The Planning Inspectorate

Appeal Decision

Site visit made on 3 June 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 June 2019

Appeal Ref: APP/V3120/W/19/3225150
Land at the Old Surgery, Northford Close, Shrivenham, Swindon SN6 8EY

- 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 Mrs G Haslett against the decision of Vale of White Horse District Council.
- The application Ref P18/V2762/FUL, dated 2 November 2018, was refused by notice dated 21 January 2019.
- The development proposed is the demolition of former surgery and erection of a two bed dwelling, including landscaping.

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of former surgery and erection of a two bed dwelling, including landscaping at Land at the Old Surgery, Northford Close, Shrivenham, Swindon SN6 8EY in accordance with the terms of the application, Ref P18/V2762/FUL, dated 2 November 2018, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. In the statement that it submitted during the appeal the Council states that it withdraws its second reason for refusal, which relates to safe refuse collection and accessibility. As such this is no longer a matter in dispute and will not form a main issue of my decision.

Main Issues

3. The main issues are:

   (a) whether the site would be suitably located for the proposed dwelling, with regard to local planning policies, and

   (b) the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site is located in a well developed area that is between and very close to the settlements of Shrivenham and Watchfield, adjacent to an area known as Northford and alongside a golf course, with the expansive site of the Defence Academy on the opposite side of the road. Policy CP3 of the Vale of White Horse District Council Local Plan 2031 Part 1 Strategic Sites and Policies

adopted 2016 (LP2031) classifies Watchfield and Shrivenham as Larger Villages within its settlement hierarchy.

5. The Council suggests that the site relates more clearly to open countryside than the adjacent developed area. Although I accept that the site abuts the area of Northford, rather than being an integral part of that area, I am not satisfied that it is in an area that can be considered open countryside, and can certainly not be considered isolated. The site is immediately alongside the developed area of Northford, with further development on the opposite side of the road associated with the Defence Academy, and it abuts the developed area of Shrivenham to the southwest, on the other side of the road.

6. I accept that the adjacent golf course is an open area that features few built structures, however it is artificially landscaped and is heavily manicured. These factors give it a reasonably developed character that is quite different to undeveloped countryside. Furthermore, the existing site does not project prominently into the golf course area owing to its established boundaries to the south and west, which would be retained as part of the proposal.

7. A small building currently stands on the site. Evidence before me suggests that it was used as a veterinary surgery for a number of decades during the 20th century, although the building and the associated land does not appear to have been put to any meaningful use for some time. I accept that the existing building is modest and that the business that it facilitated must also have been of a small scale. Nevertheless, the presence of this permanent building on the site, and the evidence of a previous business that operated from the building clearly give the site the status of previously developed land.

8. I am therefore satisfied that the site forms part of the developed area of the adjacent village of Shrivenham and as such is not within the open countryside. With reference to paragraph 4.8 associated with Policy CP3 of the LP2031, the site has good access to local services contained within either of the adjacent villages, and public transport connections to larger settlements.

9. Therefore, in summary of this main issue I find that the site is suitably located for the proposed dwelling, in accordance with Policies CP1, CP3 and CP4 of the LP2031, and the National Planning Policy Framework (the Framework), which together establish the presumption in favour of sustainable development within the existing built area of a Larger Village, and the desirability of making effective use of previously developed land.

Character and appearance

10. It is clear that the proposal is not to convert the existing building. Instead, the small building would be demolished and replaced with a larger building in a position closer to the road. Although larger, the proposed dwelling would incorporate a mix of materials with a broken massing and low eaves level that would minimise its bulk. It would relate well to the design of the adjacent dwelling known as The Old Sawmill, in terms of built form, siting and materials.

11. The Council refer to the effect of the proposal on local landscape character. The site itself is modest and would remain well contained owing to the retention of the well established boundaries to the west and south. Although the building would be visible over the height of these retained boundaries it would not be overly prominent, and would be seen in the context of the adjacent

development and the developed area of the golf course. In other respects, the area does not appear to have particular landscape characteristics such as an open vista that would be affected by the proposal, and I note that the Council has not expanded on this in any detail in evidence it has produced as part of the appeal.

12. In summary, the proposal would not have a harmful effect on the character or appearance of the area, and would accord with Policy CP37 of the LP2031, Saved Policy NE9 of the Vale of White Horse Local Plan 2011 adopted 2006 (LP2011), and the Framework, which together seek to ensure that development proposals are of a high quality of design and do not harm landscape character.

Other Matters

13. In its first reason for refusal the Council also refers to Policy CP29 of the LP2031, which relates to the change of use of existing employment land and premises. The employment use at the site has long ceased, and in any case is likely to have been of a very small scale. The loss is therefore very modest and would be offset by employment opportunities arising from the construction of a new dwelling. As such I am satisfied that the proposal would not conflict with this Policy.

14. The Council also refers to Policies GS6 and GS7 of the LP2011 in its first refusal reason. However, these policies relate to the redevelopment or the re-use or adaptation of an existing building outside a settlement. Therefore, they have not been determinative as the proposal includes the complete demolition of the existing building and is not located outside the built-up area of a settlement.

15. The proposed dwelling would be constructed close to an existing lime tree. In response to observations that the Council made in respect of this, the appellant submitted comments prior to the Council's determination of the application. The submitted plans show how the root protection area has been accounted for in the proposed foundation design, and demonstrate that the tree canopy is over the northeast of the plot. This would be away from the parking area and majority of the garden and would not overhang the proposed dwelling. Therefore, honeydew deposits should not be problematic, and neither should the tree restrict daylight to the proposed garden area. I am therefore satisfied that the proposal does not cause harm to the existing tree, and should not put pressure on its removal in the future.

16. Third parties have raised concerns relating to highway safety, flooding and accessibility. The evidence before me demonstrates that these matters have been thoroughly considered by the Council. Based on my assessment of the proposal and my visit to the site I find no reason to come to a contrary view. Matters raised relating to land ownership and access are private matters that are not relevant to my decision.

Conditions

17. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty and a materials condition, to safeguard the character and appearance of the area. I have imposed conditions

relating to parking provision, access, visibility splays and bin storage to ensure that the proposal does not harm highway safety. I have also imposed conditions relating to surface water and foul water disposal to ensure that the site is drained effectively and does not cause localised flooding. These conditions need to be pre-commencement to ensure that the Council has opportunity to consider the schemes and they are in place before other work at the site commences. This has been agreed with the appellant.

18. The Council has suggested a condition to restrict permitted development rights to extend the property once it has been built. Owing to the small site, the opportunity to extend the dwelling would be limited, however as the site is well contained, I am not satisfied that an extension to the property would necessarily be harmful. As such I do not consider this condition to meet the tests in the Framework, in terms of being necessary.

Conclusion

19. For the reasons above, the appeal is allowed.

Andrew Tucker

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: A3/A18185/100, A3/18185/101, A3/18185/102, A3/18185/103, A3/18185/104revA, A3/18185/105, A3/18185/106, A3/18185/107, A3/18185/108, A3/18185/109 and A0/A18185/110

3) Prior to the first occupation of the development hereby approved, the new vehicular access, parking spaces and bin storage shall be constructed in accordance with the details shown on the approved drawing number A3/18185/104revA. The parking and turning areas shall be constructed to prevent surface water discharging onto the highway. Thereafter, the parking and turning areas shall be kept permanently free of any obstruction to such use.

4) Prior to the first occupation of the development hereby approved, details of visibility splays for the Northford Close and Faringdon Road junction of 2.4m x 120m in a westerly direction shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the splays shall be retained clear of any obstruction including foliage.

5) No above ground works shall take place until details of all external materials to be used in the construction have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

6) No development shall take place until details of a full surface water drainage scheme, including details of the size, position and construction of drainage works, have been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be designed to accommodate a 1 in 100 year storm + 40% CC and shall be carried out in accordance with the approved details prior to the commencement of the development hereby approved.

7) No development shall take place until details of a full foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Details of the scheme shall include the size, position and construction of the drainage scheme, and supporting calculations. The foul water drainage scheme shall be carried out in accordance with the approved details prior to the commencement of the development hereby approved.