
Appeal Decision

Site visit made on 16 May 2017

by David Walker MA MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/Y3940/W/17/3168627

Manor Farm, Tidcombe, Marlborough, Wilts SN8 3SL

- 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 and Mrs J Hayward against the decision of Wiltshire Council.
 - The application Ref 16/02446/FUL, dated 10 March 2016, was refused by notice dated 5 August 2016.
 - The development proposed is demolition of agricultural sheds and erection of dwellinghouse and conversion of outbuilding to ancillary storage with associated change of use of agricultural to residential curtilage and landscaping (Site A). Change of use of Manor Cottages Nos 1 & 2 to form a single dwellinghouse (Site B).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address provided within section D of the appeal form more accurately and concisely describes the location of the two appeal sites and is consistent with the Council's decision notice. I have used this address accordingly, notwithstanding that it differs from that stated on the application form.
3. A signed and dated unilateral undertaking under section 106 of the Act (the undertaking) was submitted with the appeal. It seeks to link the two developments at the different locations and I return to the adequacy of this below.

Main Issue

4. The main issue in the appeal is whether the proposal would be at a suitable location for new housing.

Reasons

5. Site A is formed from the redundant agricultural buildings at Manor Farm, now replaced with modern alternatives on the opposite side of the lane. Site B is a pair of semi-detached cottages some 140 m away from Site A at the fringe of Tidcombe. Both sites fall within the Tidcombe Conservation Area where I have a duty to preserve or enhance the character or appearance of the designated area. I also am also required to conserve or enhance the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) that incorporates the whole of the settlement.
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6. Located within a small hamlet with very limited provision of local facilities, the new dwelling at Site A would be dependent on locations elsewhere for access to the most basic of services. There would be a propensity for out-commuting for working and shopping. Tidcombe is, furthermore, isolated to a degree that would make walking and cycling unattractive, and I have no evidence before me of public transport being available nearby.
7. The degree of isolation is reflected in the hamlet's status within the settlement strategy of the Wiltshire Core Strategy 2015 (the CS). It is not identified as a village suitable for growth within the area-wide strategy for the Tidsworth Community Area under Core Policy 26 of the CS and has no defined settlement boundary. A new dwelling would therefore conflict with the settlement strategy envisaged for Wiltshire under Core Policies 1 and 2 of the CS.
8. With a likely high dependency on the use of the private car the proposal at Site A would also conflict with the aims to reduce the need for travel set out at Core Policy 60 of the CS. Moreover, in the absence of any evidence that the dwelling would enhance the vitality of rural communities it is not shown to accord with the rural housing aims of paragraph 55 of the National Planning Policy Framework (the Framework).
9. However, the amalgamation of two existing dwellings into one at Site B would offset the creation of a new dwelling at Site A. Whether or not the amalgamation requires planning permission in its own right, the submitted undertaking seeks to ensure that the new dwelling could not be occupied until the amalgamation at Site B had been carried out, and to prevent the reversion of this back into two dwellings. Therefore, while the two resulting dwellings would be larger than those existing at Site B, there would be no net increase in the number of dwellings. It is a significant factor that reduces the degree of conflict with the settlement strategy of the CS and the rural housing policy of the Framework.
10. There are difficulties with the undertaking, however. Firstly, it is premised on the works involved in the amalgamation amounting to a change of use, a matter over which there is some doubt. If it were subsequently to be found that the amalgamation would not amount to a change in use the obligation within the undertaking could fail. Secondly, the amalgamation would not need to be created until before the first occupation of the new dwelling. The construction of the new dwelling could therefore be completed without the mitigating amalgamation having taken place. This could lead to difficulties in resisting the subsequent occupation of all three dwellings and enforcing the undertaking.
11. In the circumstances, while the undertaking would be a planning obligation that would be necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development under the CIL Regulations, it would not be effective. It cannot therefore be taken into account as a reason for granting permission and the mitigating effects of the amalgamation at Site B cannot be assured.
12. Turning to other considerations. Having regard to the conservation area statement and the appellant's submitted heritage statement, the loss of the farm buildings would reduce the agricultural link between the land and the hamlet. However, the existing buildings are derelict, likely to fall into disrepair, and the design of the new dwelling has not given rise to any objection from the

Council and has received widespread support locally. There would accordingly be a neutral effect on the character and appearance of the conservation area. Additionally, having regard to the built up setting of Site A and the removal of large and utilitarian structures the natural beauty of the AONB would be conserved.

13. Overall, the amalgamation of the two dwellings at Site B is a significant factor but one that cannot be effectively secured in the proposal. On this basis the dwelling at Site A would not amount to being a new dwelling that would be at a suitable location for new housing. It would therefore conflict with Core Policies 1, 2, 26 and 60 of the CS.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR