
Appeal Decision

Site visit made on 3 December 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/Y3940/W/19/3231872

Ravenscourt, junction at Tetbury Lane and The Street north to Crudwell House, Crudwell SN16 6ER

- 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 M Whelan against the decision of Wiltshire Council.
 - The application Ref 18/10261/FUL, dated 30 October 2018, was refused by notice dated 7 June 2019.
 - The development proposed is described as 'Alterations to parking hardstanding'.
-

Decision

1. The appeal is allowed and planning permission is granted for the creation of hardstanding and associated works at Ravenscourt, junction at Tetbury Lane and The Street north to Crudwell House, Crudwell SN16 6ER in accordance with the terms of the application Ref 18/10261/FUL, dated 30 October 2018, subject to the following conditions:

- 1) Notwithstanding the requirements of conditions 2 and 3, as set out below, the development hereby approved shall be carried out in accordance with Layout Plan and Site Plan LPC 4482 PR 001.
- 2) Unless within 3 months of the date of this decision a parking layout scheme including manoeuvring space for the gravelled hardstanding area hereby approved and as shown on Site Plan LPC 4482 PR 001, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the gravelled hardstanding area for vehicle parking shall cease until such time as a scheme is approved and implemented.

If no parking layout scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the hardstanding area for vehicle parking shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved parking layout scheme specified in this condition, thereafter the approved gravelled hardstanding area shall be used in accordance with approved scheme and in association with the residential use of the host property (Ravenscourt). The manoeuvring areas shall be retained free of any obstruction.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the

time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Unless within 3 months of the date of this decision an enhanced landscaping scheme for the area surrounding the gravelled hardstanding area hereby approved and as shown on Site Plan LPC 4482 PR 001, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within the first planting and seeding season following the date of the local planning authority's approval, the use of the gravelled hardstanding area for vehicle parking shall cease until such time as a scheme is approved and implemented.

If no enhanced landscaping scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the hardstanding area for vehicle parking shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved enhanced landscaping scheme specified in this condition, any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Application for costs

2. An application for costs was made by Mr M Whelan against Wiltshire Council. This application is the subject of a separate decision.

Procedural Matters

3. On the 25 February 2020 the Council adopted the Wiltshire Housing Site Allocations Plan (WHSAP). I have also been provided a copy of the latest settlement boundary for Crudwell. The main parties have been given an opportunity to comment on the appeal in light of this and I have taken into account any comments received.
4. To accurately reflect the development in light of my reasons set out below, I have amended the description of the development.
5. The appeal site as edged red on the location plan incorporates a detached dwelling (Ravenscroft) and a Dutch barn which lies immediately to the west of it. It also includes a driveway and land surrounding these buildings. Based on the submissions from the main parties, the development largely relates to the creation of a gravelled hardstanding area and associated works to the rear of the Dutch barn. Nonetheless, the main parties are in dispute over the extent of the development for which planning permission is being sought.
6. Based on a previous consent¹ which includes the majority of the appeal site, the appellant asserts that the change of use of the land for residential use allows the area around the Dutch barn to be used for parking in association

¹ 14/06643/FUL - Alterations to Stone Barn in Association with Ancillary Accommodation and Change of Use of Land to Residential

- with the residential use of Ravenscourt. Although the approved plan also shows a 'parking area' to the south of Ravenscourt and the land to the rear of the Dutch barn is annotated as 'garden'. There is nothing in the evidence before me to suggest that this area cannot be used for parking in association with the residential use of Ravenscourt.
7. However, I attach limited weight to the appellant's assertion that the works associated with the creation of the original gravelled hardstanding were permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, as I cannot be certain that such works did not require planning permission. This appeal is not the procedure to establish lawfulness.
 8. Subsequently, the appellant acquired additional land² and along with some engineering works created an extension to the original gravelled hardstanding. The appellant is therefore only seeking to regularise those additional works and considers this to be 'operational development'. Although a more recent planning consent³ incorporates this land and identifies it as part of the planning unit to Ravenscourt, this in itself is not confirmation that it has consent for residential use.
 9. On the other hand, given the planning history and enforcement investigations associated with the appeal site, the Council argues that it is the appellant's intention to use the parking area in association with a business use. In my view, based on the planning application and the supporting information to this⁴ the appellant is only seeking to use the parking in association with the residential use of Ravenscourt. Consequently, any matters relating to the alleged operation of an unauthorised business from the appeal site and parking in association with this are outside the remit of this appeal.
 10. Although planning permission is being sought for the engineering works and creation of the additional gravelled hardstanding area, based on the drawings submitted with the application, the extent of this is unclear. In light of this and the above reasons, I will consider the appeal on the basis of the development comprising the entire gravelled hardstanding area to the rear of the Dutch barn and associated landscaping, as shown on drawing LPC 4482 PR 001, whilst having specific regard to its function for vehicle parking in association with the residential use of Ravenscourt.
 11. The development along with some landscaping has already been undertaken. The submitted drawings show this along with some proposed planting. Accordingly, for the purposes of my decision, I have relied on the submitted drawings and the development as it appears at the appeal site.

Main Issues

12. The main issues are the effects of the development on: i) the character and appearance of the area including whether the development preserves or enhances the character or appearance of the Crudwell Conservation Area (CA); i) the living conditions of neighbours in respect of noise and disturbance; and, iii) flood risk.

