
Appeal Decision

Site visit made on 11 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/Y3940/W/20/3261179

Brockhurst Farm Stables, Greenhill, Royal Wootton Bassett, Wiltshire SN4 8EH

- 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 M Wason against the decision of Wiltshire Council.
 - The application Ref 20/05796/FUL, dated 10 July 2020, was refused by notice dated 14 September 2020.
 - The development proposed is the erection of Replacement Dwelling (Revised Plans), erection of detached outbuilding and change of use of land to residential.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) whether this is an appropriate location for the dwelling as proposed; (2) the effect of the development on the character and appearance of this rural area; and (3) the effect on the living conditions of neighbours to the site.

Reasons

Location of Development

3. The site of Brockhurst Farm Stables is towards the end of the small linear village of Green Hill. There is no defined settlement boundary for Greenhill and therefore in policy terms the site is within the countryside. The site and Greenhill have a distinctly rural character.
4. Within the site is a collection of barns and shed type structures, some appearing to be in a state of disrepair. There is also a horse exercise arena adjacent to the buildings. Within the site is a building that is used as a dwelling, although this is a small structure of single storey height. Whilst the buildings are not particularly attractive, they are of a type that are not uncommon within the countryside, whether on farms or equestrian facilities, as was the use of this site. The site is adjacent to some dwellings, although the site itself has a predominantly more rural character, with the dwelling onsite being a relatively small aspect.
5. As there is a dwelling on site the broad principle of a replacement dwelling would be acceptable under saved policy H4 of North Wiltshire Local Plan 2011.

However, the fact that the proposed replacement dwelling would be substantially larger and not fit within the same curtilage as existing means that the proposal would not accord with the requirements of this policy.

6. The appellant raises the point that the National Planning Policy Framework (Framework) significantly post-dates the North Wiltshire Local Plan and that both Development Plans exceed the five year required review. The Council acknowledge a previous appeal decision that concluded that *"Policy H4 of the Local Plan is no longer entirely consistent with the Framework in that it is more restrictive on development in the countryside and was devised some time ago, in a different policy context and when the need for housing differed"* (ref: APP/Y3940/W/18/3202551). However, I would agree with the Inspector for this previous appeal that policy H4 can still be given some weight as it seeks to protect the intrinsic character and beauty of the countryside, which is an aim of the Framework. I therefore attach some reduced weight to the conflict with policy H4.
7. On this basis, a key aspect of the assessment of this proposal is how the proposed development impacts upon the intrinsic beauty and character of the countryside, which shall be considered in the next section.

Character and Appearance

8. The proposed dwelling would be a large house, particularly when compared to the existing dwelling on site. It would also be significantly larger than the extant permitted dwelling recently given planning permission. It would be two storeys with a wide frontage and pitched roof.
9. The design style and appearance of the dwelling as proposed, with the materials to be used, would be broadly in keeping with some of the neighbouring houses. However, it is the height and overall size of this dwelling, within a wider plot, which would be the main issues.
10. Currently, the site is predominantly covered with single storey height sheds and some barns, along with some other equine paraphernalia. These are not buildings of any particular visual merit, but they are similar to many other buildings typically seen in the countryside, often associated with farms. They are also mainly of a height that gives them a low profile in the landscape, with the surrounding vegetation near the boundaries providing some screening also. As such, I would consider these existing buildings as neutral in their visual impact to the countryside, thereby not causing a harm to the rural landscape. The site appropriately reflects the rural character of its surroundings.
11. The recently approved dwelling (ref: 19/01836/FUL) if developed would be larger than the existing dwelling on-site, though it would be a relatively modest sized house which appears smaller than that now proposed, especially when including the outbuilding. Furthermore, its curtilage would be very similar to the area used as garden for the existing dwelling. In contrast, this proposal would result in the introduction of a larger and visually more prominent dwelling. Having a new dwelling of the size and height proposed, coupled with the proposed garage/office, would result in a dwelling and outbuilding which would dominate the site and be much more visually prominent than the existing buildings. The house would also likely be much more visible above the site boundary vegetation.

12. The existing dominance on site of the equine use is a suitable transition at the edge of Greenhill from the linear residential properties either side of the road to the open countryside and farmland beyond. Although the site is not agricultural and would be considered as previously developed land, the result of the proposals would be the dominance of a residential buildings and the domestication of a site which currently has a predominant rural character with its former equine use layout and buildings. The development would result in a substantial change of character so that it would be dominated by this residential development, including the likely associated paraphernalia within the proposed extensive curtilage. The rural character of the existing site, which contributes towards the visually positive countryside setting of Greenhill, would be eroded and replaced by what would appear to be a significant encroachment of a domestic use into this area.
13. The site is not isolated, being adjacent to other dwellings along Greenhill. I note that paragraph 79 of the National Planning Policy Framework (the Framework), which has regard to homes in the countryside, does allow for the re-use of redundant or disused buildings. However, this is when the proposed development would enhance its immediate setting, which it would not do in this case, as described above. The Framework also requires that planning decisions promote an effective use of land, but the Framework also requires that decisions recognise the intrinsic character and beauty of the countryside (paragraph 170) and be sympathetic to the surrounding built environment and landscape setting (paragraph 127). In this case, the proposed development would not be sympathetic to its rural setting as it would substantially expand the residential character of this site with large prominent buildings.
14. Overall, the proposed development would erode the rural character of the site on the edge of this small village, replacing it with a much more dominant residential character, to the detriment of the local landscape. There would be views of the proposed house from close by and further away and would appear essentially as a large new dwelling projecting into the countryside from the edge of Greenhill, even if it is in fact a replacement of an existing dwelling.
15. The removal of the existing dwelling, arena and most of the existing equine buildings would have some benefit, with these existing buildings covering a wider area. However, as stated earlier in this assessment, to my mind they have a neutral visual impact within this setting, with the site retaining a rural character. Therefore, the proposed development and the harm associated with it would not be off-set by the proposed demolition of buildings, arenas and hardstanding areas.
16. The appellant has brought to my attention an appeal (APP/P0119/W/19/3225618) which allowed the redevelopment of livery stables to provide a dwelling. Whilst there are similarities with the proposals there are also significant differences such as the character and scale of the dwelling proposed, for example. As such, I give this other appeal limited weight.
17. Therefore, the proposal would result in the domestication of what is currently a site which has predominantly a positive rural character. This would be therefore harmful to the character and appearance of this site and the rural landscape of this area, contrary to Core Policies 51, particularly paragraphs (ii), (iii), (vi) and 57, particularly paragraphs (i), (iii), (vi), of the Wiltshire Core Strategy (2015). These policies require that development protect, conserve and where

possible enhance landscape character, and relate positively to its landscape setting, amongst other things.

Living Conditions of neighbours

18. The proposed dwelling would include three first floor rear elevation windows, which would look out towards the adjacent neighbouring property to the south, which is a large two storey house in spacious grounds. These windows would potentially add views to the side of the neighbour's house and also towards its garden/parking areas.
19. Two of the proposed windows could reasonably be conditioned to have obscure glazing as they serve a bathroom (ensuite) and a hallway. However, one of the windows would serve a bedroom. This window would have more direct views towards the front and side of the neighbour's house, which appear lesser private areas from what I observed. Even with some angled views towards the rear garden of this neighbour's house this would be at a considerable distance, to a degree that I would regard such overlooking impact as minimal.
20. Overall, it is my conclusion on this particular issue that the proposal accords with Core Policy 57 (vii) of the Wiltshire Core Strategy (2015), in that it does not result in harm to the living conditions of neighbours to the site. This Core Policy requires that development has regard to the impact on the amenities of existing occupants, amongst other things.

Planning Balance

21. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. 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 terms of benefits, the proposal would provide a family size dwelling which is likely to be of better quality than the existing. There would be economic benefits from the construction of the dwelling, and this could be considered an efficient use of the site. There would be the removal of existing barns and sheds with a more rationalised form of development on the site also, as discussed above, with some ecological benefits too. However, this proposal would result in no net gain in dwellings and overall, the benefits would be limited.
23. Overall, the harm to the character and appearance of this rural area that has been identified would be significant and as a result the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole (including those paragraphs highlighted above relating to the natural environment and development in the countryside), the adverse impacts would significantly and demonstrably outweigh all the benefits raised. Therefore, the proposal would not be a sustainable form of development. There are no suitable or reasonable conditions that could overcome this harm.

Conclusion

24. For the reasons given above and in considering all matters raised, the appeal should be dismissed.

Steven Rennie

INSPECTOR