
Appeal Decision

Site visit made on 11 July 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 26 July 2017

Appeal Ref: APP/Y3940/W/17/3170171**Hillside Bungalow, 1 Chelworth, Cricklade, SN6 6HA**

- 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 S Giles against the decision of Wiltshire Council.
 - The application Ref 16/08473/FUL, dated 24 August 2016, was refused by notice dated 24 October 2016.
 - The development proposed is convert farm shop to 2x holiday lets.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not the site is appropriate for residential development given its location outside the settlement boundary; the effects of the proposal on the character and appearance of the countryside; and whether the proposed development passes the Sequential Test in relation to flood risk.

Preliminary matter*Location of development*

3. The appeal site occupies part of a roughly square plot of flat land fronting a rural lane between the B4040 Malmesbury Road and Chelworth Road. The site is outside the built-up boundary of Cricklade, defined as a Local Service Centre in the Wiltshire Core Strategy, adopted January 2015 (the CS) and for planning purposes is in the open countryside. I have considered the proposed use of the development for holiday lets. In planning terms, however, the development still constitutes the introduction of housing into the open countryside, even if the occupation for the purposes of holiday letting is restricted by condition.
4. Paragraph 55 of the National Planning Policy Framework (the Framework) advises that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances. However, as the appeal site is close to a main road, amongst a cluster of loose-knit development and with an industrial area fairly nearby. I do not consider it can reasonably be called 'isolated' in the terms of the Framework.
5. Nevertheless, the Framework also states that housing should be located where it will enhance or maintain the vitality of rural communities. Core Policy 48 and

39 of the CS both make certain provisions for additional dwellings in the countryside, provided they are in the interest of supporting rural employment; located in or close to Local Service Centres; and if away from one, providing the site has reasonable access to local services and a local employment base. As a Local Service Centre, Cricklade could evidently provide some of the essential facilities, services and public transport options that occupiers of the proposed holiday lets might require. Notwithstanding they could make the journey on bicycle or by foot, the likelihood of future occupiers choosing to do so would not solely be a matter of distance, but also of the route's quality and attractiveness.

6. Walking into Cricklade from the appeal site would involve travelling along a busy rural road network, where for significant stretches there would be no street lighting, footways or even grass verges. I observed during my site visit that both the Cricklade Road and Malmesbury Road carried significant volumes of traffic and a relatively high proportion of heavy goods vehicles. This combination of factors demonstrates that walking from the appeal site to Cricklade, or to any of the nearby tourist attractions, would not be a particularly pleasant experience and would be especially off-putting to someone unfamiliar with the area, with young children or impaired mobility.
7. A National Cycle Network Route runs from the centre of Cricklade, but does not connect with the road network around the appeal site. Reaching a cycle route would therefore similarly involve cycling on busy, rural roads. Even if cycle facilities and hiring opportunities were made available at the appeal site, realistically, it would be much easier and quicker to make journeys by car, especially if travelling at night or in bad weather. Even if a local bus service was still available close to the appeal site, it would still be much easier to go by car than relying on more sustainable modes of travel.
8. Given the proposed use of the appeal site for holiday-lettings, the needs and requirements, such as daily commutes and access to schools, would no doubt differ from those associated with a permanent resident. However, it seems to me that the convenience of using a car to reach Cricklade, other nearby towns, tourist attractions and destinations further afield, would make it unlikely for future occupiers of the proposed holiday lets to rely on local facilities. I therefore consider that the site would not provide reasonable access to local services, and future occupiers of the proposed development would be more likely to be car-dependent, even if travelling relatively short distances.
9. Moreover, even if occupiers did make use of local services on a regular basis, I am not persuaded that this would make a significant contribution to enhancing or maintaining the vitality of the rural community, as the appeal site is simply too far away to provide a strong functional connection, and the scale of development too small. I therefore conclude that the location of the appeal site in the open countryside would not be appropriate for the residential development proposed.
10. The proposal would therefore run contrary to Core Policies 48, 54, 60 and 61 of the CS. These policies, amongst other things, seek to focus development within existing settlements and restrict development in the countryside in order to promote a sustainable pattern of development, helping to reduce the need to travel, particularly by private car, and provide accessibility to services and the Cotswold Water Park by sustainable transport modes. The development would also run contrary to the principles and policies within the Framework,

including planning development with accessible local services and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

Character and appearance

11. In the vicinity of the appeal site, residential development is infrequent; such built development as there is, is sporadic, loose-knit and interspersed by open fields and paddocks enclosed by mature trees and hedgerows. The appeal site's surroundings are typical of a rural countryside setting and the scarcity of development contributes to the area's verdant character and appearance.
12. The appeal site is open, rough pasture with hedgerows along the bounding edges and an area of hard-core surfacing extending from the mouth of the entrance gate. A dilapidated single-storey timber structure is sited close to the roadside boundary and access. While the existing structure is utilitarian, with no specific architectural merit, its form is appropriate for the countryside setting and reflects the former agricultural use of the site for the purposes of plant growing and cultivation. The high hedges and open, undeveloped nature, as well as physical remnants of an agricultural land use, are positive aspects of the appeal site that reinforce the area's intrinsically rural character.
13. The existing timber structure has a degree of impermanence, as well as a form and function entirely consistent with the former use of the land that helps it integrate effectively into the surrounding countryside. By contrast, a residential development, even if a restrictive occupancy condition were imposed, would introduce a permanent dwelling, hard surfacing, parking areas, as well as residential activity into the open countryside. Even though the proposed holiday lets would be modestly sized, and are designed to be agricultural in appearance, the proposal would nonetheless introduce a domestic formality into the countryside location and an activity that is out of character with its former agricultural use.
14. While not intended for permanent occupation, it would be reasonable to expect that a holiday cottage would provide some domestic paraphernalia such as outdoor garden seating and washing lines. This, along with the creation of formal parking and a turning area, would add further to the incongruity of the proposed use. The scheme would result in a noticeable intrusion of domestic development into a countryside area in a prominent position close to the road. In addition, I note that the intention is to raise the finished floor levels to up 400mm above the existing ground level. This could well make the proposal taller and thus more prominent on what is already a conspicuous location in the landscape. Overall, the proposal would be in stark contrast with the current appearance of the less formally maintained appeal site, any historic permitted agricultural use, and with the adjacent countryside uses.
15. For these reasons, I conclude that the appeal scheme would result in harm to the character and appearance of the countryside. The proposal would thereby run contrary to Core Policy 51 of the CS, which seeks to protect, conserve and enhance Wiltshire's distinctive landscape character, which includes rural areas. The proposal would also conflict with Core Policies 39 and 57 of the CS, which require development to be complimentary to the locality, relate positively to its landscape setting, and would not detract from the character and appearance of the landscape. The proposal would also conflict with the Framework core

principles insofar as they seek to ensure development is of a high quality design, and recognises the intrinsic character and beauty of the countryside.

Flood Risk

16. The Environment Agency's (the EA) flood map for Surface Water shows high/medium surface water flood risk surrounding the site. The appellant contends the accuracy of the EA's mapping data, providing a Surface Water Drainage Assessment of the site. While the EA's mapping data may be based on modelled assessments and therefore not necessarily precise, the Drainage Assessment nonetheless indicates that some shallow ponding could occur, and water could reach a maximum depth of 100mm before flowing off site. To my mind, therefore, the appeal site is still in an area at risk of flooding.
17. Paragraph 101 of the Framework indicates that a sequential approach should be used in areas known to be at risk from any form of flooding, which would include surface water flooding. The Surface Water Drainage Assessment proposes mitigation measures, including raising the finished floor level and building up external levels, as well as removing a mound to improve water flow into the nearby ditches. Even if such measures could ensure that the proposed development would be made safe for its lifetime, as the area is at flood risk, it remains necessary to apply the sequential approach and Test first.
18. The proposal does not qualify as 'minor development' in relation to flood risk as defined in the PPG¹ appellant has not provided evidence to support the development under a Sequential Test. While there may be no alternative sites available to the appellant, there is no evidence to show if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. On this basis, the development fails the Sequential Test. As such, the development fails to accord with Core Policy 67 of the CS, which requires evidence in order to apply the Sequential Test in line with national policy. The development would also conflict with national policy, specifically in taking full account of flood risk, and paragraph 101 of the Framework, which seeks to direct new development to areas with the lowest possibility of flooding.

Planning balance and conclusion

19. The proposal would provide two dwellings. As holiday lets, they would provide some social and economic benefit, supporting, albeit in a small way, local businesses and tourist attractions. There would also be benefits to the economy through the creation of jobs during the construction phase, and also the potential employment of staff associated with the running of the holiday lets. That said, the appellant refers to a general demand for holiday cottages within the wider region; there is nothing substantive to demonstrate the demand for holiday cottages of the size and in the location proposed. While the appellant may not own an alternative site, and no other properties are on the market in the immediate area for holiday lets, there is no reason why new holiday units could not be more appropriately located in or within accessible distance of settlements and tourist attractions, thus reducing the need to travel by private car. There is also the potential for later applications to be made to remove any holiday let restrictions.

¹ Planning Practice Guidance Paragraph: 046 Reference ID: 7-046-20140306

20. There is limited information before me to fully establish the eligibility of the proposal for the Farm Diversification scheme. The appellant's statement establishes that the appeal site was separated from the main agricultural holding when the farm house was sold; the link between the main farm to be diversified is therefore unclear. While Policy 39 seeks to help ensure the future viability of a business, including through farm diversification, this relates solely to extensions to existing facilities. The appeal proposal, however, would be an entirely new venture unrelated to any existing facilities for tourist accommodation on the site. On this basis, I therefore can attribute very little weight to this as a potential benefit of the proposed development.
21. I have been referred to another development for a holiday let, which was permitted further away from Cricklade than the appeal site. However, I do not have full details of the circumstances that led to this proposal being accepted and so cannot be sure that it represents a direct parallel to the appeal proposal, including in respect of scale, form, location, evidence and relationship development plan policy. The former horticultural use was permitted in the 1990s, under a different policy context. Moreover, this former use is entirely consistent with the countryside location. The fact that there was a historic permission on the land for horticultural purposes therefore does not provide compelling justification for allowing the appeal scheme. Nor does the existence of essential infrastructure on the site, the lack of harm to heritage assets or designated landscapes, or objection from the Town Council. In any case, I have determined the appeal on its own merits.
22. The appellant pointed out that the existing timber structure could be modernised and the parking area and polytunnels reinstated. Be that as it may, in my view any such refurbishment or agricultural activity on the site would not be as materially harmful as the proposal before me. There is also no substantive evidence to indicate there is a significant probability that polytunnels would be reinstated should this appeal be dismissed. I therefore attribute limited weight to it as a fall-back position. The introduction of a residential use to the site would not, in my judgement, be the only mechanism to ensure the maintenance and upkeep of the land.
23. On the other hand, the proposal would be physically, visually and functionally isolated from existing development in Cricklade. In my judgement, routes to access the services therein, or tourist attractions in the vicinity, would prohibit journeys other than by private car. Therefore the proposal would not support the type of sustainable rural tourism promoted within paragraph 28 of the Framework. The development would result in significant harm to the character and appearance of the open countryside, which would not be overcome by the imposition of a landscaping condition. The proposal also fails to direct new development to areas with the lowest possibility of flooding. The combination of these factors leads me to conclude that the adverse environmental impacts of the proposed development would outweigh the limited social and economic benefits when assessed against the policies in the development plan and Framework as a whole. Overall, the proposal would not represent sustainable development.
24. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR