

Appeal Decision

Site visit made on 14 March 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 27 March 2017

Appeal Ref: APP/Y3940/D/17/3169729

Skimpot Cottage, Giddeahall South to Slaughterford Road, Biddestone SN14 7DD

- 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 Jeff Berning against the decision of Wiltshire Council.
 - The application Ref 16/09565/FUL, dated 30 September 2016, was refused by notice dated 1 December 2016.
 - The development is proposed carport and garden store.
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Decision

1. The appeal is allowed and planning permission is granted for proposed car port and garden store at Skimpot Cottage, Giddeahall South to Slaughterford Road, Biddestone SN14 7DD in accordance with the terms of the application, Ref16/09565/FUL , dated 30 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Floor Plan, Elevations, Location and Block Plan Drawing No SkimpGar/PL01a; Site Plan, Key, photographs Drawing No SkimGar/PL/A/01.
 - 3) Before the development hereby permitted is brought into use, the existing garden store building shown on drawing no SkimGar/PL/A/01 shall be removed from the site.

Main Issue

2. The main issue in this appeal is whether the proposal would conserve and enhance the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. The proposed building would be sited within the grounds of Skimpot Cottage next to the western boundary that abuts open farmland and which is defined by a post and rail fence. In addition to the main house, the grounds of the property also include a substantial stone built outbuilding which provides parking for three cars. Both the main dwelling and outbuilding are sited next to the road on the south-eastern edge of a roughly triangular shaped plot.
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4. Paragraph 115 of the National Planning Policy Framework (the Framework) says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection. This is closely reflected in Core Policy 51 of the Wiltshire Core Strategy (2015).
5. The proposed building would be set away from the main house and outbuilding and because the road bends around the plot, it would be seen when travelling in both northerly and southerly directions. However, it would nonetheless be viewed in the same domestic context, reading as an integral part of a loose grouping of buildings and would not appear far removed from them. This would also be the case from the nearby Public Right of Way (PRoW) with the addition in the view of the large farm shed to the west, on the opposite side of the road. Furthermore, the building would not breach the clearly defined western property boundary and it would therefore appear well contained within the residential plot.
6. Although the proposal would add a further building to the plot, it would be of modest proportions and appear subservient to the main house and outbuilding. It would allow for an additional car to be parked out of sight thereby representing an enhancement, albeit modest, to the area's landscape and scenic beauty. The evidence also tells me that the appellant would remove the existing timber store building from the garden, so the overall number of ancillary buildings would not increase and this is a matter that could be the subject of a suitably worded condition.
7. The proposed use of stone, timber and reconstituted stone tiles would in my view, also be sympathetic to the overall character of the rural surroundings.
8. Taking all of this into account, the proposal would therefore conserve and enhance the AONB's landscape and scenic beauty thereby being in accordance with Core Policy 51, the Framework and statutory legislation. It would also accord with Core Policy 57 that requires development to demonstrate a high quality of design that makes a positive contribution to Wiltshire's character.
9. The Council argues that there is no need for the building. However, there is nothing within Core policy 51 that requires a demonstration of need. With reference to the designations set out in Framework paragraph 115, paragraph 116 does state that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. However, in this case, the proposal cannot reasonably be considered as major development. Thus, there is no local or national policy requirement for the appellant to demonstrate a need for the building.

Conditions

10. A condition is imposed specifying the relevant drawing as this provides certainty. The Council has suggested two other conditions. The first of these relates to materials but as these are adequately described on the approved drawings and on the application form such a condition is unnecessary. The second suggested condition relates to the continued use of the building as ancillary to the main dwelling. I accept that it is undesirable for the building to be converted to another separate dwelling that could be severed from the existing planning unit. However, I have no indication that this is likely and in

any case, the building would need to be of suitable size and construction to function as a separate dwelling. On the basis of the information before me, I am not convinced that it would be and accordingly, I have not imposed the suggested condition. Following correspondence with the parties, I have imposed a condition requiring the existing garden store building to be removed from the site. This condition is based on the Council's suggested wording but with amendments in the interests of brevity and having had regard to the Framework and Planning Practice Guidance.

Conclusion

11. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector