
Appeal Decision

Site visit made on 24 June 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/Y3940/W/20/3245229

Close Farm, Close Lane, Marston SN10 5SN

- 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 C Pearce against the decision of Wiltshire Council.
 - The application Ref 19/10254/FUL, dated 24 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is reconfigure and convert the existing newly built stable into a 4-bedroom dwelling. The storage building at the site has already gained permission to be converted to a dwelling under Class P of the GPDO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the suitability of the location having regard to local and national planning policy; and ii) the effect of the development on the character and appearance of the area, including the setting of Marston Conservation Area (CA).

Reasons

Suitability of the location

3. The appeal site comprises a yard area and neighbouring land to the northern end of Close Lane. There is an area of hardstanding and three buildings within the appeal site, including a recently constructed stable block. The appeal proposal seeks to extend and convert this stable block to a four bedroom dwelling.
4. Core Policy 1 of the adopted Wiltshire Core Strategy 2015 (CS) details the Settlement Strategy identifying settlements where sustainable development will take place. Marston is identified as a small village owing to its low level of services and facilities, where development will be limited including to that needed to help meet housing needs of the particular settlement.
5. Core Policy 2 of the CS indicates that development within Small Villages will be limited to infill within the existing built area, meet identified housing needs and listed criteria including that it does not elongate the village or that it constitutes infill.

6. Although the building is situated to the northern end of Close Lane relatively near to built development, I consider the building and proposed extension fall outside of the confines of the village. In lieu of limited built development adjacent to the site, I consider it would not amount to infill within the built area and would elongate development into surrounding countryside. Furthermore, I have not been provided with any objective evidence to demonstrate it would meet an identified housing need of the settlement or meet the criteria identified by Core Policy 2. As such the appeal development would be contrary to the provisions of these policies and the appellant does not dispute this.
7. However, the appellant indicates that there are material considerations that outweigh identified conflict with these policies. My attention has been drawn to appeal decisions APP/C1760/W/17/3170081 & APP/C1760/W/17/3179932 where the appellant draws parallels with the aims of Wiltshire's delivery strategy which they suggest 'seek to ensure that isolated and unsustainable new homes are avoided whilst protecting the countryside.'
8. Paragraph 79 of the Framework states that '*planning policies and decisions should avoid the development of isolated homes in the countryside.*' Having regard to Braintree District Council v Secretary of State for Communities and Local Government & Ors (2017) EWHC 2743 (Admin) and the subsequent Court of Appeal Judgement, the term isolated in relation to paragraph 79, should be given its ordinary objective meaning of "*far away from other places, buildings or people (Oxford Concise English Dictionary)*". As the proposed dwelling would not be far away from existing buildings, it would not strictly be isolated when applying the aforementioned definition.
9. However, having regard to the evidence before me, the village of Marston benefits from limited services. As such I consider that it is likely that future occupiers would be reliant on the private car to access a number of day-to-day local facilities and the site does not fall within an accessible location. To this end although the proposal may not be isolated as defined above, the appeal proposal does not accord with the development plan policies detailing the development strategy that collectively seek to direct development to accessible locations and settlements where sustainable development will take place. Whilst noting the appellants reference to the aforementioned appeals and judgement, each case must be considered on its merits and I am not persuaded that the circumstances are the same or that the proposal subject of this appeal would accord with the aims of the spatial strategy. As such I consider the proposal would be at odds with the sustainable development aims of Policies CP1, CP2, CP60 and CP61 of the CS that to my mind are consistent with the provisions of the Framework including that contained within Chapters 2, 5 and 8 including paragraphs 8 and 91 that require development to be accessible to services.
10. My attention has also been drawn to a potential fall-back position by virtue of an extant consent for prior approval under Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) that would allow the conversion of an existing storage building at the site for use as a dwellinghouse. I acknowledge therefore that there is a real prospect that a new dwelling could be provided at the site.
11. Having regard to the evidence before me, this extant approval relates to a different building to the south-west of that subject of this appeal. Noting this, if

such permitted development was to be undertaken there can be no guarantee that it would only be in the event that the appeal was to be dismissed. Whilst I note the suggestion that the appellant does not wish to undertake the prior approval scheme, if I were to allow the appeal, it might be the case that such permitted development could potentially be undertaken prior to or alongside the appeal development. I am mindful that a condition could theoretically be imposed to prevent such an eventuality. However, such a condition would only take effect once the planning permission that is the subject of this appeal had commenced. As such there would be nothing to prevent the conversion of the building under the provisions of the GPDO prior to this and I am not persuaded that the wording suggested by the appellant would satisfy the necessary tests particularly with regard to its enforceability and its precision. There is no planning obligation before me that would prevent the appeal proposal and that subject of the prior approval from both being implemented.

12. My attention has been drawn to appeal decisions APP/Y3940/W/18/3200095 and APP/Z1510/W/17/3189624 and planning permission 19/03243/FUL. I acknowledge that the referenced decisions relate to sites where prior approval had previously been granted. However, from the details before me the quoted examples relate to instances involving the demolition of the buildings previously granted approval under the provisions of the GPDO and new dwellings erected in their place. The current appeal proposal would however result in the conversion and extension of a different building to that subject of the previous prior approval and to my mind there is a real possibility that both schemes could be undertaken. Therefore, from the evidence before me, the circumstances are materially different and I therefore afford the quoted examples minimal weight in consideration of this appeal.
13. Although I am mindful of the suggested benefits of the appeal proposal compared with the extant approval including in terms of quality of accommodation, amenity space and localised visual improvements to which I shall return later, I am not persuaded that the appeal proposal and the fallback position identified could not both be undertaken. As such, if I were to allow the appeal I consider that there is a real and significant chance that the effect of development would exceed that of the identified fallback position, including through intensification of the site if the existing storage building is converted or if it is retained for commercial use. To this end and for the reasons given above, I consider that the identified conflict with Core Policies 1, 2, 60 and 61 of the CS would not be outweighed by the suggested fallback position.
14. For all of the above reasons, I conclude that the appeal site does not represent an appropriate location for the appeal proposal, that would conflict with the Council's settlement and development strategies contained within Core Policies 1, 2 and 12 of the CS. There would also be conflict with Core Policies 60 and 61 of the CS which amongst other things seek to direct development to accessible locations, whilst I also consider the development would be at odds with the guidance within the Framework including that within Chapters 2, 5 and 8.

Character and appearance

15. The appeal site lies outside of conservation area boundaries although having regard to the evidence before me, open grassland contributes positively to the rural appearance of the area including that within the CA. The area is characterised by linear built form along lanes, terminating in farm buildings

such as the stable building subject of this appeal. This creates a natural change from the built development to the countryside and contributes to the rural setting of the site and the nearby conservation areas. The appeal proposal would extend the existing building and introduce a significant garden area into open grassland.

16. Whilst wider views would be limited by surrounding vegetation and in part by the adjacent storage building, the proposals would be visible when viewed from particular viewpoints on Public Rights of Ways (PROW) running to the north and west. Despite the intention to replicate the existing style of the stable building, it would extend it significantly beyond existing development and increase its size and status from wider view. To my mind this would appear conspicuous in the surrounding open and rural landscape amounting to a visually intrusive and significantly harmful form of development which would detract from the character and appearance of the area.
17. The harm identified above would be amplified through the introduction of additional boundary enclosures and the likely domestic paraphernalia that would be introduced into the garden of the proposed unit. Furthermore, owing to their visibility from surrounding PROWs, any enclosure surrounding the garden would be in a rigid pattern characteristic of domestic enclosures, as opposed to features commonly associated with agricultural buildings. The boundaries and any associated domestic features would add to the sense of urbanisation and would extend the residential character into the countryside beyond the site, in contrast to the present arrangement which maintains an agricultural character.
18. I am not persuaded that any such harm resulting from the appeal development could be adequately mitigated through suggested landscaping, or that such a scheme would be effective particularly in the short to medium term. I acknowledge previous Inspectors comments in relation to appeals brought to my attention (APP/Y3940/W/17/3172007, APP/Y3940/W/18/3200095 and APP/Y3940/W/18/3211349). However, having regard to the particular merits of this appeal, I consider cumulatively the extension of the building and associated provision of garden area would domesticate the surrounding countryside to a significant and harmful degree, even if domestic paraphernalia was limited in close proximity to the building.
19. Furthermore, from the evidence before me, owing to the level of alteration to the building proposed coupled with the extent of garden area, the associated visual impact would exceed that allowed under the prior approval previously granted at the site. In any event for the reasons given previously I am not persuaded that both schemes could not be implemented and as such afford suggested comparable impact limited weight. Although parking associated with the proposal would be largely contained within the existing yard between buildings, this does not outweigh the harm I have identified above.
20. For the above reasons, I find the appeal development would be detrimental to the character and appearance of the surrounding area and wider setting of the CA. To this end I find conflict with Core Policies 51, 57 and 58 of the CS, that respectively, amongst other things, seek to protect landscape character, ensure high quality design and conserve the character of the historic environment. The proposal would also fail to accord with the requirements of Chapters 2, 12, 15 and 16 of the Framework, including paragraphs 127c, 130 and 170b.

21. I consider that the harm to the CA would be 'less than substantial' in respect of paragraph 196 of the Framework. Therefore, such identified harm to the significance of the designated heritage asset needs to be weighed against public benefits of the proposal. The appellant indicates that the proposal would have a number of visual benefits including improvements to landscaping at the front of the site and improved living conditions for future occupants compared to the extant prior approval scheme. However, as detailed above I consider that any such benefit would be minimal and suggested visual benefits only appreciable from short range views and would not outweigh the harm identified above.

Other matters

22. The appellant indicates that the proposal would not impact upon protected species and this represents an environmental benefit of the scheme whilst also noting no highways objection was raised in relation to access to the site. However, to my mind this is to be expected in such situations and is neutral in the planning balance.

Planning Balance

23. My attention has been drawn to appeal APP/Y3940/W/18/3202551, and the indication that the Council cannot demonstrate a 5-year housing land supply. For the reasons detailed above, I have found that the development would be at odds with the Council's development strategy and harmful to the character and appearance of the area. Even if the supply of housing land falls below 5 years and the tilted balance by virtue of footnote 7 of paragraph 11 of the Framework was applicable to this proposal, the determinative policies referred to with regard to these main issues are consistent with the Framework and as such are not out of date. It follows that the policy conflict I have identified carries significant weight.

24. There would be one additional residential unit that would make a minor contribution to local housing, with associated suggested economic benefits including CIL contributions and retention of employment space. I also acknowledge suggested social benefits including improved living conditions of future occupiers compared to the conversion scheme granted under prior approval and engagement with community events. However, to my mind, such limited benefit would be outweighed by the harm I have identified above.

25. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.

Conclusion

26. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR