
Appeal Decision

Site visit made on 11 April 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 23 June 2017

Appeal Ref: APP/U3935/W/16/3166134

Land adjacent to Draycott Farm, Draycot Foliat Lane, Draycot Foliat, Swindon, SN4 0HX

- 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 Edward Blake Limited against the decision of Swindon Borough Council.
 - The application Ref S/16/1187/HC, dated 5 July 2016, was refused by notice dated 2 November 2016.
 - The development proposed is demolition of agricultural outbuildings, erection of 1 no. detached dwelling and 3 no. terraced dwellings with associated garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the site would be accessible to services and facilities;
 - (b) the effect of the development on the character and appearance of the area having regard to the site's location within the North Wessex Downs Area of Outstanding Natural Beauty; and
 - (c) the effect of the development on the setting of listed buildings.

Preliminary Matters

3. Views were sought from both main parties in relation to the Supreme Court judgments in *Suffolk Coastal District Council v Hopkins Homes Ltd and another*; *Richborough Estates Partnership LLP and another v Cheshire East Borough Council* [2017] UKSC 37 insofar as they may be relevant to the appeal. I have taken into account the comments made in my determination of this appeal.

Reasons

Policy Context

4. The Nation Planning Policy Framework (the Framework) confirms at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. The Council cannot demonstrate a five year supply of deliverable housing sites. Accordingly, policies for the supply of housing are out of date. In terms of paragraph 14 of
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the Framework, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework indicate development should be restricted.

5. Policy SD2 of the Swindon Borough Local Plan 2026 adopted in March 2015 (the Local Plan) sets out the Council's sustainable development strategy which seeks to concentrate development in the Swindon urban area and on strategic sites. Outside Swindon, the focus for development is on the most accessible rural settlements with the largest range of facilities. At other villages, development is to be within settlement boundaries or on land allocated in a Neighbourhood Plan or Site Allocations DPD.
6. Draycot Foliat has no defined settlement boundary and therefore lies within an area defined as open countryside for policy purposes. Outside settlement boundaries Policy SD2 'c' permits where local needs have been identified and allocated through a Neighbourhood Plan or Neighbourhood Development Order or it supports the expansion of tourist and visitor facilities or accords with other plan policies which permit specific development in the countryside. The proposal is not put forward on the basis of meeting any of these criteria but in the context of the Borough's overall shortfall in the supply of housing land.
7. Paragraph 55 of the Framework confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Isolated new homes in the countryside are to be avoided unless there are special circumstances.

Access to services

8. The appeal site lies some 6 miles to the south east of the centre of Swindon, and approximately 1.2 miles south of Chiseldon. The appellant lists a variety of services and facilities which are available in Chiseldon including a primary school, GP surgery, petrol station, shop and post office.
9. Although the appellant acknowledges Draycot Foliat has limited services and facilities, with the exception of the public transport service and proximity to a national cycle route these are not specified. Whilst I observed some non-residential uses during my site visit, principally based in or adjacent to former agricultural buildings, it seems clear that the nearest services and facilities are in Chiseldon.
10. The evidence demonstrates there is a regular (approximately two hourly) bus service along Draycot Close into Swindon via Chiseldon and in the opposite direction to Marlborough and beyond. The distance from the appeal site to the bus stop is stated as around 250 metres and so is within walking distance of the site. There is therefore an alternative to the use of private vehicles to reach essential services. However, there are no facilities and services within walking distance of the site and I consider it likely that any occupiers of the proposed dwellings would rely on private vehicles for many of their daily needs.
11. The support which the proposal would bring to services and facilities in Chiseldon would be very modest, given the small number of houses involved

and the distance to Chiseldon and there is no evidence to demonstrate that the services in Chiseldon are in need of such support.

12. The appellant refers to appeal decisions where dwellings have not been considered isolated from services. The appeal in Wychavon District¹ relates to an existing stone cottage already in use as a holiday let and, although in an AONB, is not comparable with the current appeal where there is no residential use on the appeal site. The appeal cited in East Hertfordshire² relates to the conversion of an existing building to a dwelling some distance from services. Whilst I have noted the Inspector's conclusions that on balance this was not found to be isolated, the proposal as a conversion is not directly comparable with the appeal proposal.
13. I find that the appeal site does not have easy access to services and facilities and that the proposal is in conflict with the sustainable development strategy set out in Policy SD2 of the Local Plan.

Effect on the character and appearance of the area and the AONB

14. The site lies within the North Wessex Downs AONB. The statutory purpose of including land within an AONB is to conserve and enhance its natural beauty. Paragraph 115 of the Framework requires that great weight be given to conserving landscape and scenic beauty and confirms that AONBs have the highest status of protection in relation to these matters. Policy EN5 of the Local Plan addresses landscape character requiring development to protect, conserve and enhance the intrinsic character, diversity and local distinctiveness of the landscape. This includes avoiding unacceptable impacts on the landscape, assessing the impact of the proposal on various landscape attributes, such as topography and character, views, visual amenity and landscape setting. Section 'c' of the policy states that proposals within the AONB must accord with criteria in the AONB Management Plan and relevant paragraphs of the Framework.
15. Draycot Foliat is a small settlement or hamlet. Based on the appellant's Historic Impact Assessment report (HIA) and extracts from historic maps therein, Draycot Foliat was based around farms around the River Og and whilst at one time was large enough to have its own church, by the 19th century was little more than a hamlet of around 30 people and three farms. A large military training camp between Draycot Close and what is now the A346 was constructed during the First World War, with military uses remaining until the 1960s. As a consequence, a road network and a small number of dwellings remain on this site but these are some distance from the historic core of the settlement and distinct from it.
16. As a consequence, there is a historic core to the small settlement of Draycot Foliat based around farm houses and farm buildings or former farm buildings together with a small number of houses from the 20th century. Whilst a few dwellings are close to the appeal site, others are more distant as isolated dwellings or in small groups. The area around the appeal site is therefore largely characterised by its agricultural associations and the proximity of the open countryside is readily apparent.

¹ APP/H/1840/A/13/2202015 & 2203966

² APP/J1915/C/13/2190207

17. The large farm building on the appeal site lacks any intrinsic architectural or historic interest. However, as a farm building in rural surroundings, it does not appear out of place. Immediately to the west of the appeal site are redundant farm buildings, some which are traditional in character and appearance and which have permission to be converted to residential use.
18. The appellant's Landscape and Visual Appraisal (LVA) cites both national and regional character assessments which draw attention to, amongst other features, the large field size, sweeping views, relative lack of trees and occasional hedges. Whilst the field pattern may be slightly smaller around the farm buildings at Draycot Foliat, the proposal would introduce further hedgerows and small scale plots which are not characteristic of the wider landscape. The replacement development would introduce additional dwellings into this very small settlement, sufficient to change the balance between the essentially rural character which continues to permeate the area and one which is more clearly residential. Other than the road and hedge to the north, the existing agricultural building is surrounded by tracks and fields. The four dwellings would introduce domestic gardens bounded by hornbeam hedges, garages, car parking and other domestic features.
19. With regard to views of the existing and proposed buildings, the effect on distant views would be minimal. However, from within Draycot Foliat there are clear views of the site from the public footpath immediately to the south and east of the site, as well as views from the lane to the south of the River Og and from Draycot Foliat Lane as it passes the site. The effect of the proposal on these views would be a change from an agricultural to a domestic landscape. This would not be mitigated by the reduction in scale, volume and footprint of the buildings in comparison with the existing building.
20. The permission granted for the conversion to residential use of buildings on the adjacent site does not alter my findings on this issue. The introduction of the dwellings, taking into account the removal of the existing building and plant, would fail to conserve or enhance the landscape and scenic beauty of the AONB. The proposal therefore conflicts with the statutory purposes of including land within the AONB and with Paragraph 115 of the Framework. For these reasons the proposal also conflicts with elements 'a' and 'c' of Local Plan Policy EN5.

