
Appeal Decision

Site visit made on 1 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/Y3940/W/20/3254378

Ivy House Lakes, Whitehill Lane, Grittenham, Wiltshire SN15 4JU

- 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 Harvey Lloyd Fisheries against the decision of Wiltshire Council.
 - The application Ref 19/08996/FUL, dated 17 September 2019, was refused by notice dated 16 January 2020.
 - The development proposed is for the conversion of a redundant agricultural building to two dwellings and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Harvey Lloyd Fisheries against Wiltshire Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are (1) whether the occupants of the proposed development would have satisfactory access to shops, facilities and services, (2) whether there are alternative preferable uses for the conversion of the redundant barn, and (3) the effect of the development on the rural character and appearance of the area.

Reasons

Accessibility of the site

4. The proposal is for the conversion of a large barn in the corner of an extensive site which is predominantly used as a recreational fishery facility, which includes several lakes. On site there is also an existing dwelling known as The Lodge and several other buildings. Considering the appeal building's location it cannot be considered as being isolated as there are other buildings within the complex, with some other dwellings and farms in the wider area away from the fishery.
5. Whilst not an isolated building, the fisheries site is within a rural area, with Grittenham in the vicinity of the site being little more than a loose collection of dwellings and farm buildings adjacent to the roads. There are no shops or services within the area of the site which would be considered cumulatively

sufficient to provide for future occupants of the proposed dwellings. The site is outside of any defined settlement boundary.

6. Royal Wootton Bassett is not far from the site, but likely to be too great a distance to walk or cycle to, especially considering the lack of footpaths and lighting along much of the local road network. As such, there is likely to be a general reliance on private vehicles for all future occupants of the proposed dwellings.
7. In this regard, Core Policy 48 (CP48) of the Wiltshire Core Strategy (2015) states in its criteria for conversion and re-use of rural buildings that the site should have reasonable access to local services (criterion iv). It is my view that the site does not have reasonable access to local services and as such does not comply with this criterion of policy CP48.
8. The appellant has drawn my attention to paragraph 79 of the National Planning Policy Framework (the Framework), which relates to isolated new homes in the countryside. The policy states that isolated new homes in such locations should be avoided, unless in one of five exception circumstances. This includes where the development would re-use redundant or disused buildings and enhance its immediate setting. It is recognised that paragraph 79 does not refer to the need for such development to have reasonably good access to services locally.
9. Considering the differences between policy CP48 and the Framework it is clear that the Development Plan policy is more restrictive than paragraph 79. I also note that the Core Strategy policy pre-dated the Framework. However, this does not mean that policy CP48 is inconsistent with the Framework. The aims of policy CP48 include supporting rural communities and protecting the countryside, which is reflected in the Framework. This Development Plan policy is also consistent with the broader sustainability aims of the Framework, including mitigating and adapting to climate change, moving to a low carbon economy, and the social sustainable objective of having accessible services for development (paragraph 8 of the Framework). As such, policy CP48 and its aims are generally consistent with the Framework as a whole and so I give it substantial weight.
10. Furthermore, the criterion for rural conversions to be in accessible locations accords with the delivery strategy of new housing in Wiltshire (policy CP2) which includes the aim of allowing appropriate growth to provide a sustainable pattern of development within Wiltshire, which seeks to reduce the need to travel and help redress the imbalance between jobs and homes (para 4.18 of the supporting text). I would also regard these aims as being in general accordance with the Framework in its objective of achieving sustainable development. The proposed dwellings are not necessarily for workers at the fishery complex and so it is very possible that most, if not all, future occupiers would need to travel a significant distance for work.
11. I am aware of the provisions under Class Q of the General Permitted Development Order. However, this is a full planning application where the proposal should be considered primarily against Development Plan policies and the Framework, which has been the basis for this assessment.
12. Therefore, with regards to the location of the proposed site for the conversion to dwellings, it is not sufficiently accessible in that it is remote from facilities, services and most employment opportunities in the area to the degree that it

could not be regarded as sustainable development. The proposal is therefore contrary to strategic development policies 1, 2 and 13 of the Core Strategy, and would fail to comply with all relevant criteria of Core Policy 48 which deals with conversion and re-use of rural buildings, regarding the accessibility of the location.

Preferential Uses

13. Policy 48 of the Core Strategy also states that re-use of rural buildings should only be considered positively for residential dwellings if it can be demonstrated that employment, tourism, cultural or community uses are not practical propositions. It appears common ground between the parties that all uses other than tourism would be impractical.
14. The site is within a recreational fishery site, which I am aware sometimes includes accommodation for visitors, which would be a form of tourism. However, I do note that the site is not near the lakes available for general fishing with many other such examples of fishing lake accommodation being waterside in their location. I am also aware that other than fishing there is little else to provide an attraction to tourists either in the site or the wider area. For these reasons, I would regard that it has been sufficiently demonstrated that tourism would not be a realistic or commercially viable option.
15. Furthermore, I do not consider it reasonable to require the appellant to convert the building to tourism accommodation initially to see if this is a viable option. This would cost a substantial amount of money to convert to tourism where there is evidence that suggests that this type of development would be unlikely to commercially succeed.
16. Therefore, I am satisfied that the proposal accords with the elements of Core Policy 48 which states that where there is clear evidence that the above uses (tourism etc) are not practical propositions, residential development may be appropriate where it meets the criteria. However, as noted in the section above, I have found that the proposal does not meet with criterion iv which requires that the site has reasonable access to local services.

Character and Appearance

17. The existing former poultry barn is towards the corner of the site, although still in close proximity to other buildings/dwellings on the site and with a large fishing lake to the rear. The boundaries to the fisheries complex has mostly boundary vegetation of trees and high hedges to enclose the site.
18. From visiting the site and the wider area it is my opinion that the appeal building is not prominent in the landscape as it is generally either screened from view or just filtered views being available. Furthermore, this is the conversion of the existing building and what is proposed to physically alter the building would not result in it becoming either more prominent or have a greater adverse visual impact than existing.
19. It is located in a fisheries complex and so not what I would regard as particularly 'open' countryside. Although this is a less developed part of the wider site, it has lost some of its original rural/agricultural character and its context is currently as part of the fisheries complex. This complex is distinct within the rural area, with its lakes, roadways and range of existing buildings. The proposed conversion to dwellings, with its associated domestic garden

areas and boundary fences for example, would be seen against the backdrop of the existing infrastructure and buildings of the Ivy House Lakes facility. In this context, the level of formal landscaping and domestication around the proposed converted dwellings would not be out of keeping or excessive in scale.

20. Whilst the proposal would not enhance its wider setting it would also have no discernible harm to the rural character and appearance of this countryside location, thereby conserving the landscape character. Therefore, with regards to the visual impacts of the proposed development, the proposal would be in accordance with Core Policies 48 (Criterion ii), 51 and 57 of the Wiltshire Core Strategy, which relates to landscape impact and requiring development to conserve and where possible enhance landscape character, amongst other things.

Planning Balance

21. It is stated that the Council cannot demonstrate a 5 year housing land supply for the housing area to which the site is located. Paragraph 11 of the 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. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.
22. In the context of the development plan I have found that the proposed development would be contrary to policies including CP48 of the Wiltshire Core Strategy (2015). For this appeal, I have found this policy to be generally consistent with the relevant aims of the Framework, which I have explained in detail above.
23. However, there are benefits that would come with the proposed development, such as the utilisation of a largely vacant building and the provision of two dwellings towards the housing need in the area. There are the potential economic benefits through the construction process and from future occupants supporting local rural economies. With the proposed additional landscaping there would likely be some biodiversity benefits. The proposal includes some improvements to the roads and access at the site. However, as only two dwellings would result from the development the benefits are limited, although I would regard these benefits to be modest overall.
24. I also acknowledge that the proposed development would provide family accommodation with benefits particularly for family members health and welfare. However, I have limited information in this regard and so can only give this modest weight.
25. Overall, I have identified that the proposal would not be located where it would provide suitable access to typical day-to-day facilities and services for future occupiers of the proposed dwellings. I found that the proposed development would conflict with the development plan when read as a whole. The relevant policies are generally consistent with the importance afforded to providing sustainable development, such as providing for sustainable transport, a transition to a low carbon future and having access to services for new

development, as set out in the Framework. I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing two additional units of accommodation when assessed against the policies in the Framework taken as a whole.

Conclusion

26. For the reasons set out above, in relation to the lack of accessibility of the proposed dwellings to typical day-to-day services in this rural area, the appeal should be dismissed.

Steven Rennie

INSPECTOR