

---

## Appeal Decision

Site visit made on 29 November 2016

**by Jacqueline Wilkinson Reg. Architect IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 December 2016**

---

**Appeal Ref: APP/Y3940/W/16/3158032**

**Wrens Brook, Sambourne Road, Minety Wiltshire SN16 9RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Plank against the decision of Wiltshire Council.
  - The application Ref 16/04536/FUL, dated 12 May 2016, was refused by notice dated 7 July 2016.
  - The development proposed is barn conversion to a residential dwelling (C3) with associated works.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. This is a proposal for the conversion of an existing rural building. The appeal site is located on a small track leading at an angle off the B4040 road into Minety. The main road, which has a speed restriction of 30mph at this point, rises up to a railway bridge, whilst the track leads down to a dead end close to the railway line. There is a scattering of houses along the track and adjacent to the appeal site, but the area nevertheless has a rural character, with undeveloped fields opposite and to the north-west of the holding. Moreover, because of the railway bridge there is a distinct feeling of separation from the core of the village of Minety on the other side of the tracks. This is reinforced by the lack of footways on the main road and over the bridge.
3. Small villages such as Minety no longer have a defined settlement boundary. The appellant has sought to make the case that the proposal would be limited infilling within the built up area of Minety, but having seen the degree of visual and physical separation caused by the railway bridge and line, I consider that the site is not within the built up area of the village. I accept that there other houses (some with recently approved annexes) along the track, but these are more dispersed in character and are typical of the transitional edges of rural villages.
4. I therefore conclude that the appeal site is outside the built up area of the village, so is for the purposes of this assessment within the countryside. I shall therefore focus on the relevant policies in the Wiltshire Core Strategy Development Plan Document 2015 (Core Strategy).
5. Core policy 48 *Supporting rural life* seeks to restrict the location of housing outside the existing built areas of small villages and in that respect it cannot be

- regarded as up-to-date, given that the Council cannot demonstrate a 5 year supply of housing land.
6. However, with respect to the section relating to the conversion of rural buildings, Core policy 48 sets out a strategy for the protection of the rural economy and satisfying cultural and community needs in the first place, but allowing conversion to residential use in cases where alternative uses are not practical propositions. This does not have the effect of restricting housing supply, but simply sets out criteria for assessing whether a conversion of a rural building is the most sustainable option for the building, the community and above all the rural economy. This reflects the broad objective of supporting sustainable development that is the basis of the Framework.
  7. The criteria set out in Core policy 48 are:
    - i that the building is structurally sound,
    - ii that the use would not detract from the character or appearance of the landscape or settlement,
    - iii that the building can be served by adequate access and infrastructure,
    - iv the site has reasonable access to local services and
    - v the conversion or re-use of a heritage asset would lead to its viable long term safeguarding.
  8. These criteria also reflect similar criteria set out in paragraph 17 *Core planning principles* and Section 7 *Requiring good design* paragraph 58. I therefore conclude that policy 48, with respect to the conversion of rural buildings, is not out of date for the purposes of assessing this appeal.
  9. The building is structurally sound, has adequate access and is not a heritage asset.
  10. The **main issues** are therefore: i) whether there are no practical uses for the building other than residential use, ii) the effect on the character or appearance of the landscape and iii) whether the future occupiers of the proposed dwelling would have reasonable access to local services.

## Reasons

### *Policy Framework*

11. In addition to Core policy 48, which I have discussed above, Core policy 51 *Landscape* requires development to protect landscape character and Core policy 57 *Ensuring high design quality and place shaping* requires that development enhances local distinctiveness. Both these policies accord with the Framework and as they are not relevant to the supply of housing, they are not out-of-date.
12. Core policy 60 *Sustainable transport* states that the Council will use its planning powers to help reduce the need to travel particular by private car. This policy also accords with the sustainable development objectives set out in the Framework, paragraph 17 which sets out a core planning principle that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling.

13. The Council suggests<sup>1</sup> that paragraphs 47 and 49 of the Framework only relate to development that would “boost significantly” the supply of housing. However, paragraph 49 of the Framework simply states that “Housing applications” should be considered in the context of sustainable development. This is a housing application and the weight to be given to the benefit of the one new dwelling in the context of the overall housing shortfall is a matter to be brought into the overall planning balance.
14. The Council has put before me a recent (August 2016) appeal decision in relation to a proposal for 4 dwellings in nearby Upper Minety<sup>2</sup> which points out that the engaging of paragraph 49 does not mean that policies which are not up-to-date have no weight at all. However, for the reasons I have set out above, I have concluded that Core policy 48, with respect to conversions of rural buildings, is up-to-date.

*Does the building have no practical use other than residential?*

15. Core policy 48 does not specifically require evidence of redundancy, but this is implied in the wording used in the policy. The Framework, paragraph 55 states new isolated homes in the countryside should be avoided unless there are special circumstances such as the re-use of redundant or disused buildings.
16. I accept that the uses discussed in the appellant’s Sequential Test Report are not likely to be practical propositions. However, the appeal building was built in 2010 as a stable and storage for the equestrian holding. Its erection, no doubt at some expense given its size and solid construction, must have been justified for either personal or business reasons at the time, which was only 6 years ago. The recent loss of pasture land is mentioned, but no further explanation is given.
17. The appeal building is part of the equestrian holding and I am not persuaded that when taken as a whole, the holding has no prospect of continuing in equestrian use, given its sale or lease at a reasonable price. I am not therefore persuaded by the evidence before me that the appeal building is redundant, so the special circumstances referred to in the Framework would not exist and pre-requisite condition of Core policy 48 is not met.

*Character and appearance*

18. The equestrian holding comprises fenced paddocks and a ménage area, with a small timber stable and associated open storage areas. The curtilage of the proposed dwelling would extend well into open grazing land which would result in the enclosure and domestication of a significant area of currently open rural landscape. Whilst a condition could be used to require landscaping and to restrict permitted development rights to extend or alter the proposed dwelling, or to erect sheds and other similar structures in the grounds, the area would become domesticated in character and function.
19. The proposed access road would cut the holding into two parcels of land, separating the tack rooms, stables, storage areas and parking along the front boundary to the east from the paddocks to the west. There would be an increased likelihood that the rest of the holding would be subject to creeping

---

<sup>1</sup> 6.6 of its Statement

<sup>2</sup> APP/Y3940/W/15/3141391.

domestication as the Council would find it impossible to distinguish between the domestic activities and the activities of the holding.

20. The Council refers to the external appearance of the proposed dwelling. The existing building is simple and functional in character, if somewhat higher than a traditional field barn. The proposed conversion, particularly the insertion of poorly proportioned domestic windows at two levels, domestic doors, sliding patio doors and two half-gables in the rear elevation, would result in a poor quality design. It would be neither sympathetic to the simple "barn-like" character of the building or be a good design in its own right. This would harm the rural character of the area.
21. I therefore conclude that the proposed development would harm the rural character and appearance of the area, contrary to the requirements of Core policy 51 and Core policy 57. It would also fail the test of criteria *ii* of Core policy 48. Paragraph 55 of the Framework, whilst accepting the principle of conversions of redundant buildings, qualifies this by requiring the development to lead to an enhancement to the immediate setting. The proposal (albeit I have not accepted the case for its redundancy) would also fail this requirement.

#### *Access to local services*

22. Minety does not have a wide range of services. There is no shop or post office and the hall and playing fields are at some distance on the other side of the village. There is a pre-school and primary school and the two pubs are within walking distance of the appeal site, although walking to these would involve some risk due to the lack of pavements up to and over the bridge. Cycling locally would be possible, but it is unlikely that the future occupiers would walk to the more distant facilities, especially at night. There is a bus stop over the railway bridge, with some services to other centres, although neither party has furnished me with the timetable.
23. It is likely that the future occupiers would have to use their car for most services. Whilst this is common in rural areas, given the limited services available in the village, I cannot conclude that the appeal site would have reasonable access to local services as required by policy 48.
24. The appellant cites a recent planning permission granted for the development of 6 dwellings at the Vale of White Horse Inn, ref 15/09143/OUT. From the quoted sections of the Officer's report it is clear that this scheme was approved on the basis of an exception, particularly to support the public house. The conversion of the appeal building to one dwelling is not likely to secure any tangible benefits to the existing facilities on the edge or in Minety. This site is closer to the village and beyond the railway bridge, which is a significant barrier to the accessibility of the village from the appeal site.
25. I therefore conclude that the proposal would fail to satisfy criterion *iv* (access to local services) of Core policy 48. Whilst Core policy 60 *Sustainable transport* states that the Council will use its planning powers to help reduce the need to travel particular by private car, I accept that rural buildings are not likely to be in the most fully sustainable locations. In this case, although some limited village facilities would be accessible by foot or by cycle, the location is poor in relation to most daily needs and distances to larger towns in both directions

would be likely to require multiple fairly long daily car journeys. The proposal would therefore fail to support the aims of this policy.

### **Overall Conclusion**

26. I have concluded that the proposed conversion would harm the rural character and appearance of the area through the poor design of the conversion and the inappropriate domestication of the site, which could not be adequately controlled by the use of a planning condition. The potential pressure for the domestication of parts of the adjacent equestrian holding bisected by the access drive adds to this concern.
27. Whilst accepting that people who live in rural areas must travel greater distances to access services, usually by car, I found that the future occupiers of the proposed dwelling would be unlikely to have reasonable access to local services, due to the separation of the appeal site from the village and bus stops by the narrow railway bridge and the distances to the other side of the village, where only limited facilities are located.
28. Whilst a new dwelling would be created, with a small short term contribution to the economy through the conversion process, its contribution to the supply of housing in the District would be small and it would not be likely to make any significant contribution to the support of existing village facilities.
29. I therefore conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
30. For the reasons given above I conclude that the appeal should be dismissed.

*Jacqueline Wilkinson*

INSPECTOR