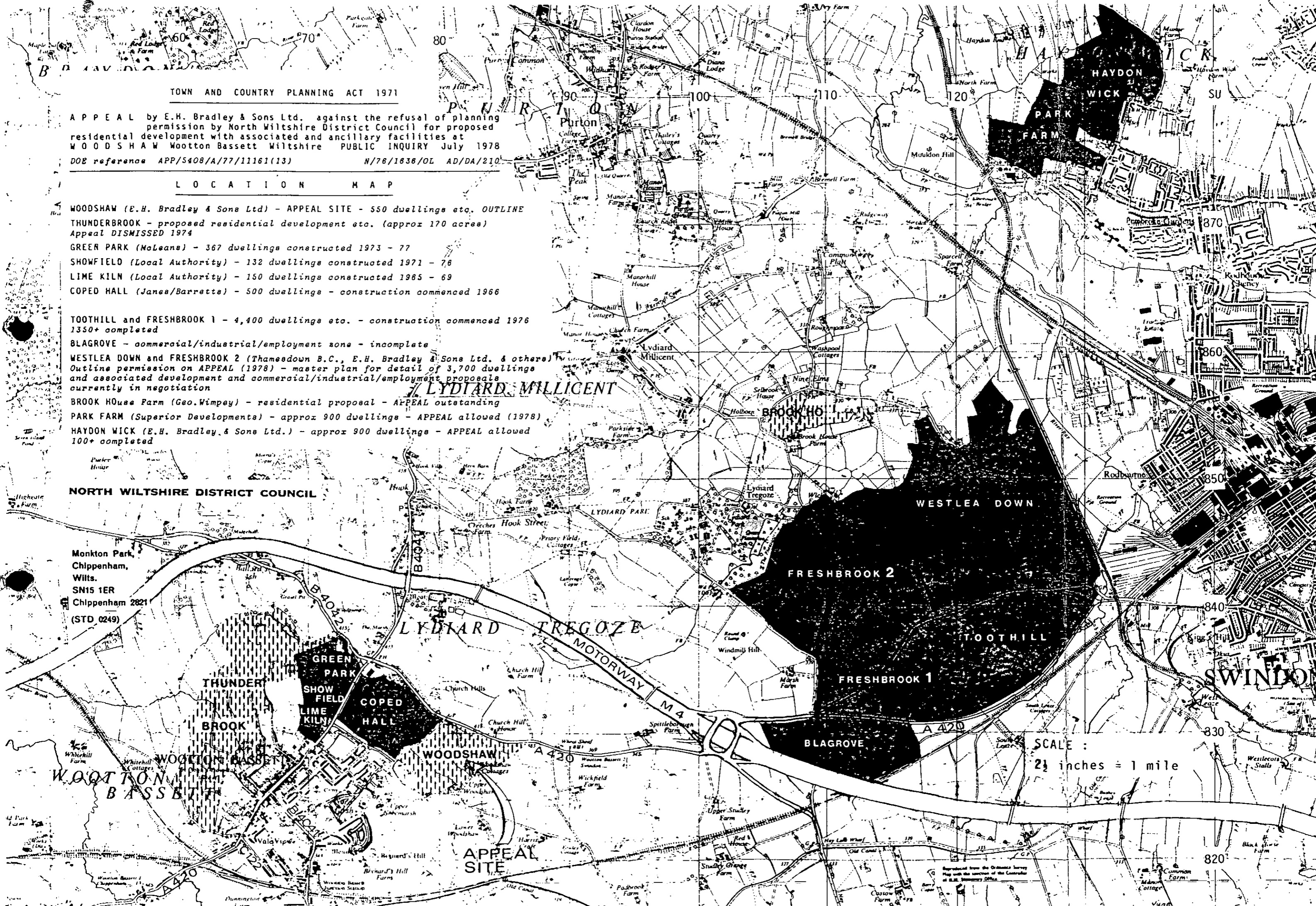
LOCATION MAP

- WOODSHAW (E.H. Bradley & Sons Ltd) - APPEAL SITE - 550 dwellings etc. OUTLINE
- THUNDERBROOK - proposed residential development etc. (approx 170 acres) Appeal DISMISSED 1974
- GREEN PARK (McLeans) - 367 dwellings constructed 1973 - 77
- SHOWFIELD (Local Authority) - 132 dwellings constructed 1971 - 78
- LIME KILN (Local Authority) - 150 dwellings constructed 1965 - 69
- COPED HALL (Janes/Barretts) - 500 dwellings - construction commenced 1966

- TOOTHILL and FRESHBROOK 1 - 4,400 dwellings etc. - construction commenced 1976 1350+ completed
- BLAGROVE - commercial/industrial/employment zone - incomplete
- WESTLEA DOWN and FRESHBROOK 2 (Thamesdown B.C., E.H. Bradley & Sons Ltd. & others) Outline permission on APPEAL (1978) - master plan for detail of 3,700 dwellings and associated development and commercial/industrial/employment proposals currently in negotiation
- BROOK HOUSE Farm (Geo. Wimpey) - residential proposal - APPEAL outstanding
- PARK FARM (Superior Developments) - approx 900 dwellings - APPEAL allowed (1978)
- HAYDON WICK (E.H. Bradley & Sons Ltd.) - approx 900 dwellings - APPEAL allowed 100+ completed

NORTH WILTSHIRE DISTRICT COUNCIL

Monkton Park,  
Chippenham,  
Wilts.  
SN15 1ER  
Chippenham 2821  
(STD 0249)



SCALE :  
2 1/2 inches = 1 mile

Reproduced from the Ordnance Survey Map with the sanction of the Controller of H.M. Stationery Office.

June 1978