



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: 01 August 2017

Appeal Ref: APP/Y3940/W/17/3170396

The Orchard, Land south west to The Street, Oaksey, SN16 9TJ

- 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 James Woodhouse against the decision of Wiltshire Council.
 - The application Ref 16/11847/FUL, dated 30 November 2016, was refused by notice dated 9 February 2017.
 - The development proposed is a dwelling, garage and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the Oaksey Conservation Area and open countryside; the effect on highway safety; and whether sufficient information has been provided to demonstrate that the development would not cause harm to protected species.

Reasons

Character and appearance

3. The Oaksey Conservation Area (the Conservation Area) is predominantly residential in character, covering the buildings on either side of The Street, the main route through the village. The western boundary of the Conservation Area terminates at the point where development fronting The Street ceases, and includes a small portion of the appeal site. Despite a variety of building ages and architectural styles, the built form generally addresses The Street directly, creating a strong built frontage. The area is further defined by a broadly consistent material palette of Cotswold Stone walls and roofs.
4. Away from the linear stretch of built development, the surroundings open out into a distinctly rural context. Despite its proximity to nearby development, the open, verdant characteristics of the appeal site help to define a clear transition between the built form of the village and the open countryside beyond. The site accommodates two structures, which, while somewhat dilapidated, are utilitarian in appearance and sit comfortably within their countryside context. Overall, the appeal site appears part of the flat, open countryside adjoining Oaksey, forming part of the setting of the village and therefore making a positive contribution to the character and appearance of the Conservation Area as a whole.

5. The appeal scheme proposes to introduce a detached four-bedroom dwelling with separate double garage on the rearmost portion of the appeal plot. The development would be set well back from the road frontage, extending built form to the westernmost part of Oaksey, just beyond the defined settlement boundary. The development would therefore represent an incremental extension of the physical built envelope of Oaksey into the open countryside.
6. To some extent, the proposed dwelling would be seen against the existing back-drop of the buildings of the village. However, even though the dwelling would have a large garden and a portion of the wider site would remain undeveloped, the proposal would nonetheless encroach upon the open space and harden the edge of the settlement, especially when it is viewed from the western approach to the village. Moreover, the provision of hard standings for parking vehicles would further consolidate a harder urban edge, eroding the softer, informal treatment to the context of the site and its overall landscape character.
7. Although the design of the proposed dwelling is intended to emulate an agricultural building, its form and detailing would not reflect the utilitarian characteristics of a barn, nor the materials that prevail in dwellings locally. The use of timber cladding and slate for the main dwelling and double-Roman clay tiles on the garage would be at odds with the predominant palette of stone that defines the wider area. Moreover, the dwelling would be set well back from the established building line along The Street, emphasising its disparity with the urban core of the village. Such treatment and position in the plot would harmfully erode elements that currently unify built form locally, adding further harm to the character and appearance of the Conservation Area as a whole.
8. For these reasons therefore, I conclude that the proposed dwelling would fail to preserve the character and appearance of the Conservation Area. The proposal would also extend the built form of the settlement into the open countryside, so harming the character and appearance of the surrounding area. The proposal would therefore not be in accordance with the requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990, which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas, including their setting.
9. There would also be conflict with Core Policies 2, 51, 57 and 58 of the Wiltshire Core Strategy, January 2015 (the CS), insofar as they seek to ensure development relates effectively to the immediate setting and to the wider character of the area; conserves and enhances landscape character; maintains and enhances the quality of the area and is sensitive to its character and appearance; and restricts development on greenfield sites.
10. The development would also fail to satisfy the policies and principles of the National Planning Policy Framework (the Framework), namely those seeking to ensure development recognises the intrinsic character and beauty of the countryside; makes a positive contribution to local character and distinctiveness; and gives great weight to the conservation of a heritage asset. Given the size and location of the proposed development, when considered in the context of the Conservation Area as a whole, the degree of harm would be less than substantial.

Highway safety

11. There is a 30mph sign to the west of the proposed site access, which is situated inside the shown visibility splays. The appellant has indicated that the sign could be moved beyond the visibility splay, within the 13m zone, and therefore not requiring a Traffic Regulation Order. However, from the evidence before me it remains unclear whether or not the Highways Department is satisfied that moving the signage is achievable. It also remains to be established whether or not the corresponding sign on the opposite side of the road would also require relocation and whether the appellant also owns this land.
12. If the existing signage could be moved then I have no reason to consider that the access proposed to the site itself would be anything other than in accordance with acceptable standards of safety and suitability for all people, or that the residual cumulative impacts of moving the existing sign would be so severe as to require refusal of planning permission. However, there is currently insufficient information to establish whether this is the case. If the existing signage was not moved, the appeal site would not provide safe access onto the highway network and even if vehicles were travelling at 30mph, the development would pose a significant risk to highway safety.
13. On this basis, the appeal scheme currently fails to satisfy Policies 57 and 61 of the CS, as well as paragraph 32 of the Framework, insofar as they seek to ensure that safe and suitable access to the site can be achieved. With such a lack of substantive information, I do not consider a condition can be imposed.

Ecology

14. On the basis of the survey submitted with the application, the Council's Ecology Officer expressed concerns about the thoroughness of the original ecological appraisal. Albeit the Part 1 Survey was carried out by professional ecologists, the initial appraisal was conducted in November, not an optimal time of year for undertaking such surveys. Moreover, the Council's Ecologist highlights that the Survey failed to fully assess the presence and quality of any priority habitats; that the bat survey was insufficient, did not assess both structures on the appeal site, and the potential disturbance effects during works and longer term as a result of lighting on bats not fully established. In addition, no survey of the site's mature boundary hedgerow was conducted, calling into question whether it could be an 'important' hedgerow and subject to statutory protection.
15. A further Phase 1 survey was carried out in June 2016, but was submitted too late in the appeal process for me or Council to consider its findings. However, I am mindful that the onus is on the appellant to demonstrate that the proposal is acceptable with regard to protected species. Ultimately, however, the existence of protected species on the site need not be an impediment to the implementation of planning permission, providing suitable mitigation measures are in place subsequent to a full survey. However, the apparent deficiencies in the Part 1 Survey undertaken, as well as in the mitigation measures proposed, mean there is insufficient information to establish the potential impact of the proposal on protected species and their habitats.
16. Based on the information before me, therefore, I consider that it cannot be demonstrated that the proposed development would not cause harm to

protected species. The proposal is thereby contrary to Policy 50 of the CS and paragraph 118 of the Framework, which sets out that all development proposals should incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife and species, and aims to conserve and enhance biodiversity.

Planning balance

17. Since refusal of the planning application, the Council can now demonstrate a 5-year supply of housing land in the North and West Housing Market Area. The proposal would nonetheless provide one open-market dwelling, which would make a very small, albeit still beneficial, contribution to the supply of housing. The economic benefits of the proposal would primarily be related to the employment created during construction. No specific evidence was presented regarding how the local services and facilities in Oaksey or other nearby settlements would significantly benefit from the scheme. However, I do not doubt that future occupants could easily walk into the village, and make use of local services and public transport. In these circumstances, the social benefit of just one additional house attracts moderate weight in the overall balance.
18. Even though the appeal site is adjacent to the settlement boundary of Oaksey, a Large Village, there is nothing substantive to demonstrate whether the appeal scheme would offer the right type of housing to meet specific housing needs. The proposal therefore would not comply with Core Policy 1 or and 13 of the CS, which strictly control development beyond the settlement, unless supported by a neighbourhood plan, and without helping meet the housing needs of the settlement or improving employment opportunities, services and facilities.
19. The potential to use energy-efficient construction methods, incorporation of cycle storage, and the scope to enhance landscaping through planting are neutral factors, which would not outweigh the wider harm identified above. Nor would residential development be the only means to achieve enhancement of the appeal site or ensure its continued upkeep even if does not currently serve any agricultural purpose.
20. On the other hand, the development would result in harm to the character and appearance of the Conservation Area as well as the open countryside. Even though the harm to a designated heritage asset would be less than substantial, I must give considerable importance and weight to that harm in balancing it against any public benefits. There also remains significant doubt whether the proposal would be acceptable on highway safety and ecology grounds. Overall, therefore, the proposal would result in significant environmental impacts.
21. In weighting up these matters, I find that the adverse impacts overall would outweigh the totality of the benefits and the proposal would not represent sustainable development for the purposes of the Framework.

Other matters

22. The appellant raises doubts over the suitability of a site identified within the draft Wiltshire Housing Site Allocations Plan for 11 houses. However, I have limited details of the nature of the site or why it is proposed for inclusion. While the appellant contends that the appeal site would be comparatively more sustainable in terms of its proximity to village services, I have determined the

appeal on its own merits. Furthermore, even if the Council were not currently able to demonstrate a 5-year supply of housing land, I consider that the adverse impacts of granting planning permission at the appeal site would significantly and demonstrably outweigh the benefits.

Conclusion

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

H Porter

INSPECTOR