
Appeal Decisions

Site visit made on 26 April 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 26 May 2017

Appeal A Ref: APP/Y3940/W/17/3168746

Brail Vista, 163, Crofton Road, Great Bedwyn, Wiltshire SN8 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs M Rhodes against the decision of Wiltshire Council.
 - The application Ref 16/03839/VAR, dated 20 April 2016, was refused by notice dated 4 August 2016.
 - The application sought planning permission for the conversion of stables to 2 No holiday let cottages without complying with a condition attached to planning permission Ref E/2012/0670/FUL, dated 9 July 2012.
 - The condition in dispute is No2 which states that: Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the accommodation hereby permitted shall be used for holiday accommodation only and not as a person's sole or main place of residence. No person shall occupy the holiday accommodation for a period exceeding 8 weeks in any calendar year or for a period exceeding 4 weeks at a time, with no return within 4 weeks.
 - The reason given for the condition is: The site is in the open countryside where the Local Planning Authority, having regard to long standing local and national planning policies, would not permit permanent residential accommodation.
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Appeal B Ref: APP/Y3940/W/17/3168744

Brail Vista, 163 Crofton Road, Great Bedwyn, Wiltshire SN8 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs M Rhodes against the decision of Wiltshire Council.
- The application Ref 16/03834/VAR, dated 20 April 2016, was refused by notice dated 4 August 2016.
- The application sought planning permission for the change of use of a garage and store into holiday accommodation without complying with conditions attached to planning permission Ref K/044735, dated 6 February 2003.
- The conditions in dispute are Nos 2 and 3 which state that:
 - 2) The accommodation hereby approved shall not be occupied by any person for a period exceeding 8 weeks in any one year, nor for a period exceeding 4 weeks at a time, with no return within 4 weeks. A register of occupiers shall be available for inspection by the local planning authority at all reasonable times; and
 - 3) The development hereby permitted shall be used solely for the use as holiday accommodation or for purposes incidental to the enjoyment of the dwelling house known as Brail Vista, Crofton Road, Great Bedwyn, as such and for no other purpose.
- The reasons given for the conditions are:

2) The site lies within an area where permanent accommodation without a special agricultural or other essential local need would not be approved.

3) The holiday accommodation permitted is sited in a position where the local planning authority having regard to the reasonable standards of residential amenity, access and planning policies pertaining to the area, would not permit a wholly separate dwelling but in view of the proposed economic use applying in this instance there is no objection to the accommodation being occupied as holiday accommodation or for purposes incidental to the enjoyment of the dwelling house.

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. There are 2 appeals that relate to sites at the same address. Appeal A relates to Clock Tower Cottage. Appeal B relates to Kestrel Cottage. I have considered each proposal on its individual merits but to avoid duplication, I have dealt with the 2 schemes together.

Main Issues

4. The main issues in both appeals are:
 - Whether the locations of the buildings are suitable for permanent residential development; and
 - The effect of the proposed change in occupation upon the character and appearance of the area with particular reference to the effects upon the natural and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Location

5. Brail Vista is located within a rural area outside of Great Bedwyn. Clock Tower Cottage (appeal A) is positioned close to the hedge that defines the boundary between the site and Crofton Road. There is an open garden area between the front of the building and the driveway into the garden of Brail Vista. Kestrel Cottage (Appeal B) is a former domestic garage closer to the main dwelling.
6. Crofton Road leading from Great Bedwyn is a narrow country lane which is not lit and does not include footpaths. Although the site is stated by the appellant as being a walkable distance from services this is not what I would consider an accessible location. It would not be an attractive prospect to walk or cycle to services within that or other settlements particularly in the dark or in poor weather conditions on a day to day basis. The site is within the countryside and not in a recognised settlement. Residential development in this location does not comply with the overall settlement and spatial strategy as set out in Core Policies 1, 2 and 18 of the Core Strategy¹ (CS).

¹ Wiltshire Core Strategy, adopted January 2015

7. These policies collectively take account of the different roles and character of different areas and promote a hierarchy of development within tiers of settlement types. Core Policy 48 of the CS whilst recognising the intrinsic character and beauty of the countryside supports rural communities but makes it clear that development will not normally be permitted in the countryside. These policies are generally consistent with the National Planning Policy Framework (the Framework) as they provide the local approach to applying the 3 dimensions of sustainable development.
8. Both buildings are already in residential use which is restricted in both cases to holiday use and for no more than 8 weeks within any calendar year. The nature of residential use when it involves people staying on holiday in my view can often be distinguished from permanent residential use even though there may be no difference in terms of the use being within class C3 of the use classes order². Holiday use does not for example lead to a need for children to be taken to school, for occupants to travel to work and people not living in an area will not necessarily create the same degree of other social and community demands. Holiday accommodation can also be a destination in itself where the occupiers are happy to spend time in the pleasant rural surroundings such as the very attractive area surrounding the appeal sites. The change in nature of occupation can in my view lead to differences in travel patterns with permanent residents needing a greater degree of access to crucial day to day facilities.
9. The buildings are not isolated from each other or Brail Vista but they are isolated from services and facilities required for normal day to day living where permanent residents are more likely to be reliant upon private vehicle use than people staying on holiday. Relaxing the holiday occupancy restrictions would not support reductions in greenhouse gas emissions, as required by paragraph 30 of the Framework. Furthermore paragraph 55 of the Framework states that isolated homes in the countryside should be avoided unless there are special circumstances.
10. CS Policy 48 relates to the conversion and re-use of rural buildings. This includes an initial requirement for buildings to be re-used for employment, tourism, cultural and community uses as a preference to residential development. Whilst such criteria are not included in the Framework, the policy does otherwise cross refer to national policy. My interpretation of this policy is that employment, tourism, cultural and community uses are this particular Council's take on how it is best to enhance or maintain the vitality of their rural communities as required by paragraph 55 of the Framework. Requiring those uses as a preference to residential use is not therefore inconsistent with the Framework.
11. It is not clear that the existing use of the buildings is impractical, which is the expression set out within CS Policy 48, even though their use for holiday purposes has become more difficult for the existing owners. I am sensitive to the changing circumstances of the appellants and their health concerns which make it more difficult and less profitable to run the business. However, these are personal circumstances which I do not give much weight to. These are not special circumstances for planning purposes which do not outweigh the policy advice within the Framework and somebody else may well be able to make greater profits and provide more benefits to the local economy. The loss of the

² Town and Country Planning (Use Classes) Order 1987, as amended

economic use would not comply with this policy.

12. In relation to the main issues in both appeals, the locations of both buildings are unsuitable for permanent residential development. Such a change would not comply with CS Policies 1, 2, 18 and 48 or the Framework.

Character and appearance

13. The 2 buildings that have been converted for holiday occupation appear as a part of the overall site, retaining an appearance of subsidiary elements albeit within a wider site that is domestic with a neat manicured appearance. As well as the impacts upon travel patterns as explained in relation to the first main issue, permanent occupation can have a different effect upon the character and appearance of the area than holiday use. Family use with the need for domestic washing lines, garden furniture, play equipment, external refuse bins and other varied domestic articles can manifest in visual changes. Even if some of those items are already in place for holiday makers, more frequent use can be obvious. However, the large garden containing the buildings is surrounded by well established hedges and fencing. It is already domesticated in appearance. The intensification of use compared to current holiday occupancy is unlikely to make a noticeable difference.
14. In relation to the second main issue, the proposed change in occupation would not be harmful to the character and appearance of the area. The natural and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty would be preserved. This would not conflict with CS Policies 51 and 57 or the guidance in paragraph 115 of the Framework.

Other Matters

15. Both of the proposals together would lead to an increase in supply of 2 dwellings which is a benefit but of very limited weight. The lack of harm in relation to the second main issue is a neutral matter neither weighing in favour nor against the proposal. The adverse impacts of the proposal would however significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.

Conclusion – Appeals A and B

16. For the reasons given above and having considered all other matters raised, I conclude that the appeals should be dismissed.

Andy Harwood

INSPECTOR