



Appeal Decisions

Site visit made on 26 May 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2020

Appeal A Ref: APP/Y3940/W/20/3245653

The Coach House, Nunton, Salisbury SP5 4HN

- 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 Harry Joynt against the decision of Wiltshire Council.
 - The application Ref 19/06290/FUL, dated 27 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is 'form new vehicle entrance from the road to Stable Cottage, separate from the existing vehicle entrance which is currently shared with the adjoining cottage, The Coach House. Works include creating a new opening in the boundary wall, forming a new driveway, and separating the two adjoining properties with a dividing fence and hedge'.
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Appeal B Ref: APP/Y3940/Y/20/3245650

The Coach House, Nunton, Salisbury SP5 4HN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Harry Joynt against the decision of Wiltshire Council.
 - The application Ref 19/06480/LBC, dated 27 June 2019, was refused by notice dated 21 August 2019.
 - The works proposed are 'form new vehicle entrance from the road to Stable Cottage, separate from the existing vehicle entrance which is currently shared with the adjoining cottage, The Coach House. Works include creating a new opening in the boundary wall, forming a new driveway, and separating the two adjoining properties with a dividing fence and hedge'.
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Decisions

Appeal A

1. Appeal A is dismissed.

Appeal B

1. Appeal B is allowed, and listed building consent is granted to form new vehicle entrance from the road to Stable Cottage, separate from the existing vehicle entrance which is currently shared with the adjoining cottage, The Coach House. Works include creating a new opening in the boundary wall, forming a new driveway, and separating the two adjoining properties with a dividing fence and hedge at The Coach House, Nunton, Salisbury SP5 4HN, in accordance with the terms of the application Ref 19/06480/LBC, dated 27 June 2019, subject to the following conditions:

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: NUN-01 Site plan, NUN-03 Proposed Site plan, NUN-05 Proposed elevation from road, ITB15046-GA-001 Proposed driveway access visibility, ITB15046-GA-003 Proposed forward visibility.
- 3) A sample panel not less than 1 metre square of the proposed flint and salvaged stone for the proposed wall to include the mortar shall be erected on site, inspected and approved in writing by the Local Planning Authority. The works to the eastern section of wall shall be carried out in accordance with the approved details, prior to the driveway hereby permitted being first brought into use.

Procedural Matters

2. As both appeals relate to the same site and raise similar issues, I shall consider the Council's decisions to refuse planning permission and listed building consent in a single document, in the interests of brevity.
3. The site address indicated on the application forms has been amended in subsequent documents. I have adopted the address contained within the appeal forms, which describes the site's location more accurately.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. The appeal site currently benefits from an existing vehicular access onto Back Lane East, a classified road subject to a 30mph speed restriction. Visibility is restricted to exit the site safely, by reason of the height of the front boundary walls and the limited width of the grass verges either side of the access, as well as the curvature of the road.
6. As it is presently shared by the Coach House and Stable Cottage, the proposal would not lead to an intensification of the access onto Back Lane East. However, the proposed access would be located closer to a shallow bend in the road, where visibility is restricted even further, compared with the existing access. Drivers would have to edge out towards the carriageway in order to see any oncoming vehicles and achieve forward visibility, which would increase the risk of conflict with other road users.
7. The drawings submitted by the appellant show that 25-metre splays could be achieved either side, but this would be subject to an X distance of 1 metre, thus requiring drivers to edge out onto the highway in order to see approaching vehicles. Additionally, the provided visibility splays would only be sufficient if vehicles were travelling down the road at a 20mph speed, something that has not been substantiated by detailed evidence. Equally, the forward visibility for vehicles travelling down Back Lane East would only be adequate if the driving speed did not exceed 25mph.
8. Even in very lightly-trafficked and slow speed situations, Manual for Streets states that a minimum X distance of 2 metres should be provided, to ensure that drivers and cyclists are able to see vehicles overhanging from a reasonable

distance and manoeuvre around them without undue difficulty. By reason of the physical constraints associated with the proposed access, the proposal would lack adequate visibility. Accordingly, and having regard to the available evidence, I find that there is no justification for relaxing visibility splay requirements, as this could otherwise give rise to considerable highway safety concerns.

9. It is of note that no accidents involving vehicles egressing from existing accesses appear to have been reported within the immediate vicinity of the site in the last 10 years. However, this data has to be treated with caution, especially because not all accidents involving motor vehicles or other road users may have been recorded. And even accepting that accidents may not have been a regular occurrence in this area in the past, this does not eliminate the possibility of them happening in the future. Consequently, this does not outweigh my concerns regarding the effect of the proposal on highway safety.
10. My attention has been drawn to a planning approval¹ at Lower Nunton Farmhouse for a conversion scheme with formation of a vehicular access, which has been recently implemented. Despite its proximity to the appeal site, this relates to a distinct stretch of road with slightly better visibility, and closer to a junction, where vehicles would normally travel at a lesser speed. I am therefore not certain that the circumstances of this particular scheme represent a direct parallel to the proposal before me or provide justification for the deficiencies which I have identified.
11. For the foregoing reasons, I conclude that the proposal would result in the creation of an inadequate access, which would be detrimental to highway safety. It would therefore conflict with Core Policies 57(xiv) and 61 of the Wiltshire Core Strategy² and paragraph 108 of the National Planning Policy Framework (the Framework) in particular, which seeks to ensure that safe and suitable access to the site can be achieved for all users.

Other Matters

12. The proposals would include alterations to a curtilage listed wall, which is contiguous with the walls surrounding Nunton House, a Grade II* listed country house. The orangery, which lies within the grounds of Nunton House, is separately listed. Stable Cottage and the Coach House are classified as curtilage listed buildings and, as such, are treated as part of the listed Nunton House and orangery. The Council did not raise concerns regarding the impact of the proposed works and development on the listed buildings and their settings. As the proposed works and development would be remote from the main house and the orangery and would relate acceptably to Stable Cottage and the Coach House, I have no reason to take an alternative view. I am therefore satisfied that the proposed works and development would preserve the special architectural and historic interest of Nunton House and the orangery or their settings.
13. The appeal site lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation

¹ Local Planning Authority Reference 17/06342/FUL.

² Adopted January 2015.

to these issues. As the proposal relates to a site located within the built envelope of Nunton, I am satisfied that no harm would be caused to the landscape and scenic beauty of the Cranborne Chase and West Wiltshire Downs AONB.

Planning Balance

14. A number of considerations have been brought to my attention in favour of the proposal. I have had regard to the personal circumstances of the appellant's son and the increased privacy which the proposed development and works would provide by enabling the physical separation of the hardstanding area to the front of the Coach House and Stable Cottage. The appellant also argues that this would help ensuring that the properties remain occupied and cared for in perpetuity, although I have not been presented with detailed evidence which demonstrates that the current arrangement would prejudice their continued use. A number of third parties have expressed support for the proposal, which I have taken into account. However, in view of the harm I have identified, these considerations do not persuade me to reach a different conclusion.

Conditions

15. In respect of Appeal B, I have imposed a condition specifying the relevant drawings which have to be complied with, in addition to the standard time limit. These conditions are required to provide certainty and clarity. A condition regarding external materials and detailing is required to preserve the architectural and historic interest of the designated heritage assets and their settings. There is however no clear justification to impose it as a pre-commencement condition, and I therefore consider that the implementation of the works to the eastern section of wall prior to the driveway being first brought into use would be sufficient.

Conclusion

16. For the reasons detailed above, and having regard to all other matters raised, I conclude that Appeal A should be dismissed, and Appeal B should be allowed.

S Edwards

INSPECTOR