
Appeal Decision

Site visit made on 28 January 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 27th February 2020.

Appeal Ref: APP/Y3940/W/19/3238188

6 Greatfield Farm, Hook North to Lydiard Green, Greatfield SN4 8EQ

- 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 R Morse against the decision of Wiltshire Council.
 - The application Ref 19/06726/FUL, dated 11 July 2019, was refused by notice dated 6 September 2019.
 - The development proposed is a building for B1, B2 and B8 purposes, together with provision of parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken from the application form, although I have omitted reference to elements which are not acts of development.
3. At the time of my site visit, I saw that the development had been completed and appeared to be consistent with the submitted plans. Therefore, I have determined the appeal on the basis that the development has already occurred.

Main Issues

4. The main issues are:
 - i) the effect of the development on the character and appearance of the area; and
 - ii) whether the site is an appropriate location for commercial development having regard to local and national policies.

Reasons

5. The effect of the development on the character and appearance of the area has relevance to my consideration against the local and national policies relating to its location. Therefore, I have considered this main issue first.

Character and appearance

6. The appeal site is on the edge of the small village of Greatfield, which contains a number of houses and commercial developments including garden centres, a plant nursery, and a caravan sales site. Development is mainly contained to one side of the road and is tightly packed into a small area surrounded by open

fields which separate Greatfield from other nearby settlements. Greatfield is not a settlement identified for development in Core Policy 1 of the Wiltshire Core Strategy 2015 (WCS). The appeal site is therefore outside of any settlement boundary and as such, in planning policy terms, is in the open countryside.

7. The former farmyard adjacent to the appeal site comprises a number of buildings and areas of hardstanding. Permission was granted for use by a landscape contractor and a building was subsequently constructed as permitted development. There are also areas of outside storage to the north and west of the appeal site partly enclosed by a bund and fencing. The evidence before me is that planning permission was recently refused for this development however, and therefore I cannot be certain that these are lawful. Otherwise, the fields around the site are largely undeveloped and the area has an open, rural character.
8. When approaching the appeal site along Greenhill to the north an existing hedge provides some screening, however at the time of my site visit part of the roof of the appeal building was visible above it. The village beyond is not seen in these views, and the building occupies what would previously have been a gap between buildings on the former farmyard and a pair of houses on the other side of a large field. Despite the presence of the enclosed area of outside storage north of the site, the end of the building is also visible from parts of the access road. From the public footpath across the fields, despite being seen at a distance of around 100m, the front face of the building is clearly visible rising above the bund and another outside storage area.
9. From these public vantage points, the building stands apart from the cluster of existing buildings on the former farmyard. Consequently, although it is of similar design and height to another nearby building, it extends built form out beyond the existing development, encroaching into the countryside and eroding the undeveloped, rural character of the area. If the surrounding apparently unauthorised developments were to be removed, even more of the building would be visible, along with the parking around it, and the harm would be even greater.
10. The appellant contends that the appeal site has been used for commercial uses since 2009. It is not for me, under a section 78 appeal, to determine whether the site has been used since that date for the uses now sought. To that end it is open to the appellant to apply for a determination under section 191 or 192 of the Act to establish what is lawful. In any event, the evidence of such commercial uses is very limited. The aerial photographs submitted only show activity on the appeal site in 2002, 2009 and 2014, and it is not clear whether this was associated with the agricultural use of the land. The other evidence submitted only relates to the use of the site from December 2008 to January 2009 and does not demonstrate continuous use of the land for non-agricultural purposes for the relevant period. Consequently, I can give little weight to the appellant's assertion that the appeal proposal has resulted in minimal encroachment into agricultural land.
11. Although the appellant suggests that additional landscaping could be secured to mitigate the visual impact of the development, there is no such scheme before me. Given the presence of other parking areas and hardstanding associated with the lawful uses of the adjoining land, there would appear to be very little

opportunity to provide the substantial planting needed to provide screening. As such, it has not been demonstrated that the harm could be satisfactorily mitigated through use of a planning condition.

12. Although the area is not designated for its landscape or heritage value, local and national policies nonetheless seek to recognise the intrinsic character of the countryside. The proposal has caused significant harm to the character and appearance of the area and as such conflicts with WCS Core Policies 51 and 57 which seek to conserve landscape character and ensure a high standard of design which relates positively to its landscape setting and the existing pattern of development.