² As identified on Appendix 3 of the appellant's Statement of Case

³ 17/10085/FUL - Replacement access gates to drive

⁴ Appellant's supporting letter to planning application, dated 30 October 2018

Reasons

Character and appearance

13. The Dutch barn, along with the other former converted agricultural buildings near the appeal site appear as a small farmstead in views from the surrounding area, in particular the open countryside to the north and east of the appeal site. The site also falls within the Crudwell Conservation Area (CA) which based on my observations is largely characterised by large open and undeveloped areas of land surrounding clusters of sporadic development. The land to the rear of the Dutch barn joins the wider countryside. Together these contribute to the openness and verdant character and appearance of the site's semi-rural setting, which in turn complements the CA.
14. The engineering works undertaken to create the build-out are limited in extent and incorporate a gradual slope which is grassed and melds into the wider landscape. These works and the gravelled hardstanding are set-back and largely screened in views from the A429 by a bus shelter and a variety of boundary treatments, including a low wall, gate and hedge planting. However, this area is more prominent in views from along a right of way (CRUD7) which runs in an east – west direction to the north of the boundary to the appeal site.
15. Most notably, the gravelled hardstanding would be made more apparent as a consequence of the associated vehicle parking which would introduce a degree of urbanisation that would detract from the rural setting. This would be partly mitigated by the existing replacement hedge and a post and rail fence along the northern boundary of the appeal site.
16. However, the appellant suggests limiting the vehicle parking to the southern section of the hardstanding area, nearest to the Dutch barn and utilising the remaining part for vehicle manoeuvring. In addition to this, further enhanced landscaping has been suggested. An appropriate landscaping scheme would overtime mitigate the effects of the development from localised views.
17. The suggested landscaping and parking layout could be secured by planning conditions. These proposals, along with the transient nature of the parking in proximity of the Dutch barn would further mitigate the overall effects of the development, whilst also reinforcing the semi-rural character of the area and enhancing its the landscape characteristics.
18. For the above reasons and subject to conditions, the development and its function for the parking of vehicles would have no discernible or permanent adverse visual effect on the character and appearance of the area. Along with the additional landscaping the development would also preserve and enhance the character and appearance of the area in respect of the CA. I therefore find no conflict with the design aims of Policy CP57 of the Wiltshire Core Strategy (Jan 2015) (CS) which amongst other things seeks a high standard of design in all new developments along with safeguarding the historic environment. I also find that the development accords with Policy CP51 of the CS which seeks to conserve and enhance the landscape characteristics of the area. Consequently, the development is consistent with the overall design aims and the provisions of the National Planning Policy Framework (the Framework) with regard to protecting the historic environment.

Living conditions

19. Vehicle parking in association with the residential use of Ravenscourt already exists at the appeal site. Against this background the use of the gravelled hardstanding area to the rear of the Dutch barn would displace vehicle parking from other areas within the appeal site and would therefore not result in any intensification of vehicular activity at the site or an increase in use of the existing driveway off the A429. Therefore, the development would have no adverse impact on the living conditions of neighbours with regard to noise and disturbance. As such, the development is consistent with the aims of CS Policy CP57, which amongst other things seeks to safeguard the amenities of existing occupants. In light of this I also find no conflict with similar aims as set out under paragraph 127 (f) of the Framework.

Flood Risk

20. Although the Council advises that it holds records of ground and surface water flooding, and that the site lies within a ground water vulnerability zone and groundwater source protection zone, I have not been provided any substantive evidence of these or how the development would affect these or the nearby unnamed watercourse. Furthermore, the gravelled hardstanding area is modest in size and is located outside Flood Zones 2 or 3 which have a greater propensity to flooding.
21. In light of the above and in taking a proportionate approach, the porous nature of the gravelled surface and gradual grassed slope of the development area would reduce rainwater run-off. Therefore, I am satisfied that, on balance, the development does not represent any significant flood risk. My conclusion on this matter is supported by the lack of objection to the development from the Council's own drainage engineer⁵. As such, I find no conflict with Policy CP67 of the CS which largely relates to proposals for development in Flood Zones 2 and 3 and requires that all new development include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground.
22. Based on the foregoing, the development accords with similar aims for mitigating against flood risk, as set out in the Framework.

Other Matters

23. The legal dispute in relation to the position of a boundary at the appeal site is a civil matter between the relevant parties, which does not influence my findings on the planning merits of the development.

Conditions

24. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance and the Framework. I have included a condition specifying the relevant drawings as this provides certainty. The provision, maintenance and retention of landscaping (Condition 3), along with a requirement for a parking layout (Condition 2) are necessary to safeguard the character and appearance of the area and the CA. The additional requirement in Condition 2, specifying the use of the approved parking layout in association with the host property Ravenscourt is necessary in the interests of defining the consent.

⁵ Consultation response from Wiltshire Council Drainage Engineer, dated 15 November 2018

25. The purpose of conditions 2 and 3 is to require the appellant to comply with a strict timetable for dealing with the parking layout and the enhanced landscaping scheme which need to be addressed in order to make the development acceptable.
26. Conditions 2 and 3 are drafted in the format set out above because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of these conditions is therefore to ensure that the development authorised by the grant of planning permission may only continue if the appellant complies with each one of a series of requirements.
27. Based on my findings in relation to flood risk, conditions requiring an FRA and a drainage strategy are not necessary. Where necessary I have altered the conditions to better reflect the relevant guidance.

Conclusion

28. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR