



Appeal Decision

Site visit made on 15 January 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/Y3940/W/19/3235985

Providence Cottage, Braydonside, Brinkworth, Wiltshire SN15 5AR

- 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 W Howse against the decision of Wiltshire Council.
 - The application Ref 19/04621/FUL, dated 8 May 2019, was refused by notice dated 8 July 2019.
 - The development proposed is the independent use of the annex.
 - This decision supersedes that issued on 19 November 2019 (the previous decision). That decision on the appeal was quashed by order of the High Court
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether an independent dwelling is justified here given its distance from services.

Reasons

3. The appeal concerns a former domestic garage that has recently been converted, apparently without the need for planning permission, to an ancillary annex to Providence Cottage.
4. It is located some 2km from Brinkworth, with the intervening lanes being poorly lit and narrow with limited pavements. As a result, it is unlikely that residents at the appeal property would walk or cycle to and from that village. In any event, I understand Brinkworth offers few services, with travel further afield being necessary to meet many basic day-to-day needs. As a result, I consider this would be a remote, unsustainable location for a new dwelling, resulting in undue reliance on the private car.
5. In coming to this view, I appreciate that there is a form of residential use in the building at the moment. However, being ancillary to Providence Cottage I anticipate there would be shared or joint trips minimising the overall number of journeys to and from the site. In contrast, independent occupation would mean the residents in the proposal could generate an entirely separate flow of movements as they accessed schools, shops, jobs and so on that would be in addition to those associated with the adjacent cottage. As such, the existing use of the building does not offset the harm arising from this location.
6. The development would therefore conflict with Policies 60 and 61 in the *Wiltshire Core Strategy* that require development to be located where there is a reduced need to travel by private car. Whilst the Core Strategy may pre-date

the *National Planning Policy Framework* (the Framework) and be over 5 years old, those factors alone do not render it inconsistent with the Framework and/or reduce any weight that should be afforded to its policies. Insofar as they concern this appeal, I see nothing in those policies that conflicts with the Framework when taken as a whole.

7. The parties agreed that the proposal is also to be considered against paragraph 79 of the Framework. As has been made clear in the judgement quashing the previous decision, paragraph 79(d) is not relevant to this case as what is before me does not constitute the subdivision of a single building.
8. The appellant though has also referred to Framework paragraph 79(c), which says isolated homes in the countryside should be avoided unless the development would re-use redundant or disused buildings and enhance the immediate setting. Although regard must be given to the thrust of the Framework to secure sustainably located development, and while I accept that '*isolated*' is to be taken to mean a physical separation from settlements, I also consider the Framework must be acknowledging some remoteness from services when accepting an isolated home in these circumstances. As a result, the site's location in relation to services in Brinkworth and beyond does not necessarily lead to a conflict with this paragraph.
9. However, paragraph 79(c) does not support the conversion of any isolated building, but rather only buildings that, it states, are redundant or disused and where the immediate setting is to be enhanced. While the appellant has made the unsubstantiated statement that the building is no longer needed as an annex, I have not been told it is at the moment disused or redundant, and no external alterations are proposed to enhance the building's setting. Consequently, for these reasons it would not comply with the very precise circumstances given in paragraph 79(c) and so would not accord with this paragraph in the Framework. Whilst the previous decision did not address issues of redundancy, disuse, or enhancement these tests are not relevant when considering a scheme against Framework paragraph 79(d).
10. The Council contended that Core Strategy Policy 48 supports paragraph 79(c) in the Framework. This policy concerns rural communities, outside the limits of development of Principal Settlements, Market Towns, Local Service Centres and Large Villages and outside the existing built areas of Small Villages. It supports proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses where they meet certain criteria. Where there is clear evidence such uses are not a practical proposition then residential use may be appropriate. Reflecting paragraph 79(c) of the Framework the policy also accepts the re-use of redundant or disused buildings for residential purposes in isolated locations, albeit where justified by special circumstances.
11. No definition of a '*rural building*' is given in the Core Strategy. However, if the appellant is correct and this is such a building for the purposes of this policy and so subject to its terms, again it is not been shown to be redundant or disused, and I have had no decisive evidence to demonstrate that none of the preferred stated uses are a practical proposition or that special circumstances apply. Moreover, I see no reason why the fact that it is an annex means its change to an independent dwelling should be elevated above the variety of other uses that are given in the policy as being preferable. Consequently, I consider Core Strategy Policy 48 does not justify the scheme before me.

12. The appellant said there was a shortfall in the supply of deliverable housing land in the authority area. Assuming this to be so, I accept that paragraph 11(d) in the Framework would be engaged, and this additional dwelling would be of some benefit to the housing stock in general and to the supply of smaller rural houses in particular. However, I consider that the harm resulting from the reliance on the private car would significantly and demonstrably outweigh any benefit that this one extra unit would bring to the supply of housing.
13. Accordingly, I conclude that, due to its distance from services, an independent dwelling is not justified here, and the proposal would not accord with Core Strategy Policies 48, 60 and 61, or the Framework. The appeal is therefore dismissed.

JP Sargent

INSPECTOR