
Appeal Decisions

Site visit made on 26 May 2020

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2020

Appeal Ref: APP/Y3940/W/20/3244117

Ganders, Heath Farm Lane, Chapmanslade, Westbury, Wiltshire BA13 4AN

- 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 and Mrs M Gee against the decision of Wiltshire Council.
 - The application Ref 19/07948/FUL, dated 14 August 2019, was refused by notice dated 14 November 2019.
 - The development proposed is change of use agricultural building to live/work unit and change of use of The Potting Shed to tourist accommodation (retrospective).
-

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Mr and Mrs M Gee against Wiltshire Council and vice versa. These applications are the subject of separate Decisions.

Procedural Matters

3. The parties dispute the lawfulness of the agricultural building, the Council being of the opinion that the building has been erected unlawfully. Whether or not the building is lawful is not a matter for me to determine in the context of an appeal made under Section 78 of the above Act.

Main Issues

4. The main issues are:
 - the effects of the proposal on highway safety;
 - whether the occupiers of the development would have adequate access to day to day services by a choice of modes of transport and;
 - the effects on the character and appearance of the area.

Reasons

The effects of the proposal on highway safety

5. The site is to the south of the village of Chapmanslade. It is linked by a narrow access track, Heath Farm Lane, which is also a public footpath. It also serves a village hall, recreation ground and several dwellings.

6. The track joins the village in the High Street, the A3098 road between Frome and Westbury. There is some car parking on the site itself and opposite on the lane.
7. The A3098 junction is a designated 30mph speed limit. The Council's highway engineer advises that according to Manual for Streets the visibility splay should measure 2.4m by 43m. However, at 2.4m back from the carriageway the engineer estimates visibility to be only 10m to the (right) south due to a building and 8m to the (left) north curtailed by a bend. These measurements are not disputed by the appellants. Therefore, the existing access is already substandard.
8. No details have been provided about the existing traffic generation or about the likely movements from the proposal. Nonetheless, the tourist accommodation would attract visitors who are very likely to be car borne given the nature of the area. They are likely to drive to facilities and attractions, which could amount to a number of trips each day. The live/work unit could save some trips to the holding if the appellants were to live there but the residential element here would lead to other car journeys for matters such as education, social, health and other routine activities. The proposal is for courses, quoted as up to 20 a year involving up to 6 people, which I consider would generate significantly more traffic movements than the existing agricultural use. I therefore conclude that the proposal as a whole would be likely to increase vehicle movements and would exacerbate the existing risk at the junction of the track and the A3098, causing further harm.
9. I saw the nature of the lane on my site visit: it is narrow with no passing places. However, beyond the recreation ground, it only serves a handful of properties which together with its narrowness suggests traffic speeds should be slow. There is reasonable visibility along the lane and pedestrians and cars should be able to see each other. Consequently, the situation appears to be more of a nuisance rather than a significant safety risk. However, my findings on the width of the track do not overcome the lack of visibility at the junction.
10. I therefore conclude that the proposal would harm highway safety, it therefore conflicts with Policy 61 of the Wiltshire Core Strategy (WCS), January 2015, which promotes highway safety. It is also contrary to the National Planning Policy Framework (the Framework), paragraph 108, which requires safe and suitable access for all users as well as paragraph 109 which seeks to avoid an unacceptable impact on highway safety or residual cumulative impacts which would be severe.

Access to day to day services

11. Core policy 1 of the WCS encourages residential development to larger settlements to utilise facilities. Core policy 2 does allow for developments in smaller settlements, including Chapmanslade, which is also confirmed by core policy 31. However, I saw from my site visit that Chapmanslade is significantly distanced along a narrow unlit track. This would mean walking to its facilities would be unlikely. The appellants accept that the site is not well served by public transport but argue that facilities are close by. For these reasons I consider the site to be isolated from day to day services.
12. Core policy 48 of the WCS only allows residential conversions where justified by special circumstances. Similarly, paragraph 79 of the Framework discourages

the development of isolated homes in the countryside. An exception is permissible for the conversion of existing buildings if they are redundant or disused. The appellants have not made the case that the buildings were disused or redundant prior to their conversion. Accordingly, the proposal would be in conflict with core policy 48 and paragraph 79 of the Framework.

13. The appellants make clear that the proposed dwelling is not for an essential rural worker. Rather the proposal is for a live/work unit in connection with the appellants' overall small holding for training in bee keeping and arts and crafts, tourist accommodation and an artist's studio. The appellants suggest that the proposal is a dual use as the kitchen and living room will be used in conjunction with honey processing and day courses. Even if the appellants are correct that the building was constructed lawfully, the live/work unit has created a new dwelling outside a settlement and in the open countryside, regardless of whether its occupants would be working from home.
14. The proposal may well benefit the rural economy, and the appellants point to support in paragraphs 83 and 84 of the Framework. The former supports the sustainable growth through the conversion of buildings for business use. However, the proposal is not simply a business use but also a new dwelling away from everyday facilities.
15. The appellant has offered a condition to restrict the occupancy to connection with the use of the small holding. However, this does not overcome the concern I have found on the principle of residential use.
16. The Potting Shed is proposed as tourist accommodation and has been so converted. This type of use could support the small holding as well as contribute to the rural economy through spending on attractions and services. On its own tourism is a use that may not conflict with Core policy 48 but the proposal is for a composite use and I have assessed it as such.
17. I therefore conclude that the occupiers of the proposal would not have adequate access to day to day services by a choice of modes of transport. The proposal is therefore contrary to core policies 1 and 2 of the WCS which locate residential development in settlements with facilities and similarly core policies 60 and 61 which seek to reduce car dependency, it is also contrary to core policy 48 which only allows residential conversions where justified as well as paragraph 79 of the Framework.

The effects on the character and appearance of the area.

18. The live/work unit is adjacent to the Heath Farm Lane and consequently is visible from public viewpoints on the lane. The Potting Shed being to the rear is less prominent and a boundary hedge obscures much of the site from public view.
19. The decision notice refers to the urbanisation of the rural area and the choice of materials do not represent a high standard of design. The submitted elevations show that the live /work unit has a very simple design facing the lane; there is no fenestration, and using sheet roofing and cladding, it appears as an agricultural building, which seen in conjunction with the small holding it would look appropriate and functional. The Potting Shed has a similar appearance and it too does not look out of place.

20. Whilst the live/work building is long, it has a modest width and height, which gives a deferential human scale from the lane. Similarly, neither of the buildings nor their surrounding spaces have a domestic appearance.
21. The structures do not obstruct or frame any view and appear appropriate in the agricultural landscape. Moreover, the hedging along the lane provides substantial softening and screening. I also have not been made aware that this is a protected landscape.
22. I therefore conclude that the proposal would not be harmful to the character and appearance of the area. The proposal therefore does not conflict with core policy 51 which protects landscape character and policy 57 which promotes good design in parallel with the Framework.

Other matters

23. The appellants refer to several other appeal cases to support their case. However, they are not in the same local authority area and appear to have been different proposals in different contexts. In any event, I have not been given full details and therefore cannot come to a conclusive view on the comparative relevance.

Conclusion

24. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR