
Appeal Decisions

Site visit made on 13 July 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/Y3940/W/20/3249328
Divine Cafe, Main Road, Cherhill SN11 8UU

- 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 A. Karahodza against the decision of Wiltshire Council.
 - The application Ref 19/06846/FUL, dated 16 July 2019, was refused by notice dated 16 October 2019.
 - The development proposed is for the demolition of the existing toilet/store and covered sitting area, conversion of the existing café and erection of an extension to form a M.O.T. garage and use of the site as a hand car wash and for car sales.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, particularly the designated landscape of the North Wessex Down Area of Outstanding Natural Beauty; and (2) highway safety on the surrounding road network.

Reasons

Character and Appearance

3. The site is adjacent to the A4 highway, on the southern side of this road. The village of Cherhill is concentrated on the northern side of this road. The site and the village are within the designated North Wessex Down Area of Outstanding Natural Beauty (AONB). This is a large rural area of chalk downland which has been designated due to its natural beauty. My attention has also been directed to the North Wessex Downs AONB Management Plan 2014-2019 which provides more information on this designated area and its qualities.
4. The National Planning Policy Framework (the Framework) requires that great weight be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and other such designations, which have the highest status of protection in relation to these issues.
5. Currently on site is a vacant former café (being previously a filling station/commercial garage) with associated shelter/WC block and hardstanding for parking. There are two access points off the A4 (Main Road). The existing

- development is visible from the A4, although the growth of the surrounding vegetation over recent years has provided some level of screening. The site, especially the large expanse of hardstanding together with the buildings, does not have currently a positive visual impact to its setting, but it is development that has been on this site in one form or another for decades.
6. The proposal would be to replace the toilet block with a MOT testing centre, adjoining the café which would be converted to offices and waiting room. The site would also provide a car wash and car sales area as part of the business.
 7. There would be some activity at the site through the introduction of these commercial uses, but this has historically been a commercial site and most recently a café. There is no substantive evidence to demonstrate that this business would attract more customers or have more general activity than a café at this site, if it were to reopen. Furthermore, considering the site is adjacent to the busy A4, there is no persuasive evidence before me that the proposed business would result in a level of noise that would have a significant bearing to the rural tranquillity of the AONB, especially given its proximity to the busy A4 highway.
 8. In my view, given the history of the site for commercial uses I would not regard the proposal for this type of business as necessarily alien to this site, being adjacent to both the village and the A4. Furthermore, I do not regard it likely that the increase in customer activity and noise from the site would be such that it would have a detrimental bearing to the character of the AONB.
 9. With regards to the building work the new MOT and repair building would be of the same approximate height as the existing café. However, it would be larger than the existing store/WC block with canopy that it would replace and would be larger than the cafe. There would be an increase in overall building volume and the building would have more of an industrial type appearance than the existing buildings on site. This industrial design would have a more incongruous appearance in this rural setting than the existing café. The proposed MOT building and converted café would be set back from the main road, though would be visible within this area from various vantage points.
 10. Further to the proposed new building there would be the introduction of both a car wash and car sale areas. There is little detail as to what this would physically entail on site. The proposed layout plan indicates the car wash area to the side of the existing café and would take up approximately one parking bay width for this operation. Considering this was an area used for parking, the washing of vehicles in this area would likely have minimal visual impact with no structure proposed in association with this activity.
 11. For the car sales area, this is indicated to the western side of the site, adjacent to the access drive to the dwelling known as White Horse Cottage. This is currently a grassed area and it seems that this has been a landscaped area for some time, including when the café was in operation. I have no substantive evidence this area was used for parking of cars on the grass. As such, this aspect of the proposal would introduce a new commercial element to part of the site which would historically be used as a landscaped area which has a positive aesthetic value. It remains a positive visual aspect of the site as a whole.

12. Although not clear in the submitted details, I would consider it likely that a new area of hardstanding would need to be extended over this sizable landscaped area where the cars of sale would be parked/stored. In any case, this would result in the effective intensification of commercial use of the site resulting in the loss of this landscaped area which helps to visually buffer the buildings and hardstanding areas of the site from external views.
13. The car sales area would also likely result in the associated paraphernalia common to car sales businesses, such as possible advertisements, security fencing, substantial lighting, together with some sort of hard surfacing. Even without all this hardstanding and paraphernalia, the parking of multiple cars for sale in this area would have a significant visual impact, covering an area which appears to have been kept as a landscaped area for some time. This aspect of the development would result in a detrimental visual impact which would be seen from the wider area.
14. This site is detached from the village by the A4, with it being mainly rural landscape to the south of this highway, typical of the landscape within the AONB. The existing café and associated buildings are low profile and modest with most associated parking likely to be accommodated on the existing hard surface area. However, the scale of the proposed development would include both a relatively large additional industrial style building on the site together with the use of a currently landscaped area for car sales.
15. This development as a whole would be seen from short distance views such as from the A4 and village, with the proposal having a greater and more harmful visual impact than the existing development on site. There is a high hedgerow to the rear which would screen/filter views of the development from the wider landscape to the south, but there can be no assurances that this level of vegetation would last in perpetuity. Therefore, to my mind, the harmful visual impacts of the development which is set within the AONB are not sufficiently mitigated by existing trees and hedges providing some screening. Overall, the proposal would result in an adverse impact to the landscape to the extent that it cannot be regarded as conserving the AONB.
16. For this reason, I conclude that the proposal would be harmful to the AONB landscape and would therefore be contrary to policies CP51 and CP57 of the Wiltshire Core Strategy. These policies require that development must conserve and enhance the landscapes and scenic beauty of AONB areas and should relate positively to its landscape setting amongst other things.
17. The proposal also does not fully accord with the Framework as the development would not conserve or enhance the landscape and scenic beauty in Areas of Outstanding Natural Beauty, to which great weight should be afforded.

Highway Issues

18. The site is adjacent to the A4, with the main core of the village of Cherhill to the northern side of this road. This is a small settlement but does have some services and facilities. Being so close to the site it could be that some local occupants could find employment within the proposed business, although I do accept that some employees may well drive from further away to work here. Nonetheless, this is not a site in an isolated location and has recently been used for commercial purposes. As such, I do not regard the accessibility of the

site to be harmful to sustainable objectives of reducing the need to travel by private vehicle, especially when considering the existing commercial use of the site.

19. Following on from the information submitted with this appeal, the submission by the Local Highways Authority (LHA) accepts that an adequate visibility splay can be demonstrated. Furthermore, the anticipated vehicle movements to and from the site would not result "in a significant increase along the highway", assumed to be the A4. The LHA remains concerned, however, that the car sales or car wash activities may increase the vehicle movements to and from the site in the future, but there is no substantive evidence of this. As such, from the information before me I conclude that the proposal would not result in highway safety issues or result in significant increases to traffic along the highway network in the area, including the A4.
20. Therefore, the proposal with regards to highway safety is in accordance with policies CP57 and CP61 of the Wiltshire Core Strategy which requires development to ensure that the public realm is safe and accessible, and that the proposal is capable of being served by safe access to the highway network, amongst other things.
21. The proposal on this issue is also in accordance with the policies of Section 9 (Promoting Sustainable Transport) of the Framework, particularly paragraph 108 which includes the requirement that safe and suitable access to the site can be achieved for all users.

Conclusion

22. As a result of the significant and demonstrable harm to the quality landscape of the designated AONB, having considered all matters raised, the appeal should be dismissed.

S. Rennie

INSPECTOR