Effect on the setting of listed buildings

21. Draycott House (listed as Draycot Farmhouse) and its associated front boundary walls and garden pavilion are Grade II listed buildings. They lie to the west of the appeal site and the agricultural buildings which have permission for residential conversion lie between the appeal site and the listed farmhouse. The position of the farmhouse in relation to the lane and the River Og is such that Draycott House is a dominant and prominent building within the historic core of Draycot Foliat. Sheppards Farm (listed as Shepherd's Farmhouse) lies to the south of the appeal site, on the other side of the Og. Whilst considerably further from the appeal site via the road, it is comparable in distance from the site to Draycott House, via the footbridge and public footpath.
22. The appellant's HIA points out that the appeal site and farm buildings immediately to the west were historically part of the Jefferies' Farm, the farmhouse of which was demolished in the 1950s. However, this does not

mean that the site is not capable of falling within the setting of Draycott House or Sheppards Farm. The Framework defines setting as the surroundings in which a heritage asset is experienced and its extent is not fixed. Setting is not confined to inter-visibility and I consider that the core of Draycot Foliat is sufficiently small and of an intimate character such that the appeal site forms part of the setting of both Draycott House and Sheppards Farmhouse.

23. I share the Council's concerns that the scale of the detached five bedroom dwelling would compete with the role which Draycott Farmhouse plays within this small settlement. I also consider that the addition of the four new houses would detract from the rural and agricultural character of the existing surroundings of Draycott House and Sheppards Farm.
24. In visual terms, there would be benefits to the setting of the listed buildings from the removal of the existing building and plant. However, despite the overall reduction in floor space and volume compared with what exists, the proposed residential development would result in harm to the setting of Draycott House and upon Sheppards Farm although the effects upon the latter would be less harmful.
25. The proposal therefore conflicts with elements a – c of Local Plan Policy EN10 insofar as they relate to the setting of heritage assets. There would also be a limited degree of conflict with Policy DE1 to the extent that the proposed detached dwelling would be inappropriate in the context of Draycott House.

Other matters

26. In addition to the appeal decisions referred to above, I am provided with other appeal decisions. The decision at Berkeley Farm, Wroughton³ relates to a development of up to 100 houses on a site adjacent to the settlement boundary and outside the AONB. Wroughton is stated to have a range of services and infrastructure. As such, it differs significantly from the proposal which is before me and does not create a precedent.
27. In respect of the appeal decision at Blunsdon⁴, the size of this scheme is also considerably larger than the proposal before me, such that it included both open market and affordable housing as well as being located close to a settlement boundary.
28. Accordingly these decisions do not alter my conclusions on the main issues set out above and in any event I have determined the appeal before me on its own planning merits.

Conclusions

29. I have found that the proposals would conflict with a number of development plan policies. However, there is no dispute that the Council cannot demonstrate a five year supply of deliverable housing sites.
30. There would be economic benefits from the provision of four additional houses including those relating to construction jobs and from the New Homes Bonus.
31. The contribution from four houses to the supply of housing would be modest. Although the weight to be attributed to Policy SD2 is reduced, I attach

³ APP/U3935/W/15/3035660

⁴ APP/U3935/W/15/3133674

significant weight to the rural location of the appeal site and the attendant conflict with the overall strategy for the pattern of sustainable development set out in Policy SD2. I have found that the proposal would harm the AONB, a matter to which I give great weight.

32. I have also found that the proposal would cause some harm to the setting of designated heritage assets. In the context of paragraphs 132 – 134, that harm would be less than substantial. However, I accord considerable importance and weight to any harm to the setting of listed buildings and the Framework is clear that any harm requires clear justification. I find that the public benefits of the proposal would not outweigh the harm to designated heritage assets.
33. Whilst the appellant has referred me to the presumption in favour of sustainable development in the absence of a five year supply of housing land, I find that the proposal fails to satisfy the environmental dimension of sustainable development and specific policies in the Framework indicate that development should be restricted. The presumption in favour of sustainable development is not applicable in this case.
34. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

J E Tempest

INSPECTOR