
Appeal Decision

Site visit made on 20 December 2016

by David Walker MA MRTPI

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

Decision date: 19th January 2017

Appeal Ref: APP/Y3940/W/16/3158480

Firs Farm, Swindon Road, Little Somerford, Wiltshire SN15 5BJ

- 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 D Clifford against the decision of Wiltshire Council.
 - The application Ref 16/03206/FUL, dated 4 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is demolition of existing outbuilding to be replaced with 4 No tourist accommodation units with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing outbuilding to be replaced with 4 No tourist accommodation units with associated parking at Firs Farm, Swindon Road, Little Somerford, Wiltshire SN15 5BJ in accordance with the terms of the application, Ref 16/03206/FUL, dated 4 April 2016, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues in the appeal are:
 - i) whether the proposal accords with policies for the location of new tourist accommodation; and
 - ii) the effect of the proposal on the living conditions of future occupants having regard to the proximity of existing commercial uses and in relation to noise and disturbance.

Reasons

Policies for the location of new tourist accommodation

3. There is no dispute between the parties that the appeal site is located in the open countryside. In these circumstances the Council has pointed me to the settlement strategy contained at Core Policy 1 of the Wiltshire Core Strategy 2015 (the CS), and the associated delivery strategy at Core Policy 2. These seek to direct new development to locations with a range of services and employment opportunities in order to minimise the need for travel. It is an approach consistent with the Government's expression of what sustainable development means in practice as set out within the National Planning Policy Framework, particularly at paragraph 17.
 4. However, it is clear from the supporting text to Core Policies 1 and 2 of the CS that they are primarily aimed at new site allocations for housing and
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employment development. The provision of rural tourist accommodation is specifically identified as being a necessary exception to the settlement strategy within paragraphs 4.17 and 4.25 of the supporting text to the policies.

5. Moreover, the supporting text to Core Policy 39 of the CS explains the importance of tourism to the local economy and the wealth of assets, including the countryside, that are to be found in Wiltshire. In this regard I am mindful of the support for the proposal provided by interested parties including the submitted evidence which identifies a shortage of self-catering accommodation in the north of the district.
6. I find the extent to which the proposal would replace an existing building within the confines of the grouping of buildings at Firs Farm would safeguard the landscape and environmental requirements of the Core Policy 39 of the CS. The Council's main objection therefore, and that of the Local Highway Authority (LHA) and Lea and Cleverton Parish Council, is that the proposal would be isolated from services and so result in travel patterns that would not accord with the aim of reducing private car usage set out at Core Policies 60 and 61 of the CS.
7. However, Core Policy 39 only requires that new tourist accommodation is located in close proximity to small villages. While there would undoubtedly be some car usage, the appeal site is located within a reasonable walk over the country footpath network of the villages of Lea and Little Somerford, and within a moderate cycle ride of Malmesbury. I acknowledge that although there is a frequent bus service that access on foot along the B4042 to the bus stops at Lea Crescent would not be attractive due to the lack of suitable footways.
8. By rural standards, therefore, I find the appeal site to be relatively accessible and that occupiers of the holiday accommodation would have a realistic alternative to the private car for some journeys. Overall, the proposal would accord with the requirements of Core Policy 39 of the CS which read as a whole and in the context of the stated exceptions at Core Policies 1 and 2 is favourable toward the provision of new tourist accommodation at rural locations.

Living conditions

9. The proposed accommodation would be located at a different site to the existing commercial operations, albeit immediately adjacent and in the same ownership. It would, however, be physically separated by existing store and office buildings and share an independent access with Firs Farmhouse. From my site inspection it is clear that the immediate setting to the proposal would be more akin to being residential than commercial in character.
10. I acknowledge that with civil engineering and builder's yard related activities in close proximity some noise and disturbance would be inevitable. However, I accept the appellant's argument that any such commercial activities would logically occur during work day hours when holidaymakers are likely to be out and about, and not during the evenings.
11. In this regard I find these differing uses of the Firs Farm complex to be complementary to each other. Unacceptable harm is accordingly unlikely to arise to cause conflict with the requirements of Core Policy 57 (vii) of the CS to have regard to the compatibility of adjoining uses among other things.

Other Matters

12. At the time of the planning application Lea and Cleverton Parish Council raised concerns about the suitability of the existing access serving Firs Farmhouse, given the nature of the B4042 with fast flowing traffic and parking demands. However, as the LHA does not raise objection to the use of the existing access from a highway safety standpoint this is not matter that weighs heavily against the scheme.

Conditions

13. I have given consideration to the suggested conditions provided by the Council and appellant. The period for implementation and plans approved are specified for the avoidance of doubt. Having regard to the potential for bats within the building to be demolished it is necessary that the development proceeds in the manner stipulated within the submitted Bat Search and Assessment report.
14. I agree that further details of the provision of an alternative nesting site for swallows and roosting features for bats are required to accord with paragraph 118 of the National Planning Policy Framework. I am satisfied that such details can reasonably be agreed prior to any development above the base course level. Having regard to the countryside setting of the proposal and the requirements of Core Policy 39 of the CS it is also necessary that details of the materials to be used for the external walls and roofs are agreed before any development above the base course level.
15. To ensure that adequate provision is made for parking within the site it is necessary in the interests of highway safety to ensure that the parking area shown on the plans is provided before any occupation of the approved accommodation. To this I add the requirement, as agreed by the appellant, for a scheme of cycle storage to be provided before first occupation to ensure compliance with the requirements of Core Policies 60 and 61 of the CS.
16. As the proposal is located where permanent residential accommodation would not normally be permitted it is necessary to restrict occupation for temporary periods only. Aligned to this, in the interests of certainty, is the requirement that the proposal be used only for holiday accommodation and not for any other purpose under Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Conclusion

17. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be allowed subject to conditions.

David Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 2720/01 Site Plan & Location Plan and Drawing No 2720/03 Layout & Elevations as Proposed.
- 3) The development hereby approved shall be carried out in accordance with the recommendations for removal of the outbuilding roof in sections 6.1 and 6.2 of the Bat Search and Assessment report dated 7 March 2016 prepared by Wessex Ecology.
- 4) Before any development above base course level takes place, details of the provision of an alternative nesting site for swallows and roosting features for bats, including a plan showing the locations and types of features, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new holiday units are first occupied and retained for the lifetime of the development.
- 5) No development above base course level shall be commenced until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.
- 7) No part of the development hereby approved shall be first brought into use until cycle parking facilities have been installed in accordance with a scheme to be agreed with the local planning authority. Such facilities are to be maintained and kept available for use at all times thereafter.
- 8) No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 28 days in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period.
- 9) Notwithstanding Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up-to-date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

End of schedule.