Location

13. WCS Core Policy 2 includes provision for at least 178 hectares of new employment land over the plan period. Core Policy 19 sets out that 5 hectares of that will be provided in the Royal Wootton Bassett and Cricklade Community Area. Core Policy 2 also sets out that, other than in circumstances permitted by other policies in the plan, development will not be permitted outside development limits.
14. WCS Core Policy 34 is one such policy, which allows additional employment development outside the main settlements provided that it meets one of a number of criteria. The appeal site is not within or adjacent to a Principal Settlement, Market Town, Local Service Centre, Large or Small Village as defined in the WCS and as such does not comply with criteria i) or iii).
15. While the development is a further diversification of uses on the appellant's farm, there is no substantive evidence before me that it is necessary in order to support sustainable farming and food production as criterion ii) of the Policy requires.
16. The current occupier of the site is Boxcom Synergy, a company which operates, maintains and supports full-fibre networks across the UK. Its work therefore enables provision of broadband, which is supported by the WCS. However, a personal permission is not sought for Boxcom, nor is there any other mechanism to ensure that the building would be occupied by a company delivering broadband or meeting any other wider strategic interest of the Council. In these circumstances, criterion iv) has not demonstrably been met.
17. The development does not therefore meet any of the criteria in the first part of WCS Core Policy 34. As such, it is not necessary for me to consider the 5 criteria in the second part of the policy. Consequently, there is also conflict with WCS Core Policies 1 and 2 which seek to restrict development outside the limits of development, and with WCS Core Policy 19 which requires development to accord with Core Policy 1.
18. The supporting text to WCS Core Policies 1 and 34 states that support will be given to employment proposals outside defined development limits that arise through community led planning documents such as a neighbourhood Plan. The appeal site is in the Lydiard Millicent Parish Neighbourhood Plan Area, however this Plan is at an early stage of preparation and there is no evidence before me of any policy to support commercial development in this location.
19. Framework paragraph 83 supports sustainable growth and expansion of all types of business in rural area, including through well-designed new buildings

and the development and diversification of agricultural and other land-based rural businesses. Paragraph 84 recognises that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements. The policies of the WCS seek to define when such rural sites may be appropriate and are therefore consistent with the policies of the Framework.

20. For the reasons set out above it has not been robustly demonstrated that the development is diversification for the development of agricultural or land-based rural business. Nor, given its adverse impact on the character and appearance of the area, can the appeal building be considered well-designed. Although Boxcom have located here due to their need for a regional presence, there is no substantive evidence before me that they have any immediate local connection requiring them to be located on the appeal site. Nor is the proposal for any community purpose. Therefore, Framework paragraphs 83 and 84 do not justify the development.
21. Consequently, the development conflicts with WCS Core Policies 1, 2, 19 and 34 and is not supported by the policies of the Framework which support a prosperous rural economy. The site is therefore not an appropriate location for commercial development having regard to local and national policies.

Other Matters

22. The appeal site employs 24 people and pays business rates, which are economic benefits. Boxcom also contributes to the nationwide roll-out of broadband and upgrades to telecommunications networks and has linkages with sub-contractors and companies in its supply chain. These additional benefits are specific to that company however and are unlikely to apply to any other potential occupier of the site. Furthermore, there is no substantive evidence before me of any specific local connection that requires this type of development to be provided in this location. As such these benefits are very limited, and do not outweigh the harm identified above.
23. My attention has been drawn to a number of other commercial developments in the local area, Denwell Coaches, Greatfield Nurseries and Garden Centre, Walfins Garden and Leisure and Swindon Caravans Group. All are of considerably larger scale than the development before me. Those within Greatfield are prominent from the road but appear as part of the village and Denwell Coaches, while outside the village, is well screened by vegetation. As such, none have the same impacts on the character and appearance of the countryside as the appeal development. Moreover, I have not been provided with details of those developments, the history of those sites or the application process through which they were considered. Hence, I cannot be certain that any are a direct comparison with the appeal scheme, which I have considered on its own merits.
24. The appellant suggests that the Council's approach is inconsistent given their pre-application advice regarding re-use of other buildings nearby. The context of those buildings on the former farmyard is however materially different to the proposal before me, which conflicts with the policies of the WCS and the Framework.
25. Although the Council did not cite WCS Core Policy 34 in their refusal of a previous scheme on the site, the officer report for that scheme makes it clear that the proposal did not comply with that Policy. That application sought to

retain the building now subject of this appeal, but showed it in a different position in a smaller site, with no parking. It was therefore materially different to the scheme before me. In any event, I have determined the appeal scheme on its own merits having regard to the evidence before me, which may differ from what was before the Council when it made its previous decision.

26. The potential consequences of enforcement action are a matter for the Council to consider when deciding to take such action, and are not within my remit in deciding this s78 appeal.
27. No objections have been raised in relation to highway impacts, parking provision, loss of light or outlook to adjoining occupiers, however these are of neutral consequence.

Planning Balance and Conclusion

28. The development does have some economic benefits, however it causes significant harm to the character and appearance of the area and fails to comply with the strategy for delivering new employment land in Wiltshire. For the reasons given above, and taking into account all matters raised, I find that the development conflicts with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh the conflict. The appeal is therefore dismissed.

L McKay

INSPECTOR