



Appeal Decision

Site visit made on 8 September 2020

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/Y3940/W/20/3246187

Tefford Woodland, Dinton Road, Teffont Magna, Salisbury SP3 5RR

- 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 Mrs T Austreng, Teffont Woodlands Ltd against the decision of Wiltshire Council.
 - The application Ref 19/09738/FUL, dated 10 October 2019, was refused by notice dated 9 January 2020.
 - The development proposed is conversion of forestry building to tourism accommodation (holiday let).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects on:
 - the character and appearance of the area being part of the Cranbourne Chase Area of Outstanding Natural Beauty (the AONB); and
 - ecology.

Reasons

Character and appearance

3. The appeal site lies in an area of cleared woodland to the north of Dinton Road, the B3089, although there is some vegetation around the building. It consists of a three-bay timber-framed barn and the immediate area to the front, which is laid to hardstanding, and the access drive to Dinton Road. The appeal site lies on land rising to the north.
4. The appeal site lies some distance from the nearest settlements and is in an isolated location as it is far away from other places, buildings or people. The building was constructed for forestry operations and is within a landholding of approximately 22 hectares.
5. The proposal is to convert the building into a holiday let. It seems to me that the tourist accommodation of the type proposed would represent a dwelling. This is because it would enjoy all the facilities necessary for day to day living. It would therefore represent an isolated home in the countryside. If permission

was granted the occupation would be restricted through a condition, but this would not affect the use.

6. Core Policy 1 of the Wiltshire Core Strategy (the WCS) sets out the overall settlement strategy, defining settlements. Core Policy C2 of the WCS indicates that other than in circumstances permitted by other policies, development will not be permitted outside the limits of development of those settlements. Core Policy 39 of the WCS permits tourist development outside the limits of development of settlements subject to various criteria, and Core Policy 48 allows for dwellings for essential rural workers and for the conversion and re-use of rural buildings, again subject to various criteria. Since some of the criteria in Core Policies 39 and 48 are similar it makes sense to consider them together where appropriate.
7. Core Policy 51 requires development to protect, conserve and where possible enhance landscape character and must not have a harmful impact on landscaping character. This policy emphasises that special qualities of the AONB and that great weight will be afforded to conserving and enhancing landscapes and scenic beauty.
8. Core Policy 39 does indicate that in exceptional circumstances development for tourist facilities will be permitted away from development limits of settlements. I will deal with the effect on the landscape setting and the character and appearance of the area below. However, another criterion relates to there being evidence that the facilities are in conjunction with a particular countryside attraction. This, on an objective reading of this policy, must relate to a specific countryside attraction, rather than countryside attractions more generally. This would not be the case here and thus the proposal would be contrary to this criterion.
9. The conversion of the building itself would have little effect on the character and appearance of the area or the landscape or scenic beauty; what would have a significant detrimental effect is the activity associated with the proposed use. The area in front of the building is shown for parking, and it is likely that there would be ancillary activities, for example outside tables and chairs for those taking advantage of good weather, and there is likely to be a general tidying up of the area. These activities could not be reasonably prevented by planning conditions and would have an urbanising effect. This would be harmful to landscape and scenic beauty to which great weight should be given.
10. When standing on the appeal site looking to the south, even in summer when vegetation is at its most abundant, fleeting glimpses of vehicles travelling on Dinton Road can be seen. The appeal building can also be seen from the road, although in filtered views. Even with the distance between the road and building there is thus some intervisibility between the two, and this is likely to be greater during the winter months. Thus, any lighting from within the building, which I will discuss further below in relation to the effects on ecology, would be readily seen from the highway, particularly as there is no street lighting and the area is noted for its dark skies. This would be harmful to the character and appearance of the area.
11. The appellant has submitted a letter from the Caravan and Motorhome Club indicating that it may allow the use of the land within the appellant's ownership as a caravan site. However, this letter is caveated, including a condition which the appellant has not demonstrated could be met, that of the owner living on

- or adjacent to the site, and potentially needing an application for planning permission in its own right, that of amending the access. While it is potentially possible that the use by up to five touring caravans could take place at the appeal site or wider landholding, I think it is unlikely and therefore give this little weight.
12. Similarly, while the wider use of permitted development rights to use the land for temporary purposes may be available, as this has not happened to date, I consider this is unlikely to occur in the future and therefore give this little weight.
 13. I have taken into account paragraph 83 of the National Planning Policy Framework (the Framework) which indicates that planning decisions should enable sustainable tourism and leisure development. However, this is subject to a requirement that such development should respect the character of the countryside and would not be the case here.
 14. Overall, the proposal would be harmful to the character and appearance of the area, adversely affecting the landscape and scenic beauty. It would therefore be contrary to Core Policies 1, 2, 39, 48 and 51 of the WCS as set out above. It would also be contrary to paragraphs 84, 170 and 172 of the Framework which require that rural economic development is sensitive to its surroundings, recognises the intrinsic character and beauty of the countryside and that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

Ecology

15. The appeal site lies within 2 km of the Chilmark Quarries Special Area of Conservation (SAC). This qualifies as a habitats site under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). This SAC is designated for its bat species. Natural England explains that a wider area than the 2 km radius provides supporting habitat for bats, including food, access and mixing of populations, and is critical to achieving favourable condition of the SAC. Both Great Horseshoe and Barbastrelle bats can therefore be expected to use the appeal site and its immediate vicinity.
16. Pursuant to the Habitats Regulations I, as the competent authority, am unable to grant a planning permission if the proposal, either on its own or in combination with other plans or projects, is likely to have a significant effect on a habitats site unless have I have made an appropriate assessment of the implication of the proposal for that site in view of its conservation objectives, and that has concluded that the proposal will not adversely affect the integrity of the habitats site.
17. The change of use itself would have no direct effect on areas used by bats, what is of concern is potential lighting. The appellant has suggested that external lighting should be prevented, and that 'smart glass', that is timer controlled to restrict light emissions, and a landscaping plan implemented. However, the use of such restrictions controlled by condition would not be reasonable or enforceable. Even if such glass could be relied upon there are two sets of doors shown on the south elevation which could be left open resulting in light spill. Further, occupiers could not be reasonably prevented from taking their own portable lights outside. This means that the

attractiveness of the area to bats, particularly those which are highly sensitive to light, would be materially reduced. Consequently, the proposal would not pass the test set out in the previous paragraph.

18. At the appeal stage the Council has raised the issue of the effect of phosphate emission on the River Avon SAC. It indicates that it is working to a solution but one is not possible at present. It is not clear from the information provided to me as to what effect the proposed development might have on this SAC and thus had I been minded to allow the appeal I would have needed to revert to the parties, but as I am going to dismiss the appeal for other reasons, I need not consider this further.
19. Notwithstanding this, the proposal would be harmful to ecology. Consequently, it would be contrary to Core Policy 50 of the WCS which requires development to demonstrate how features of nature conservation value shall be retained and managed, and that any adverse effects have been mitigated. It would also be contrary to paragraphs 175 to 177 of the Framework which indicate that if significant harm to biodiversity cannot be avoided, mitigated or compensated for then planning permission should be refused.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR