



Appeal Decision

Site visit made on 7 July 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/Y3940/W/20/3252195

Meadow Farm, Jockey Green, Great Bedwyn, Marlborough SN8 3PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon Moore and Rivar Ltd against the decision of Wiltshire Council.
 - The application Ref 19/08651/OUT, dated 5 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is the demolition of existing commercial and agricultural buildings and redevelopment of the site to provide five dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all detailed matters reserved for separate consideration. As such, the proposed site layout and section plans¹ are illustrative. I have primarily considered these on the basis of what the likely impacts of the erection of the number of dwellings proposed would be taking into account that there may be alternative ways of developing the proposal. Nevertheless, in relation to some matters the appellants have referred to the illustrative plans in some detail. Accordingly, I have specified in my decision those areas where I have given the illustrative plans particular consideration.
3. Since the Council made its decision, the Wiltshire Housing Site Allocations Plan, February 2020 has been adopted. Both parties have had the opportunity to refer to the plan during the appeal process. Furthermore, it does not replace the policies of the development plan cited on the decision notice. Accordingly, I am satisfied that neither party will be prejudiced by my consideration of it so far as is relevant to the appeal.
4. The Council's decision notice included a refusal reason in relation to flood risk stating that insufficient information had been provided at the application stage to allow for an appropriate assessment. It also included an informative note advising that if sufficient detail were provided to demonstrate that the site could be adequately drained, then the matter might be satisfactorily resolved during any subsequent appeal process. The appellants have provided further drainage information and a strategy that is broadly

¹ Drawings numbered 58962:3F and 58962:4

satisfactory to the Council's drainage officer² such that this is no longer a matter of dispute between the parties³. Whilst I have noted a letter of representation that refers to incidents of flooding after heavy rain at the entrance to the site, I have little substantive basis to find that the drainage strategy proposed would be inadequate. I shall determine the appeal accordingly.

Main Issues

5. The main issues are:

- Whether the proposal is a suitable location for housing having regard to local and national planning policies, and;
- The effect of the proposal on the character and appearance of the area with particular regards to (i) whether it preserves or enhances the setting of the Great Bedwyn Conservation Area, (ii) the setting of 13 and 14 Brook Street (Grade II listed buildings), (iii) the setting of non-designated heritage assets and (iv) the special qualities of the North Wessex Downs Area of Outstanding Natural Beauty (AONB), and;
- Highway safety having particular regard to access arrangements and pedestrian safety.

Reasons

Location

6. Core policies 1 (CP1) and 2 (CP2) of the Wiltshire Core Strategy, January 2015 (CS) set out a 'Settlement Strategy' and 'Delivery Strategy' respectively. In combination they identify settlements within Wiltshire where residential development will take place. The level of development broadly reflects the size and function of those settlements within a hierarchy. The explanatory text⁴ states that the underlying principles of the Delivery Strategy are to ensure that communities have a better balance of jobs, services, facilities and homes. Core policies 60 and 61 of the CS in relation to transport and new development are consistent with this approach and state that new development should be located in accessible locations in order to reduce the need to travel particularly by private car.
7. Great Bedwyn is the nearest settlement to the appeal site and is identified as a 'Large Village' in core policy 18 of the CS. A settlement boundary is used to establish where residential development should occur, which has recently been reviewed as part of the Wiltshire Housing Site Allocations Development Plan Document, February 2020. CP2 stipulates that development will not be permitted outside the defined limits of development unless expressly permitted by other policies in the CS.
8. Such an approach is generally in accordance with paragraph 78 of the National Planning Policy Framework (the Framework) which states that rural housing should be located where it will enhance or maintain the vitality of rural communities with policies identifying opportunities for villages to grow and thrive.

² Appendices M-O Appellants' Statement of Case

³ Paragraph 3.30 Council's Statement of Case

⁴ Paragraph 4.19

9. The appeal site lies outside of the settlement boundary for Great Bedwyn. It is not part of the appellants' case that the proposal is one of the specified exceptions for rural housing identified in the CS or paragraph 79 of the Framework. Therefore, the proposal conflicts with the settlement and delivery strategies for residential development in the CS.
10. The nearest local facilities to the appeal site are at Great Bedwyn, these include a post office, shop, public house, primary school, places of worship and railway station. The appeal site is physically separated from the village by the canal and railway line. Moreover, the route along Jockey Green/Brook Street is generally unlit and for the most part comprises a narrow lane without footway provision. This would result in pedestrians feeling vulnerable to traffic, particularly in dark conditions. Similarly, cyclists would need to be confident road users in these conditions. These factors would be likely to deter some pedestrians and cyclists from using it routinely.
11. Nevertheless, I accept that access to bus and railway services would offer some degree of choice as to mode of travel, especially given that the nearest bus stop is approximately 70 metres from the appeal site, albeit that the limited information provided does not specify how frequently services stop there. Even so, given that five dwellings would be likely to have future occupants with a range of travel requirements, the relatively limited facilities within the nearest settlement are such that residents would nevertheless be likely to rely significantly on the private car as the principal means of travel. This would conflict with the strategies in the development plan to encourage development in more accessible locations.
12. The appellants consider that 71% of the site comprises previously developed land⁵ as defined in the Framework, although this is disputed by the Council. General support for the effective use of previously developed land is given in paragraph 117 of the Framework. Paragraph 118 qualifies that this should be given substantial weight when using brownfield land within settlements. In this case the appeal site is not identified as within a settlement in the development plan, which is reinforced by its physical separation from the village. Moreover, the definition of previously developed land in the Framework states it should not be assumed that the whole of the curtilage should be developed. Therefore, even if I were to accept that most of the site did constitute previously developed land, this would attract only limited weight in these circumstances, which would be insufficient to outweigh the conflict with the CS.
13. In support of the proposal the appellants point out that the site is not in the isolated countryside and would assist in boosting housing supply generally. Be that as it may, it would represent a more dispersed approach than is set out in the CS which seeks to focus rural growth within identified settlements. Therefore, the modest contribution made to the overall supply would not justify departing from the consistent application of the delivery strategy in order for it to achieve its underlying principles.
14. Accordingly, I find that the site would not provide a suitable location for housing having regard to local and national planning policies. Consequently, it would be contrary to core policies 1, 2, 18, 60 and 61

⁵ Paragraph 3.10 Appellants' Statement of Case

which in combination, and amongst other matters, set out a county wide strategy for residential development to ensure it takes place in locations that would achieve a better balance of jobs, services and facilities and reduces the need to travel by private car.

Character and appearance, including impact on heritage assets and AONB

15. The site lies outside of, but adjacent to the Great Bedwyn Conservation Area (CA). The CA takes a broadly cruciform shape and encompasses most of Great Bedwyn. Its significance lies partly in the way the mix of buildings and spaces reflect the evolution of the village from its Saxon origins. The eastern part of the CA nearest to the appeal site comprises looser knit ribbon development with views to the wider countryside. Its form comprises mostly traditional vernacular cottages along Brook Street, which has the appearance of an informal country lane. These factors contribute positively to the traditional, attractive, rural character of the CA.
16. Within the linear development near to the appeal site are 13-16 Brook Street. Nos 13 and 14 are Grade II listed red brick cottages with thatched roofs. Their significance primarily lies in their aesthetic appearance. I have a statutory duty⁶ to give special attention to the desirability of protecting the setting of listed buildings.
17. Similarly, Nos 15-16, although not listed, are detached traditional thatched cottages that positively contribute to the qualities of the CA. They are recognised as having townscape merit in the Great Bedwyn Conservation Area Character Appraisal and Management Proposal, March 2007⁷. It follows that they are buildings with a notable degree of heritage interest.
18. The appeal site lies to the north east of these heritage assets, and due to its proximity forms part of the surroundings in which they are experienced. Accordingly, it forms part of their setting. It comprises of land and a range of buildings in varying states of repair with some of the space at the time of my visit, being used for the storage of vehicles and equipment. The buildings have a functional appearance consistent with an agricultural and rural working environment. The concentrated layout and limited height of most buildings restricts their impact on the wider area which is further significantly softened by areas of grass and established vegetation. Nevertheless, the collection of built form contrasts with the strong linear pattern of development along Brook Street.
19. The poor condition of some buildings and presence of vehicles results in a somewhat disorderly appearance which does detract to a modest degree from the attractive rural character of the area and settings of the nearby heritage assets. Nevertheless, overall the site has a peripheral low key rural character, and my observations of it from the cricket pitch to the west, were that its impact in longer views was limited. This is reinforced by the submitted photographic survey⁸.
20. The proposal would remove most of the existing buildings and introduce five dwellings. The illustrative site layout and sections show these as two storey, four bedroom detached houses with garages arranged around a cul-de-sac

⁶ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁷ Map 4 – South zone

⁸ Paragraph 3.32, Appendices F & G, Appellants' Statement of Case

turning head. The siting and orientation of the dwellings would appear sporadic and would deviate from the established pattern of single plot, vernacular cottages facing onto the road. When this is combined with the use of deeper and sometimes L-shaped footprints, roof pitches would be different and would incorporate gables and dormers. Such characteristics are more commonly seen in sub-urban areas and would contrast harmfully with the prevailing simpler traditional form of the vernacular cottages nearby.

