



Appeal Decision

Site Visit made on 14 April 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 13th May 2021

Appeal Ref: APP/Y3940/W/20/3264016

Workshop at Driffield, Brinkworth Road, Royal Wootton Bassett SN4 8DS

- 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 R Maxfield against the decision of Wiltshire Council.
 - The application Ref 20/06207/FUL, dated 23 July 2020, was refused by notice dated 4 November 2020.
 - The development proposed is conversion of workshop premises for use as a self-contained dwelling (Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of workshop premises for use as a self-contained dwelling (Class C3) at Workshop at Driffield, Brinkworth Road, Royal Wootton Bassett SN4 8DS, in accordance with the terms of the application Ref 20/06207/FUL, dated 23 July 2020, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr R Maxfield against Wiltshire Council. This application is the subject of a separate Decision.

Main Issue

3. Whether the site would be suitably located for the development proposed with adequate access to facilities and services having regard to local and national planning policies.

Reasons

4. The appeal site is located to the north of the Market Town of Royal Wootton Bassett. Although it is associated with a modest cluster of buildings, it is remote from the main developed area of the settlement.
5. Core Policies 1, 2 and 19 of the Wiltshire Core Strategy 2015 (WCS) set out a hierarchical approach which aims to deliver housing in areas with adequate access to services, facilities and employment opportunities to reduce the need to travel by private car. Policy 1 of the WCS categorises Royal Wootton Bassett as a market town, with potential for significant development. However, the appeal site is outside of the defined limits for development associated with Royal Wootton Bassett and therefore Policy 2 of the WCS establishes that unless a proposal satisfies any of the exceptions set out at paragraph 4.25 development should not be permitted. The proposal does not satisfy any of the criteria set out at this paragraph.

6. Policy 48 of the WCS allows certain types of development outside development limits. The proposal does not relate to either of the first two development types. The Policy also supports the conversion and re-use of rural buildings for employment, tourism, cultural and community uses, subject to certain criteria. The proposal is for a self-contained dwelling, and so it cannot be considered favourably in the context of any of these development types. Outside of these uses the Policy establishes that residential development may be appropriate where there is clear evidence that the above uses are not practical propositions.
7. The Council is of the view that this Policy does not apply as the building is an ancillary residential building rather than a rural building. In this respect I note that in the appeal decision at Providence Cottage¹ a similar proposal for the conversion of an annex into a separate dwelling was not considered to fit neatly within the remit of this Policy. However, notwithstanding this, there is insufficient evidence before me that would allow me to conclude that the appeal building could not be successfully put to other uses that are set out as more favourable within this Policy.
8. In respect of this matter the appellant suggests that the previous appeal decisions² at the site ruled out alternative uses for the building. However, these decisions were not decisive in this matter as only a commercial use was found to be unsuitable. The other uses listed in Policy 48 were not discussed.
9. I have reviewed the cases that the appellant has highlighted to me in respect of the Council's interpretation of Policy 48. They all differ from the appeal proposal in that they all relate to buildings that were to the rear of the existing dwelling. Such a relationship would limit the potential for a building to be put to other uses set out in this Policy without harming the living conditions of the occupiers of the existing dwelling. However, the appeal proposal differs significantly from these as the existing building is close to the road and the existing dwelling is set back a considerable distance to the rear. Furthermore, it is of a form that would be suited to many of the alternative uses set out in Policy 48, it is located adjacent to the road where it could be served by an access separate to the host dwelling, and it is close to a number of employment and community uses at the northwest edge of the town.
10. Saved Policy H4 of the North Wiltshire Local Plan 2011 (LP) restricts new dwellings outside development areas to those where an essential need is demonstrated or those that replace an existing dwelling. The proposal would be neither.
11. Policies 60 and 61 of the WCS state that development should be sited in accessible locations, where its location would reduce the need to travel by private car. It is suggested that the site is not well served by public transport. At my visit to the site I saw that Brinkworth Road is a busy and fast moving road, with limited street lighting, no dedicated footpath or provision for cyclists.
12. However, the site is adjacent to a substantial range of leisure and sporting facilities, and a children's nursery. Whilst I accept that visits to such facilities may be sporadic, at my visit I also saw examples of employment opportunities and retail offers close by, within the built-up area of the settlement. Such

¹ APP/Y3940/W/19/3235985

² APP/Y3940/C/13/2207123 & APP/Y3940/C/13/2207127

facilities are likely to be accessed more regularly by future occupants. The road is lit by streetlights from just beyond the site to the southeast, and generous areas of mown roadside verge mean that it is fairly easy to walk safely between the appeal site and these facilities, away from busy traffic, and the distance is not significant. Although no dedicated cycle lane exists, the road is wide and well aligned which would allow other road users to have good visibility of cyclists. For these reasons, I am not satisfied that future occupiers of the converted building need be reliant on a private car to meet their day to day needs. As such, I find that the proposal would not conflict with Policies 60 and 61 of the WCS.

13. In summary, although I have found that the proposal would comply with Policies 60 and 61, I have also found that the proposal would be contrary to Policies 1, 2, 19 and 48 of the WCS and Saved Policy H4 of the LP, which set out the Council's hierarchical approach to housing delivery across its area.
14. In terms of national policy, the proposal would not be an isolated home in the countryside with reference to paragraph 79 of the National Planning Policy Framework (the Framework), as it would be near to other dwellings to the north and west. As per my assessment of the proposal against Policies 60 and 61 of the WCS, I also find that the proposal would accord with paragraphs 102, 103 and 110 of the Framework, which seek to manage growth by focussing growth in sustainable locations and promote alternative methods of transport to the private car.

Other Matters

15. The proposal would deliver a new dwelling which is a benefit that weighs in favour of the proposal and there would be some time limited benefits arising from the construction process. However, both benefits would be modest as the proposal would only secure the provision of a single dwelling and necessary construction work at the site would be limited as the proposal is to convert an existing building rather than build a new one. Future occupiers of the proposed dwelling would contribute towards the local economy by making use of local facilities and services. However, this benefit would also be limited by the modest size of a household that could occupy a two bedroom dwelling.

Planning Balance

16. The proposal would conflict with the most important Policies of the development plan, as it would be contrary to the Policies of the WCS which set out the Council's hierarchical approach to delivering new dwellings.
17. The Council states that the tilted balance set out in paragraph 11 (d) of the Framework is engaged, as it is only able to demonstrate a supply of deliverable housing sites of 4.56 years. This figure is not disputed by the appellant. As a result, where the policies are out of date, which would be the case where a Council cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
18. Although I have found that the proposal would conflict with the Council's hierarchical approach to delivering new dwellings, as set out in the WCS, I consider that the location of the site close to a range of local services and

facilities is acceptable, to the extent that I have found the proposal to accord with paragraphs 102, 103 and 110 of the Framework. There is reasonable potential for future occupiers of the converted building to use modes of transport other than the private car. This weighs in favour of the proposal.

19. In terms of the three overarching objectives of the planning system, as set out at paragraph 8 of the Framework, I have already identified some economic benefits that would arise from the proposal. As for the social objective, future occupiers of the converted building would have access to local facilities that would support their health, social and cultural well-being. The environmental objective would be satisfied as the proposal would be located close to facilities that would meet the day to day needs of future occupiers, without a reliance on a private car. It would also make effective use of land by re-using an existing building.
20. The proposal's conflict with Policies of the WCS that seek to steer new development to locations within existing defined developments weighs against the proposal. However, as the Council cannot demonstrate a five year supply of deliverable housing sites I give less weight to this conflict. Furthermore, my conclusion regarding the proximity of the appeal site to local services and facilities, and the characteristics of the road which would allow for such journeys to be made by modes of transport other than the private car, weighs in favour of the proposal. As such I am satisfied that the conflict with the WCS would not be sufficient to significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies, and the weight I give to the Framework outweighs the conflict with the Policies of the WCS.
21. I note that a different conclusion was reached on other appeal decisions highlighted to me by the Council, where weight was given to the small shortfall in housing supply or the limited benefit of a small number of dwellings. However, in those cases the harm would appear to be more significant than the level of harm that would arise from the proposal before me. As such I am satisfied that it is appropriate to make a decision that is otherwise in accordance with the development plan.

Conditions

22. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty.
23. I have imposed conditions to ensure the protection of protected species and to ensure that contaminated land is appropriately managed. This condition needs to be a pre-commencement condition to ensure matters related to potential contamination at the site are properly understood before development commences. This has been agreed with the appellant.
24. The Council has suggested two conditions to restrict permitted development (PD) rights at the site. Paragraph 53 of the Framework establishes that there must be clear justification to use a condition to restrict permitted development rights. The Council suggests that both would be necessary to safeguard the character and appearance of the area, and that the condition that would

remove PD rights for extensions would allow it to consider whether planning permission should be granted for such extensions. The building is not located in an area of significant character where further alterations or development that would normally be PD could be harmful. Furthermore, most opportunity for PD would be set back into the site, beyond the front of the building, where it would have minimal impact on the character and appearance of the area. I am therefore not satisfied that there would be clear justification for imposing either condition.

Conclusion

25. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Tucker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: LPC 1 204 EX 01, LPC 1 204 EX 02, LPC 1 204 PR 01 and LPC 1 204 PR 02.
- 3) The development shall be carried out in strict accordance with the biodiversity enhancement measures recommended in the submitted Protected Species Survey Final Report, dated 21/07/2020, prepared by AD Ecology Ltd.
- 4) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:
 - a. The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
 - b. If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional investigation may be necessary.