

Appeal Decision

Site Visit made on 15 December 2020

by Mr Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/Y3940/W/20/3259081

The Barn, Beckerley Farm, Beckerley Lane, Holt, Trowbridge, BA14 6QQ

- 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 & Mrs D & A Greatwood against the decision of Wiltshire Council.
 - The application Ref 20/03845/FUL, dated 7 May 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the use of property as independent dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the use of building as an independent dwelling at The Barn, Beckerley Farm Beckerley Lane, Holt, Trowbridge, BA14 6QQ in accordance with the terms of the application, Ref 20/03845/FUL, dated 7 May 2020, and the plans 1:1250 location plan and drawing numbers LPC 4811 EX01 and LPC 4811 EX02.

Main Issue

2. The main issue is whether the site represents a suitable location for a dwelling having regard to local and national planning policies.

Reasons

3. The site is located outside of the defined settlement boundary for the settlement of Holt. Core Policy 1 of the Wiltshire Core Strategy (2015) (the Core Strategy) establishes a settlement strategy, comprised of four tiers; Principal Settlements, Market Towns, Local Service Centres and Large & Small Villages. These settlements are identified as locations where sustainable development will take place. Core Policy 7 sets out that Holt, the settlement to which the site is closest, is a large village. Core Policy 1 further sets out that large villages have a limited range of employment, services and facilities, as well as that development within large villages will be limited to that needed to help meet the housing needs of the settlement.
4. Nonetheless, the site is located outside of the settlement boundary for this large village. Core Policy 2 establishes that development will not be permitted outside of settlement boundaries, other than where specific exceptions identified in other policies apply. There is no substantive evidence before me to show that the scheme would accord with these stated exceptions.
5. The conversion and re-use of rural buildings is supported by Core Policy 48. However, this is primarily for employment, tourism, cultural and community

- uses. Residential use is only supported where the other uses are shown not to be practical propositions, supported by clear evidence. There has been a previous planning permission granted for a tourism use of the building and no substantive evidence submitted to show that such a use is not practicable.
6. I have also been referred to policy H3.2 of the 'made' Holt Neighbourhood Plan (the Neighbourhood Plan), which supports new infill housing provided that, amongst other things, it would not involve the outward extension of the settlement boundary of the village. In this respect, given that the scheme refers to an existing building, which has previously been granted planning permission for its conversion, albeit to a tourism use, I find that the proposal would not comprise new infill development. Furthermore, as it refers to an existing building and its conversion, it would not result in the outward extension of the settlement boundary, as the scheme does not propose additional built form.
 7. In addition, my attention has been drawn to policy H3.2 of the Neighbourhood Plan, which is supportive of the conversion of redundant farm buildings to housing. This support is conditional on meeting standards of design and infrastructure provision. There is also a requirement that a planning application for such development be accompanied by a bat survey.
 8. There is no allegation that the design of the proposal would not be acceptable, and in this regard, I am conscious that the building has previously been granted permission for its conversion. I note that it is stated that a porch has been added, however, it does not form part of the Council's case that the development should be resisted on design grounds. In respect of the requirement for a bat survey, the building has already been converted. Whilst the Council seem to assert conflicting statements about this, in that it is variously stated that the previous permission was implemented and the current occupation is in breach of an occupancy condition, as well as that the building works are not lawful, inferring that the previous permission was not implemented, there would seem to now be little or no benefit in undertaking a bat survey, on a structure that was converted some time ago.
 9. In regard to infrastructure provision, whilst outside of the settlement boundary, the appeal site is contiguous with development that directly adjoins it. I am conscious that Core Policy 1 allows for limited housing development within the settlement of Holt, indicating that there is sufficient infrastructure provision to support this. Given the proximity of the site to existing housing that is within the settlement boundary, I do not find that the residents of the unit would suffer from a dearth of access to services. Occupants of the unit would also be no more likely to rely on the private car for transport and to access services, than the residents of nearby properties located within the settlement. In this regard, I find nothing to persuade me that there would be any perceptible insufficiency in infrastructure provision.
 10. On the whole, while the policies of the Core Strategy set out above do not support the appeal scheme, I find that there is support in policy H3.2 of the Neighbourhood Plan, which comprises part of the development plan as a whole. Where there is some conflict with this policy in terms of the requirement for a bat survey, this is not sufficient to warrant dismissing the appeal. There would also be no conflict with Core Policies 60 and 61, in terms of locating development in accessible locations. Accordingly, I find the location of the

development is suitable, having regard to the provisions of the development plan.

Other Matters

11. The Council refer to paragraph 79 of the National Planning Policy Framework (the Framework), in respect of isolated dwellings. However, notwithstanding the location outside of the settlement boundary, the appeal site is located adjacent to existing built development which is contiguous with it. It therefore shares a close affinity with other buildings and is not physically separate or remote from the settlement. Thus, I find that the proposal would not result in an isolated dwelling for the purposes of the Framework.
12. I also note that the Council refers to the existing development comprising intentional unauthorised development. Whilst this matter is noted, the Act allows for planning permission to be sought retrospectively and thus this matter is not sufficient to affect the outcome of the appeal.
13. Some concern is raised in respect of highway safety, given an increased use of a nearby road junction. However, I note that the Council do not object to the scheme on this ground. I observed that the junction serves the nearby residential dwellings on Beckerley Lane and that planning permission has previously been granted for a tourism use at the site. As such, any increase in traffic movements that may result from the appeal scheme would not be sufficient to result in unacceptable effects on the use of this junction, particularly when noting the comments of the Council's Highway Department, i.e. that there have been no accidents at this junction during the time which the building has been occupied as a dwelling.

Conditions

14. The Council has recommended a condition for the development to be carried out in accordance with the submitted plans, however as the development already exists a condition in this respect is not necessary. I have however referred to the plans to which the permission refers in the formal decision. A condition in respect of the removal of permitted development rights is also recommended. However, no exceptional justification has been provided and as such I am unable to conclude that such a condition would meet the test of necessity. No further conditions have been recommended and I find that none are necessary.

Conclusion

15. I find above that the policies of the Core Strategy would not provide immediate support for the proposal, without other uses having first been fully considered. However, it is clear that the conversion to a dwelling would be supported by the Neighbourhood Plan and in this respect, there appears to be a degree of conflict with the policies of the Core Strategy. In this case, I find that given the more recent making of the Neighbourhood Plan, that the policy within to which I refer should be accorded decisive weight and warrants allowing the appeal.
16. For the reasons given above I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR