The Planning Inspectorate

Appeal Decision

Site visit made on 26 January 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/Y3940/W/16/3160717
Building/Land, Dragon Lane, Manningford Bruce SN9 6JE

- 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 John Palmer against the decision of Wiltshire Council.
- The application Ref 16/03263/FUL, dated 6 April 2016, was refused by notice dated 31 May 2016.
- The development proposed is demolition of existing building and construction of single two-bedroom dwelling within existing building footprint.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Palmer against Wiltshire Council and another such application was made by Wiltshire Council against Mr John Palmer. These applications will be the subject of separate Decisions.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area including the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. Core Policy 2 of the Wiltshire Core Strategy (the Core Strategy) stipulates that development at the small villages, as referred to under Core Policy 1, will be limited to infill within the existing built area and will be supported where they meet housing needs, provided that the development, amongst other things, respects the existing character and form of the settlement and does not impose development in sensitive landscape areas. The site is within the AONB. I have therefore also had regard to paragraph 115 of the National Planning Policy Framework (the Framework) which states that great weight should be given to conserving landscape and scenic beauty in AONBs.

5. I have had regard to a previous appeal decision, Ref T/APP/E3905/A/96/262464/P7, relating to a proposed single dwelling on a site which would have included part of that now proposed. It was therefore not exactly the same site and the dwelling would have been positioned closer to the road. It was also dismissed a number of years ago when different development plan policies applied. Nevertheless, I note that other than the

construction of two new dwellings to replace previous ones at The Wickets and Fairfields, the pattern of development has remained largely unchanged since then based on the submitted evidence.

6. It is disputed by the parties as to whether or not the site is previously developed land, particularly whether or not it is lawfully agricultural and the extent to which the existing building blends in with the landscape. In this respect the building is no longer concealed by the vegetation referred to by the Council as having covered it in the past and is clearly visible on the site. Furthermore, the evidence submitted is not conclusive in respect of agricultural use and my colleague's reference to it being a field in that previous appeal decision does not necessarily define it has having been in agricultural use at that time.

7. Nevertheless, even if it were to be regarded as previously developed, it remains a large open and verdant site, with, at the time of my site visit, no physical segregation from the area of garden related more closely with The Wickets. As such, it makes an important contribution to the pleasant open and spacious setting of the village.

8. The proposed property, including its spacious grounds, would occupy the entire space between that relating to The Wickets and the rear boundaries of properties fronting onto Hare Street. However, that existing gap is not a small one and so it would not be a clear case of infill development.

9. Notwithstanding that, there would be a significant degree of separation between the proposed dwelling and that of The Wickets, the building would be set back from the road, and it would be set within a large plot. It would also be seen in the context of The Wickets being the only other dwelling relating to the village fronting onto that side of Dragon Lane and which, like those opposite, is set noticeably nearer to the road than that proposed. These factors would emphasise the awkward and sporadic positioning of the proposed dwelling.

10. I acknowledge that the proposal would replace an existing building. However, that building has the appearance of one ancillary to the function of the land, whether or not it was formerly used for agricultural purposes or for general storage associated with The Wickets or the house it replaced. It is in a dilapidated condition and not an attractive building but nevertheless not a dominating feature of the village due to its modest height and set back from the road.

11. The proposed dwelling would not have that same ancillary appearance. It would also be a prominent feature, despite the set-back, due to its significantly greater height. That would draw further attention to its incoherent positioning for a dwelling in the context of the more forward siting of the other dwellings fronting the lane. Planting on the front boundary and within the site would be likely to provide some degree of softening or screening, but that could not be relied upon for such a purpose in terms of density or long term maintenance or survival.

12. The dwelling would therefore be an intrusive and jarring feature that would harm the current open and spacious nature of this part of the village and detract from the more coherent existing positioning of dwellings along this lane.

13. I acknowledge that Core Policy 2 of the Core Strategy refers to prioritising the re-use of previously developed land, and that the Framework, in paragraph 17, sets out that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. I have found that the evidence is inconclusive as to whether it is previously developed land. However, even if it were to be considered such, for the above reasons, the proposed development would cause unacceptable harm to the character and appearance of the site and surrounding area including the AONB. As such, it would be contrary to Core Policy 2 of the Core Strategy and paragraph 115 of the Framework.

14. The Council, in its first reason for refusal, also refers to Core Policies 1 and 48 of the Core Strategy. Those policies respectively refer to the settlement strategy and criteria for housing development outside of the existing built areas of Small Villages. Notwithstanding my findings in respect of the character and appearance of the site and surrounding area, the site is bound by residential properties and Dragon Lane, with the dwellings opposite extending, together with allotments, to just beyond The Wickets. I am therefore satisfied that the site can be considered to be within the built area of the village. It would therefore not be at odds with Core Policies 1 and 48.

Other matters

15. The Council, in its second reason for refusal, refers to the proposal being in an unacceptable location in respect of access to services, facilities and amenities for prospective residents without heavy reliance on private cars. However, I have found that the proposal would be within the built area of the village. As such, it would not conflict with the principle of new housing in a small village referred to in Core Policies 1 and 2 of the Core Strategy, albeit that I have found that it would fail to comply with various other criteria concerning Core Policy 2. For the same reasons, it would also not conflict with Core Policy 60 which relates to sustainable transport.

16. The appellant refers to being on the Council's register for self-building a home at the appeal site and that the proposal would help the Council meet its requirement for self-build housing. Reference is also made to the development plan being silent in respect of self-build housing policies, such that the fourth bullet point of paragraph 14 of the Framework should be triggered.

17. Paragraph 14 states that for decision making, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

18. Regardless as to whether or not the development plan is silent in respect of self-build housing policies, I have found that specific Framework policy concerning the AONB indicates that development should be restricted. I acknowledge that the self-build construction of the proposed single dwelling would represent a small economic benefit, along with adding one additional dwelling to the supply of housing in the area. However, those small benefits would be insufficient to outweigh the harm that I have found would be caused

to the character and appearance of the site and surrounding area including the AONB.

Conclusion

19. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. However, in light of my findings in respect of the main issue weighed against the small benefits in respect of housing supply and self-building, it would not be a sustainable form of development.

20. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR