



Appeal Decision

Site visit made on 1 September 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/Y3940/W/20/3248902

Land at Orcheston, Orcheston, 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 S Withers of R E Withers and Son against the decision of Wiltshire Council.
 - The application Ref 19/01170/FUL, dated 31 January 2019, was refused by notice dated 13 September 2019.
 - The development proposed is the creation of an access gateway and track to an agricultural parcel of land in order to carry out agricultural activities to include livestock production.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the application form. While different to that on the decision notice, no confirmation has been provided that a change was agreed.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located on the inside of a bend of a relatively narrow country road. While there are some small gaps, the roadside boundary of the field is generally lined with mature hedgerow and occasional trees. These are set close to the edge of the road with limited or no verge. This creates a sense of enclosure that is characteristic of the field boundaries nearby and in contrast to the formalised recessed entrances that often serve residential development in the area.
5. The appeal scheme would require the removal of a considerable length of the existing roadside vegetation. They would be replaced with a hedgerow of a greater overall length and this would align with one of the management objectives of the Salisbury District Landscape Character Assessment. Nevertheless, the new planting would be set back and angled into the site behind the proposed visibility splays with a tarmac surface in front of the gates. This would result in a rigid and artificial arrangement that would be discordant

- with the existing situation where the vegetation flows along and hugs the curved roadside boundary.
6. The proposed track beyond the gates would be largely screened by new planting. However, this would take some time to mature and in any event the incongruity of the access layout, setback and tarmac area would be clearly visible when passing the site. This would erode the sense of enclosure currently experienced along this section of road.
 7. The site is within a Special Landscape Area. Saved Policy C6 of the Local Plan¹ states that the landscape of such areas is worthy of being preserved, with development only permitted where they are essential to the rural economy.
 8. The agricultural use of the site has been disputed. Nonetheless, there is no compelling evidence before me to indicate that the site is not, or could not be, used for agricultural purposes.
 9. The scheme would give an alternative access avoiding areas that may become waterlogged, potentially prevent or reduce soil erosion and improve farm efficiency. Notwithstanding this, the appellant has described how the existing building and surrounding land is already used for silage, grazing and lambing. Therefore, the current arrangements do not appear to prohibit the use or functioning of the building and surrounding land. Furthermore, there is little evidence presented about the wider farm the land is said to be associated with. As such, it has not been demonstrated that the appeal proposal is essential to the rural economy.
 10. Consequently, the appeal scheme would significantly harm the character and appearance of the area. It would be contrary to Policies 51 and 57 of the Wiltshire Core Strategy Adopted January 2015 and Saved Policy C6 of the Local Plan. These, in part, aim to protect and conserve landscape character, ensure developments are complementary to the locality and preserve Special Landscape Areas.
 11. It would also fail to accord with the National Planning Policy Framework where it states that developments should be sympathetic to local character and it recognises the intrinsic character and beauty of the countryside.

Other Matters

12. While the proposed landscaping would take time to mature, the evidence indicates it would result in a net gain for biodiversity. The scheme would create an alternative access to the existing one. However, even if I were to agree that the existing access has poor visibility it would remain and could continue to be used. This reduces the benefits of the proposed access. Even when taken cumulatively these benefits do not outweigh the harm the proposal would cause to the character and appearance of the area.
13. My attention has been drawn to other decisions by the Council². Schemes including the provision or extension of a building or the improvement of an existing access are materially different to the appeal proposal. One case included the stopping up of an existing access rather than the creation of a second, something that has not been put to me in this instance. I have limited

¹ Adopted Salisbury District Local Plan 2003

² 19/06741/FUL, 18/01616/FUL, 17/05784/FUL, S/2012/1306/PN and 17/07955/FUL

information relating to the character and appearance of these other locations, no officer reports, plans or details relating to the rural economy. Therefore, I cannot be sure that they represent a direct comparison to the appeal scheme.

14. The conduct of the Council during the application has been raised. However, I have considered the proposal on its planning merits.

Conclusion

15. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR