



Appeal Decision

Site Visit made on 11 November 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/Y3940/W/20/3253335

**West Winterslow Workshops, Back Drove, West Winterslow,
Wiltshire SP5 1RY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nigel Northeast against Wiltshire Council.
 - The application Ref 20/01489/FUL, is dated 21 February 2020.
 - The development proposed is demolition of existing workshops and the erection of three dwellings (1 x 3 bed and 2 x 4 bed) (Use Class C3), car parking, landscaping, access and associated works.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing workshops and the erection of three dwellings (1 x 3 bed and 2 x 4 bed) (Use Class C3), car parking, landscaping, access and associated works is refused.

Main Issues

2. The Council failed to give notice of its decision within the appropriate period but refusal reasons have been submitted as part of the appeal. In light of these, the main issues are (i) the effect on the character and appearance of the area, and (ii) the effect on the living conditions of occupiers of neighbouring properties in respect of outlook.

Reasons

Character and appearance

3. The site lies on a public byway that runs from the road to the rear of properties and to open countryside. The low-key nature of buildings along the byway as well as nearby trees, hedges and open fields help give the site and its surroundings a pleasant semi-rural character.
4. The proposal would reduce the amount of building footprint on the site. Nevertheless, through a combination of their height, bulk and positioning, the houses would be more conspicuous and obtrusive than the workshops or any of the other nearby buildings on the byway. No plans that show the approved workshop conversion works have been provided, but there is no indication that these would alter the height or position of the buildings. As such, the proposal would have a markedly more noticeable effect on the nature of the byway than the permitted conversion scheme.

5. The dwellings would include traditional external materials appropriate to the area. Also, no works are proposed to the line of conifers in the garden of The Bungalow. As it would be further away than the existing workshops, the development would cause no harm to the well-being of these trees. However, acceptability in these regards would not override or address the proposal's prominence and the resulting harm to the semi-rural setting of the village.
6. As such, the proposal would harm the character and appearance of the area. Consequently, in this regard, it would not accord with Core Policies 51 and 57 of the Wiltshire Core Strategy 2015 (CS) and saved policy C6 of the Salisbury District Local Plan 2003. These all aim, amongst other things, to ensure development respects the character of an area. CS Core Policy 23 is referred to by the Council but contains no provisions relevant to this issue.

Living conditions of neighbouring properties

7. There are no existing trees that would obscure views of the house on plot 3 from Peacehaven. A projection to the rear of this proposed dwelling would be markedly taller than the existing workshop and its rear wall would be close to the boundary. As such, the plot 3 house would have an excessive overbearing effect on Peacehaven's rear windows and garden.
8. The dwelling on plot 2 would be viewed behind conifer trees and so it would have an acceptable effect on neighbouring properties. However, for the above reasons, the proposal would harm the living conditions of the occupiers of Peacehaven in respect of outlook. As such, in this regard, it would not accord with CS Core Policy 57. This aims, amongst other things, to ensure development maintains an appropriate level of amenity for property occupiers.

Planning balance

9. The Council is currently able to show a 4.62 year supply of housing land. This is below the 5 year minimum requirement as set out in the National Planning Policy Framework (the Framework). As such, paragraph 11 d) of the Framework is applicable and the proposal's benefits need to be weighed against adverse impacts.
10. There is a reasonable prospect that the approved conversion works would be carried out if the appeal is not allowed. However, as limited information has been submitted, I am unable to draw accurate comparisons between the approved and the appeal developments. In any event, I attach limited weight to the suggestion that the proposal would provide higher quality accommodation.
11. Furthermore, little information has been submitted on waste water management or foul drainage arrangements. Therefore, the submissions do not convincingly demonstrate that the development would result in nutrient neutrality and a reduction in phosphorus load compared with the conversion scheme. Even if the appellant's claims in these regards are accepted, there is no suggestion that the proposal would result in improvements compared to the current situation on the site. As such, limited weight is attributed to this factor.
12. The submissions indicate the proposal would reduce traffic movements compared to the existing situation. However, as there is no information that demonstrates the site is the cause of highway safety or any other associated problems, the benefits in this regard would be limited.

13. The proposal would represent an effective use of land and would add to the housing stock through delivery on a small site. While these are benefits to which I attach positive weight, they would also be achieved through implementation of the planning permission for the conversion of the buildings.
14. The proposal would go against the Framework's policies to ensure development is sympathetic to local character and to create a high standard of amenity for occupiers of properties. Moreover, the Framework states permission should be refused for development that fails to take opportunities available to improve the quality of an area. As such, the harm caused by the proposal would demonstrably and significantly outweigh the benefits when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.

Other Matters

15. Concern has been raised over possible foul sewage effects on the integrity of internationally designated habitat sites in the Solent. Also, the Council has considered the proposal's impact on Porton Down Special Protection Area and its stone-curlew population. However, there is no need for me to carry out appropriate assessments under the Conservation of Habitats and Species Regulations 2017 as the scheme is unacceptable for other reasons. If I had found the proposal to be acceptable in these regards, such a finding would not have affected my overall conclusion.

Conclusion

16. For the above reasons, I find the proposal would fail to accord with the development plan as a whole and that there are no material considerations that justify a decision contrary to development plan policies. Therefore, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR