
Appeal Decision

Site visit made on 7 July 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/Y3940/W/20/3244816

Fosburys Field, Crowood Lane, Ramsbury, Marlborough, Wiltshire

- 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 Martin Mabbett against the decision of Wiltshire Council.
 - The application Ref 19/06243/FUL, dated 26 June 2019, was refused by notice dated 17 October 2019.
 - The development proposed is conversion and reuse of redundant stables and barn to residential dwelling and garage/store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: whether the appeal site represents an appropriate location for housing having regard to the settlement strategy and access to services and facilities; and the effect of the proposed development on the character and appearance of the area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

3. Core Policy 1 of the Wiltshire Core Strategy 2015 (CS) sets out the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. The appeal site is outside the defined limits of development of Ramsbury, which is identified as a Large Village in Core Policy 14. Core Policy 2 sets out that, other than in circumstances permitted by other policies within the plan, development will not be permitted outside the limits of development as defined on the policies map.
4. CS Core Policy 48 is one such policy which, amongst other things, permits conversion and re-use of rural buildings for employment, tourism, cultural and community uses, subject to certain criteria being met. The Policy allows for residential conversions where there is clear evidence that those other uses are not practical propositions and where they meet the specified criteria.

Structure

5. The appellant's structural reports demonstrate that the existing stable block is structurally sound. A new internal structure is proposed in order to strengthen the building to allow for residential use, along with insulation, a new floor and potentially underpinning of the foundations. The reports present various options for these measures and it is evident that the internal works would be of a structural

nature. However, all of the existing structure is proposed to be retained with only limited repairs. Therefore, the works would not involve major rebuilding.

6. I note the Council's concern that the building is not structurally sound for its proposed use, however this is not a requirement of Core Policy 48, which requires the building to be structurally sound and capable of conversion without major rebuilding. There is no compelling evidence before me that the Policy precludes internal construction, including structural works, if it does not involve major rebuilding, as in this case.
7. The proposed internal modifications would have very little impact on the character of the original building. The external modifications would involve replacement of the existing stable doors with long, glazed windows within the same openings, insertion of new windows and roof lights in the rear elevation and a glazed double door in the side. The arrangement and scale of these new openings would not prevent the building being read as converted stables, and as such would preserve the character of the original building.
8. The existing barn is proposed to be used as storage and parking with no alterations, and as such it would retain its existing character. Therefore, having considered the totality of the evidence before me I conclude that the proposal would comply with criterion i) of CS Core Policy 48.

Character and appearance of the area and the AONB.

9. The appeal site is located outside the built-up area of the village and is surrounded by open fields. The Council's Landscape Character Assessment identifies that the whole area, "has an essentially rural, agricultural character and large parts are devoid of settlement with a remote and inaccessible character, within which built development would be out of place". The landscape around the site is relatively open and from the nearby public footpath there are expansive views across the valley. There are few buildings visible around the site until the houses at Ashley Piece, which create a clearly defined edge to the village. Consequently, despite being relatively close to the village, the appeal site relates more closely to the surrounding countryside than to the settlement.
10. Much of the site is screened from view from the road by hedges, however the existing access provides views of the front of the stables and part of the interior of the site. The rear of the stables and part of the barn are visible from the footpath despite the boundary hedge. From these viewpoints, the site appears as an equestrian property of a type commonly found in rural areas and as such does not detract from the character of the area or the landscape quality of the AONB.
11. The proposed conversion of the stables would however introduce a number of large windows, which would be visible from the access and footpath. These would create reflective surfaces which, due to their number and size, would draw attention to the building and give a strong indication of its residential use. They would also result in light spill, which would allow the building to be seen from some distance, particularly at night, and would make it a prominent feature in this otherwise largely undeveloped landscape.
12. The day-to-day needs of occupants would inevitably result in the introduction of some domestic paraphernalia and while some could be stored in the barn, I cannot be certain that this would be the case at all times. Furthermore, items such as washing lines and garden furniture would, in all likelihood, be put in the open areas of the site. Although it may not be the appellant's intention, future residents could also install play equipment and other domestic accoutrements such as sheds. The

size of the curtilage proposed is to a large extent defined by the existing site layout, however it would offer considerable opportunities for future residents to add landscaping, creating a more formal and overtly domestic appearance than the current areas of well-maintained grass.

13. Overall therefore, although no changes are proposed to the access or the bulk, mass and scale of the existing buildings, the proposal would result in the site having a residential, domestic appearance, which would be visible from public viewpoints. Consequently, it would detract from the rural character of the area and erode the undeveloped and essentially agricultural landscape character of this part of the AONB. While the harm to the AONB as a whole would be minor, I am mindful that the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
14. The appellant suggests that light pollution could be minimised, however there are limited details before me of how this would be achieved. Conditions could control external lighting, however it would be difficult to address light spill from the building without compromising the living conditions of future occupiers. As such, I cannot be certain that a condition to require mitigation of light spill would be reasonable or enforceable. Nor is there any landscaping scheme before me. As such, I cannot be certain that planning conditions on lighting and landscaping would be sufficient to overcome the harm that I have identified.
15. Therefore, the proposal would harm the character and appearance of the area and the AONB, and as such would conflict with criterion ii) of CS Core Policy 48. It would also conflict with Core Policy 51, which requires that development protect, conserve and where possible enhance landscape character, that it must not have a harmful impact upon landscape character, and that any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. It would also conflict with the requirements of Core Policy 14 that all development within the Marlborough Community Area conserve the designated landscape of the AONB. Furthermore, it would conflict with the requirements of the Framework that development contribute to and enhance the natural and local environment.
16. The appellant refers to a lack of objection from the AONB Management Board, Public Rights of Way officers and the Council's Landscape officers. However, I have not seen comments to that effect from those parties and as such I can give this little weight.
17. I recognise that large parts of the AONB are a working agricultural landscape, and that it includes various communities and people who live and work within it. However, the appellant is not seeking to make a case that there is an essential need for them to live on the site as a rural worker. As such I give little weight to their contention that the proposal is necessary in the interests of those who live and work in the AONB.

Access to local services

18. Ramsbury has a range of services and facilities, including a surgery and bus services, within a relatively short distance of the site and easily accessible by car. As such, I find that the proposed development would have reasonable access to local services as required by CS Core Policy 48 iv), which does not make a distinction between modes of travel to access such services.
19. Core Policy 61 sets out a materially different test however, requiring that new development be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. The

surgery and bus stops are accessed by an unlit, grassed public footpath, which is unlikely to be a desirable route after dark or in poor weather. The village centre is accessed via an unlit narrow lane, the first section of which is subject to the national speed limit with no footway or verges. As such, while there is footway from Ashley Piece onwards, the first part of the route is unlikely to be a safe or attractive option for pedestrians at any time, or for cyclists after dark.

20. While such routes are not uncommon in rural areas, their nature is likely to discourage future residents from walking or cycling, and encourage use of the private car. Indeed, I note that although the appellant lives in the village they travel to and from the site by car multiple times a day. The Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, however the location of the site significantly reduces the opportunities to use such modes. Consequently, the proposal would conflict with Core Policy 61 and this weighs against the proposal.
21. Residents of Ashley Piece have footway all the way into the village centre, therefore that route is not directly comparable to the proposal before me. Other dwellings referred to by the appellant on the outskirts of the village appear to be of considerable age and as such do not justify siting new development where it does not reduce the need to travel.
22. The appellant suggests that living on site would reduce their need to travel as they would work on the land, and would be somewhat self-sufficient for food. However, they are not seeking a personal permission and other future occupiers may well have a different lifestyle and pattern of travel. As such, I afford the personal circumstances of the appellant very limited weight.
23. The Framework allows for rural housing development in one village where it supports services in a village nearby, which the appellant suggests infers a degree of travel is envisaged between villages without undermining the objectives of sustainable development. However, this does not imply that all such travel will be by car and in any event the proposal is not located within a village. Therefore, the provisions of Framework paragraph 78 do not weigh in favour of the proposal.

Access, infrastructure and heritage assets

24. The existing site access has appropriate visibility and is of a suitable size to provide safe access for vehicles associated with a residential use. The Council does not dispute the appellant's evidence that the site can be connected to utilities and that foul sewage can be appropriately disposed of, and I see no reason to disagree. As such, the proposal would comply with CS Core Policy 48 criterion iii). The appeal site and the existing buildings are not heritage assets and as such there is no conflict with criterion v).

Whether employment, tourism, cultural and community uses are a practical proposition

25. The appellant has provided a viability assessment which demonstrates that the cost of converting the barn and stables to employment or tourism uses would significantly exceed the expected return and as such would not be viable. Accordingly, I am satisfied that those uses are not practical propositions.
26. The appellant contends that there is no shortage of community venues in Ramsbury and that the accessibility and nature of the property would not lend themselves to a cultural or community use. There are unlikely to be any cultural uses to which the site and buildings could be usefully put, however the size and nature of the site and the availability of access and parking could potentially lend itself to community uses such as allotments. There is no evidence before me that

the site has been advertised for such uses or that local community groups or the Parish Council have been approached to establish whether there would be any interest. While community uses might generate traffic, this does not in itself mean that they are not a practical proposition.

27. Accordingly, the proposal would not meet the criteria of CS Core Policy 48 and it has not been demonstrated that residential development of the site would be appropriate. Consequently, there would be conflict with that Policy, and therefore with the settlement strategy and delivery strategy in Core Policies 1 and 2.
28. The Council refused the proposal in part because it considered that there was no clear evidence that the current use of the site no longer remains a practical proposition, but Core Policy 48 does not appear to include such a requirement. However, Framework paragraph 79c) makes provision for re-use of redundant or dis-used buildings, and I turn now to that matter.
29. Framework paragraph 79 directs that the development of isolated homes in the countryside should be avoided unless one of 5 circumstances apply, of which criterion c) allows for re-use of redundant or disused buildings where development would enhance their immediate setting. There are fields between the edge of the village and the appeal site and it is approximately 150m from the limits of development for Ramsbury. The courts have held that the word 'isolated' simply connotes a dwelling that is physically separate or remote from a settlement, rather than merely being outside of development limits. From public viewpoints on the footpath and the road the appeal site is seen separately from buildings in the village and appears well away from the settlement with no other development around it. As such, I consider that it is physically separate from the settlement and in an isolated location in the countryside.
30. The appellant states that they no longer need the buildings for equestrian purposes and that they are therefore redundant. At my site visit I saw that the barn was being used to store straw and other materials, and several of the stables contained chickens with food, water and bedding. Therefore, although they may not be needed by the appellant for their original purpose, the buildings nevertheless appeared to be in use.
31. Although the appellant suggests there is no interest in the site, only the barn has been marketed and it is unclear how the site would have been split had the barn been occupied separately. Therefore, I give little weight to the lack of interest in the barn on its own. There is no evidence before me that the stables or the site as a whole have been marketed. A condition on the existing planning permission allows the stables to be used for agriculture or non-commercial stabling of horses and as such does not preclude another occupier using the site for private stabling, as the appellant did in the past.
32. The appellant suggests that the lack of a dwelling nearby and the need to travel to and from the site would put potential occupiers off, however this has not been tested through marketing. Moreover, the appellant used the site to keep their own horses for some time and continues to travel to and from the site daily. There is no compelling evidence before me that other people would not be willing to do the same. Indeed, in my experience sites close to settlements with stables and storage are generally sought after and the Council indicates that numerous applications have been made for such development in the local area.
33. As such, potential interest in the site in compliance with the existing permission has not been investigated. Consequently, even if the buildings are redundant for the appellant's purposes, it has not been demonstrated that they are redundant for

agricultural or equestrian use. Therefore, the proposal would conflict with Framework paragraph 79.

Conclusion on main issues

34. For the reasons set out above, the appeal site does not represent an appropriate location for housing having regard to the settlement strategy and access to services and facilities. Furthermore, the proposed development would harm the character and appearance of the area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Planning Balance and Conclusion

35. I have identified conflict with policies of the development plan in relation to the character of the area, the AONB and the plan-led delivery of housing. Given the great weight to be given to such matters, I find that the harmful impact of the proposal on the AONB provides a clear reason for refusing the proposed development. Therefore, footnote 6 means that the presumption in favour of sustainable development in paragraph 11d) is not engaged.
36. The Council has referred me to a recent local appeal decision¹ which concluded that it could only demonstrate between 4.42 and 4.62 years housing land supply. The appellant does not dispute this figure, and although they imply that the COVID-19 pandemic will have eroded house building progress, they have offered no substantive evidence on this matter. This is therefore the most up-to-date housing supply position available to me.
37. The proposal would contribute a 2-bedroom dwelling which would add to the housing stock, however there is evidence before me of a particular need for such housing. Although the appellant suggests the proposal would be a self-build dwelling, this proposal is for conversion of existing buildings, not for a fresh build, and there is no evidence before me that it would be classed as a self-build. Even if it were, there is no mechanism before me to ensure that the proposal would be carried out as a self-build. Accordingly, given the relatively modest shortfall in supply, the benefits of one additional dwelling would be limited.
38. There would be economic benefits through construction of the dwelling and, in the longer term, a new household would introduce expenditure into the local economy. There would also be additional benefits from further council tax income and a new homes bonus. However, no schemes upon which the bonus would be spent have been identified. In accordance with the Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for the Council in the absence of evidence to demonstrate how that money would be used to make this particular development acceptable in planning terms. Moreover, the economic benefits of the proposal would be generic and would arise with any housing development. Consequently, they carry very limited weight.
39. The appellant's proposal to create an energy efficient building would be a small benefit of the scheme. However, while the appellant refers to alternative heating sources such as biomass or air source heat pumps, none are shown on the plans, and I cannot therefore be certain that they would be incorporated. The design and materials proposed would preserve the character of the stable building but would not materially enhance its appearance or its setting. As such, this carries minimal weight.

¹ APP/Y3940/W/18/3202551 dated 6 April 2020

40. The proposal would not have significant adverse impacts on the operation or safety of the highway or on living conditions of other occupiers. With appropriate conditions, the proposal would not result in harm to biodiversity, however there is no scheme before me to demonstrate a net biodiversity gain. The appellant's evidence indicates that they manage their land organically and use local suppliers and contractors. However, as the appellants are already managing the land in this way, it has not been demonstrated that the proposed dwelling would result in any further benefits in this regard. Nor is there any substantive evidence before me that if this appeal were unsuccessful, the appellant's maintenance and management of the site would change. As such, these matters are of neutral consequence and do not weigh in favour of the proposal.
41. The proposal would boost housing supply on a small windfall site, as supported by the Framework. However, it would not comply with the provisions of the Framework in relation to AONBs, recognising the intrinsic character and beauty of the countryside and sustainable rural housing development.
42. Therefore, for the reasons given above, I find that the proposed development would conflict with the development plan when read as a whole. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I conclude that there are no material considerations that would indicate that the decision should be taken otherwise than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

L McKay

INSPECTOR