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# Appeal Decision

Site visit made on 16 March 2021

**by J P Longmuir BA (Hons) DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 March 2021**

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**Appeal Ref: APP/Y3940/W/20/3264631**  
**Sherwood, Lower Seagry, SN15 5EP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Muir against the decision of Wiltshire Council.
  - The application Ref 20/04747/OUT, dated 9 June 2020, was refused by notice dated 13 August 2020.
  - The development proposed is the erection of self-build dwelling and associated works.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application is submitted in outline with all matters reserved.

## Main Issues

3. The main issues are:
  - the location of the site in relation to facilities and services and whether the occupants would be dependent upon private transport and;
  - the effect of the proposal on the character and appearance of the area.

## Reasons

### *Location and dependency upon private transport*

4. Lower Seagry is a small village, which lacks facilities and the neighbouring village Upper Seagry has a school, pub, and village hall. The nearest main settlements are Malmesbury and Chippenham which the appellants quantify as 4.5 and 5.5 miles away respectively. The appellants' statement describes the bus services from Upper Seagry, noting connections to Swindon and Chippenham.
5. The appeal site is linked to Upper Seagry by a lane with no pedestrian pavement or lighting. The appellant's statement indicates it is 0.7 miles away. However due to the nature of the lane and the distance involved walking would be unlikely and impractical on an everyday basis. There would be a shorter route on footpaths but being unsurfaced these would not be feasible other than for leisure use. Cycling is a niche form of transport and is unlikely to be widely used.

6. In any event the facilities at Upper Seagry are very limited and could not provide all everyday essentials: retail, education (aside primary), health, employment and social/leisure needs would be significantly distanced elsewhere. The bus services are very limited and therefore would be unlikely to be convenient.
7. I therefore find that the residents would be largely dependent upon private transport, and the site is not in an accessible location. The proposal would lead to generation of carbon and exacerbate the effects of climate change.
8. The appellants' statement suggests that the appeal site constitutes previously developed land. However, having regard to the definition in the glossary of the National Planning Policy Framework (the Framework) I am not persuaded.
9. Policy CP2 of the Wiltshire Core Strategy (CS) allocates development towards sustainable locations. It states there is a presumption in favour of principal settlements, market towns, local service centres and large villages. Infill is permissible in principle within small villages. CP10 of the CS lists Upper Seagry as such a small village but not Lower Seagry.
10. Policies 60 and 61 of the CS seek to reduce the need to travel by private car and locate development in accessible locations. Paragraphs 8, 68, 78, and 79, of the Framework seek to locate new houses in accessible locations.
11. The Seagry Parish Neighbourhood Plan (NP) is at referendum stage and therefore warrants significant weight. Policy SNP7 supports self build but only where new residential development is acceptable. SN6 allows for infill development involving the development of a relatively small gap between existing buildings in Upper Seagry, where it meets the housing need of the village. Again, no such reference is made for Lower Seagry.
12. I therefore conclude that the proposal would be contrary to the above policies.

#### *Character and appearance*

13. Lower Seagry is a compact village, with surrounding fields close by. The extent of buildings is limited and the countryside dominates.
14. The appeal site is part of the garden of Sherwood and is prominent from the access point and across the front garden. To the west the appeal site fronts the through lane, with a low timber fence over which a dwelling would be likely to be at least partially seen, as the site is higher than the village road.
15. The proposal would introduce built form into an open area and intensify the pattern of the building. It would look intrusive as the village merges with the countryside and spoil the subservient relationship between the built form and the countryside.
16. I note the permission in 2015 for outbuildings and alterations to Sherwood, but that is materially different to the appeal proposal. I also note the reference to a decision at Oakhill House, Upper Seagry which is suggested as an indication of what constitutes infilling, however it does not lead me to a different decision on this proposal on this particular site.
17. The proposal is in outline and the buildings form, siting, materials, landscaping and indeed height are not fixed. However, a dwelling in principle here would harm the character and appearance of the area.

18. Policy 57 of the CS seeks to ensure reinforcement of the local context and character. Policy SNP5 of the NP states the need to respect local character. The proposal would be in conflict with these policies.

### **Planning Balance**

19. The Council acknowledge that it is not meeting its housing land supply requirements. Paragraph 11 (d) of the Framework applies.
20. The dwelling would have economic benefits through its construction and bring social benefits by providing a new home. It would also be an opportunity for self build which is an unmet demand and make a contribution to housing land supply.
21. However, as I have found above the proposal would harm the character and appearance of the area and would be reliant upon private car use. Accordingly, the proposal contravenes paragraph 127 of the Framework which highlights the importance of local character as well as paragraphs 8, 68, 78 and 79 which aim to locate houses in accessible locations. The land supply shortfall questions the Development Plan housing policies, but the aim of CS policy 57 which seeks to protect the locality and policies 60 and 61 of the CS which seek to reduce the use of private car, and similarly the thrust of policy CP2 for development towards large settlements, is still an appropriate strategy.
22. In overall balance, I therefore conclude the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

### **Conclusion**

23. I therefore conclude that the appeal should be dismissed.

*John Longmuir*

INSPECTOR