
Appeal Decision

Site visit made on 17 August 2020

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

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/Y3940/W/20/3250122

Fleming Barn, B3083 The Common, Shrewton Wiltshire SP3 4ER

- 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 Hillyard against the decision of Wiltshire Council.
 - The application Ref 19/10455/FUL, dated 23 October 2019, was refused by notice dated 19 March 2020.
 - The development proposed is for the demolition of existing buildings and the erection of one detached dwelling (Use Class C3), landscaping and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have deleted reference to the attached car port from the description of development as this is not included in the revised proposals before me at appeal.

Main Issues

3. The main issues are (1) whether the dwelling is in a suitably accessible location, and (2) the effect of the development on the character and appearance of this area and its landscape.

Reasons

Location of Development

4. The site is outside but close to the village of Shrewton. There are other dwellings adjacent to the site, but it is outside of the Shrewton defined settlement boundary. Within the Wiltshire Core Strategy (CS) Shrewton is considered a 'large village'.
5. As the site is outside of the settlement boundary and therefore in the open countryside from a policy perspective, a new dwelling as proposed would be contrary to policy. However, there is an approved scheme to convert one of the existing agricultural buildings to a residential dwelling (ref: 18/04615/PNCOU) under permitted development through the prior approval procedure. From the evidence provided it is my understanding that this approval is extant, and I have no reason to believe that this alternative development would not be implemented if this appeal is not successful. I therefore give this fallback position significant weight.

6. Therefore, the proposal would result in a new dwelling in the countryside, but it is realistic to conclude that if this appeal were to be dismissed then the fallback position of the conversion would be implemented. In this scenario there would be a new dwelling on site whether this appeal is allowed or dismissed, thereby limiting the harm of the appeal proposed dwelling in terms of being in the countryside. It cannot be considered as a replacement dwelling as there is no current dwelling on the site, but the fallback position does allow for a single dwelling, nonetheless.
7. In terms of accessibility the site does appear separate from the settlement in a more rural location, but it is not a substantial distance from the village and the shops and services it provides as a large village. However, it is still likely that future occupants would be more reliant on private cars than those people who live within the settlement boundary. Further to this, the B3083 adjacent to the site access has no streetlights and no footways which may also dissuade use of more sustainable modes of transport.
8. For these reasons, the proposal is contrary to Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP4 (Amesbury Community Area), CP60 (Sustainable Transport) and CP61 (Transport & Development). These policies require development to meet with the strategic settlement hierarchy and development will not be permitted outside the limits of development, and to help reduce the need to travel particularly by private car, amongst other things. However, this harm is limited by the fallback position. There are benefits that would come with the proposal, including a consideration of the additional housing towards housing land supply. This will all be considered with the planning balance towards the end of this Decision.

Character and Appearance

9. The proposal would result in a new dwelling in the countryside. Currently, the site has a clear agricultural character, due to its rural setting and the existing farm-style buildings on site.
10. The proposal would introduce a large two storey dwelling into the site with a sizable curtilage. This would replace the existing agricultural buildings on the site. The new dwelling would also be visible to some extent from the adjacent road B3083.
11. There is the extant permission for the conversion of an existing building to a dwelling, which is why this has also been assessed by the parties as a replacement dwelling in the countryside, to which Saved Salisbury District Local Plan policy H30 is relevant. However, the extant consent would result in a conversion of an agricultural building which would retain much of its existing character and be set within a relatively small domestic curtilage. Whilst I recognise that amendments have been made in the planning application process, the proposed dwelling differs from the extant approved dwelling as it would be significantly larger, being two storeys of greater height also (in the form of a dormer style dwelling). Furthermore, as proposed the dwelling with this appeal would have a much more extensive curtilage.
12. The conversion dwelling would remain low profile with much of the agricultural character of the site remaining. However, the proposed new dwelling would be much more prominent, even though it is set back further from the road with a lower slab level. It would have a significantly greater urbanising impact to the

site, thereby eroding its rural character. This rural character is important as the site sits in the rural edge of Shrewton. Furthermore, the proposal would have the visual effect of extending the residential extent of this street scene further into the countryside at this rural village edge to a much greater degree than the more inconspicuous conversion dwelling would.

13. Having a larger curtilage area would further add to the domestic character of the site with the proposal. Whilst outside of the curtilage there is the plan to create a wildflower area, the curtilage itself would include what is likely to be a domestic garden area with parking and turning space, of which some of this would be evident from the adjacent roadway. My attention has been drawn to other appeal cases where this has been an issue, but there are differences between the sites and their settings and so are not directly comparable on this matter.
14. The proposed dwelling would be side-on to the road, but in passing the site along the adjacent road it is likely that there would be views of some of the other elevations and so the full volume and bulk of the dwelling would be apparent to a significant degree. Further landscaping is proposed to the site boundaries, which would be a welcome addition to soften the visual impact of the new dwelling, but I am not persuaded that such landscaping would sufficiently mitigate the visual impact of this dwelling proposed or its curtilage within the site, with likely views (albeit likely partial or filtered) remaining of the development, especially from the adjacent roadside.
15. The proposal would include the removal of the existing buildings and so reducing the net increase of building on the site with the proposed house. However, these buildings are generally low profile and of a suitable agricultural appearance, common in rural areas such as this. They do not adversely impact the rural character of the site like the proposed new house would.
16. In this case, whilst taking into consideration the fallback position and that the development would not be seen from some parts of the wider landscape, it is my view that the proposed dwelling and its associated curtilage would have a significantly greater adverse visual impact in eroding the rural character of the site and landscape than would occur with the fallback development. The proposal would result in harm to the character and appearance of this area by the introduction of a new dwelling which would urbanise this site and erode the rural setting of Shrewton. The quality of the design of the house itself and the use of appropriate materials would not be sufficient to outweigh this harm.
17. The proposal is therefore in conflict with policies CP51 (Landscape) and CP57 (Ensuring High Quality Design & Place Shaping) of the Wiltshire Core Strategy. Although not strictly a replacement dwelling as proposed, my view is that the proposal would also conflict with some of the criteria with Saved Salisbury District Local Plan policy H30 - Replacement Dwellings.

Planning Balance

18. I am aware from other case work in Wiltshire that there has been a lack of 5 year housing land supply which may be the case for the Shrewton area of Wiltshire. However, it is unclear from the evidence as to whether the Council has a 5 year housing land supply. Paragraph 11 of the National Planning Policy Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which

are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

19. In terms of adverse impacts, it is my view that the site being outside of the settlement boundary and therefore not being fully compliant with the policies of the Development Plan is of limited harm due to the fact that there is an extant permission for a dwelling on the site.
20. Nonetheless, the proposed dwelling is such that it would have an adverse impact to the rural character and appearance of the area which is not outweighed by the fallback position of the extant permission for a conversion to a dwelling. The proposal is in conflict with the Development Plan policies relating to this issue, which are policies which I regard as being in general accordance with the aims and policies of the Framework.
21. There are benefits to be considered also. The proposal would have certain social benefits, through providing a family sized house in a location which is not a long distance from the village of Shrewton. There would also be the economic benefits, such as through the construction process and also from future occupiers supporting the village economy. However, these would be modest benefits on the basis that only one dwelling is proposed.
22. Overall, the harm to the rural character and appearance identified would be substantial when assessed against the policies in the Framework taken as a whole, and the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, even if the 'tilted balance' under paragraph 11 of the Framework was engaged due to the Council not being able to demonstrate a sufficient housing land supply the harm is such that the appeal should be dismissed.

Other Matters

23. I note that the site is within close proximity to the Salisbury Plain Special Protection Area (SPA) and the River Avon Special Area of Conservation (SAC) (within River Avon SAC buffer zone). This would normally trigger a Habitats Regulations Assessment (HRA). I note that with the Officers Report it states that both the SAC and SPA have mitigation in place and that the River Avon issue of phosphate inputs as a consequence of new housing has been assessed through appropriate assessments for the Wiltshire Core Strategy and Wiltshire Housing Site Allocations Plan.
24. Whilst there is no further mention of this with the Council Statement, I am aware through other appeal decisions in the area that there have been appropriate assessments required for each case with regards to River Avon SAC, followed by a consideration of mitigation where possible/required. If I found the proposal acceptable in all other respects I would go back to the parties and consult Natural England on this matter. However, as I am dismissing this appeal, I have not pursued this matter further.

Conclusion

25. For the reasons outlined above and following consideration of all matters raised, the appeal should be dismissed.

Steven Rennie

INSPECTOR