21. In addition, although the appellants refer to a reduction in footprint, the majority of buildings to be removed are generally clustered together within the north eastern part of the site and most are of modest height. Whereas, the indicative material shows the 5 dwellings as detached, two storey and dispersed across the appeal site. As a result, the impact of the presence of buildings, in a form that would be out of character with the rural surroundings, would be exacerbated.
22. Furthermore, the associated gardens of the dwellings are likely to accommodate boundaries, seating, play equipment and similar objects which in addition to more ornamental planting would emphasise the domestic nature of the development to the detriment of the surrounding rural character. This would not be fully addressed by the provision of a wildflower meadow further to the north east and more removed from Nos 13-16 Brook Street.
23. Accordingly, the illustrative plans fail to provide evidence that an acceptable scheme is capable of being advanced at the reserved matters stage without resulting in harm to the character and appearance of the area, including harm to the settings of heritage assets. Although some visual benefit might arise from the removal of the existing buildings, the evidence does not show how the development would reflect or reinforce locally distinctive characteristics seen in the surrounding buildings and spaces.
24. Moreover, even taking into account that the grant of outline permission would not tie future development to the illustrative plans and that there may be alternative ways of developing the site, introducing five houses is likely to result in a more dispersed layout of built form than is presently the case. This would be detrimental to the settings of the heritage assets identified, albeit considering the relatively minor scale of the development overall, it would cause less than substantial harm.
25. In relation to the impact on designated heritage assets paragraph 196 of the Framework indicates that in such circumstances the harm should be weighed against the public benefits of the proposal. The benefits primarily relate to the provision of 5 additional houses to the overall supply which would use some previously developed land. There would be economic benefits associated with both the construction of the development, and the future activity and spending of the occupants. Nevertheless, paragraph 193 indicates that great weight should be given to protecting the significance of designated heritage assets. Therefore, the relatively modest benefits arising from the provision of the additional houses proposed are insufficient to outweigh the harm to the settings of the listed buildings and CA.
26. Paragraph 197 states that for non-designated heritage assets a balanced judgement should be made having regard to the scale of any harm and the

significance of the asset. The modest benefits identified would not outweigh the extent of the likely harm to the settings of Nos.15-16.

27. Furthermore, the site is located within the AONB. The mosaic of varying landscapes, historic settlements and their inter relationship with each other form part of the special qualities and scenic beauty of the AONB. My attention is drawn to parts of the North Wessex Downs AONB Management Plan 2019-2024. However, this document identifies⁹ that poorly sited and designed new development that fails to reflect the historic form of settlements and building groups, their character and setting is a key issue for the historic environment.
28. It therefore follows that, for similar reasons to those already outlined that result in harm to the historic environment, the proposal would detract from the special qualities of the AONB. I acknowledge that, in view of the limited scale of the proposal, this would result in localised harm. However, it would be seen in views from the access onto the road and would have a greater presence in longer views from the cricket pitch. Paragraph 172 of the Framework stipulates that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's.
29. The appellants refer to potential changes of use to the existing buildings¹⁰ that might be carried out as permitted development. They consider that this would retain unsightly buildings and may result in more intensive commercial activity which would be detrimental to the character and appearance of the area. However, in the absence of a certificate of lawfulness to establish the lawful use of the buildings, it is not definitely established that all the potential changes of use could be carried out and furthermore, there is some basis for doubt. For example, Class R¹¹ does not permit the flexible use of agricultural buildings if the building in question was not solely used for an agricultural use as part of an established agricultural unit at a specified date. However, the witness statement¹² provided suggests that building B has been used for mixed general storage and farming purposes for the last ten years. Therefore, I am not assured that all the permitted development referred to could be relied upon.
30. Even if the permitted development could be implemented, there is little basis to suppose that such commercial uses would realistically be carried out to the extent suggested. The location of the buildings, their varying states of repair and relationship to each other would not lend themselves easily to some of the commercial use classes listed. As such, I am doubtful that, in the absence of the appeal proposal, all the uses described could or would be implemented. This considerably reduces the weight I can give to it as a fallback position.
31. In any event, by comparison, the appeal proposal comprises development of harmful domestic form, more dispersed across the appeal site, aspects that I have identified would be harmful to the rural character of the area. Therefore, it is not shown that the permitted development referred to would

⁹ Chapter 5, Paragraph 5.26 g)

¹⁰ Paragraph 3.25 Appellants' Statement of Case

¹¹ Class R- agricultural buildings to a flexible commercial use, Part 3, Schedule 2, Town and Country Planning (General Permitted Development) Order 2015 (as amended).

¹² Appendix B, Appellants' Appeal Statement

result in greater harm to the character and appearance of the area. Consequently, it attracts limited weight.

32. Accordingly, I find that the proposal would be harmful to the character and appearance of the area, would detract from the setting of heritage assets and would dilute the special qualities of the AONB. This would be contrary to core policies 51, 57 and 58 of the CS. Core policy 51 seeks to protect, conserve and enhance landscape character including the AONB. Core policy 57 requires development to achieve a high quality of design that amongst other matters, is sympathetic to and conserves historic buildings and historic landscapes. Similarly, core policy 58 states that development should protect, conserve and where possible enhance the historic environment.

Highway safety

33. Paragraph 108 of the Framework states that in assessing applications for development it should be ensured, amongst other matters, that safe and suitable access can be achieved for all users. Furthermore, paragraph 109 indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
34. The junction of the access serving the site with Brook Street currently has limited visibility as a result of the location of existing dwellings, hedgerows and the alignment of the road. This is reinforced by the comments of the Highway Authority¹³ who consider that essential visibility splays cannot be achieved.
35. Although access is a reserved matter, given the configuration of the site, there are limited options for the location of an access onto the highway. In these circumstances, drivers seeking to join Brook Street from the appeal site would generally need to encroach forwards onto the highway in order to achieve suitable visibility to complete their manoeuvre. Brook Street itself is of limited width with no street lighting, central road markings or pavement at this point. In addition, it would be close to where the speed limit is increased from 30mph to 40mph, whereby drivers from the west would be likely to be building speed. As a result of the limited visibility, it is likely that such manoeuvres would conflict with approaching vehicles causing them to brake sharply.
36. In addition, the residential development is likely to increase pedestrian traffic to and from the site along Brook Street, with some of those likely to include children and more vulnerable pedestrians. There is little footway provision along Brook Street and it is mostly unlit. This poses a risk to pedestrians given the narrow nature of the road, especially in the dark. Taking these factors together, the proposal would be detrimental to the safety of highway users and would not, in my view, constitute a safe and suitable access for all users.
37. It is the appellants' view that the proposal would generate less traffic than if the existing buildings were to be converted to other commercial uses under permitted development. However, for reasons mentioned above, I have doubts whether this would be procedurally possible. Even if it were, I have further doubts as to whether the site conditions make such a scenario realistic. Therefore, the worst case traffic generation scenario portrayed attracts limited weight as a comparison with the appeal proposal.

¹³ Appendix L Appellants' Appeal Statement, Email dated 28.10.19 and paragraph 2.5 Council's Statement of Case

38. Moreover, the Technical Note¹⁴ provided suggests that, based on TRICs data, the existing uses on site are expected to generate 1 vehicle movement per hour at peak times and 10 vehicle movements over the course of a typical weekday in comparison to the appeal proposal, which is estimated to be 3 vehicle movements per hour at peak times and 23 vehicle movements over the course of a typical weekday. Although the appellants estimate that the existing use is greater, little evidence has been provided to substantiate this assertion. Therefore, based on the evidence presented, it is likely that the proposal would result in an intensification in the use of a sub-standard access.
39. I acknowledge that the nature of traffic using the access would be more domestic in comparison to the larger and heavier commercial or agricultural vehicles that visit the site. Nevertheless, this would not fully address, nor outweigh the concerns I have identified.
40. Accordingly, I find that the proposal would not provide a safe and suitable access for all future users and the use of the access would have an unacceptable impact on highway safety. Therefore, it would be contrary to core policy 61 of the CS which, amongst other things, requires new development to demonstrate that consideration is given to the needs of all transport users according to a hierarchy that prioritises pedestrians. It also requires the provision of a safe access to the highway network.

Planning balance and conclusion

41. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹⁵.
42. The proposal would provide for 5 additional houses which would contribute towards the overall housing supply and which would result in both short and long term economic benefits to the area. It would also utilise some previously developed land, remove some unsightly buildings and provide a wildflower meadow. However, the relatively modest nature of the proposal overall, tempers the extent of these benefits. Therefore, I attribute moderate weight to them in favour of the proposal.
43. The benefits that the proposal would bring do not outweigh the significant weight given to the conflicts with the development plan policies outlined and the great weight attributed to protecting the significance of designated heritage assets and the special qualities of the AONB. Accordingly, they do not justify my determining the development other than in accordance with the adopted development plan and Framework.
44. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹⁴ Appendix J, Appellants' Appeal Statement, Technical Note prepared by Glanville, paragraphs 1.2 & 3.9

¹⁵ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.