



Appeal Decision

Site Visit made on 1 March 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021

Appeal Ref: APP/Y3940/W/20/3263853

Dairy Farm, Butterfurlong Road, East Grimstead SP5 3RT

- 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 Charles Wilkinson against the decision of Wiltshire Council.
 - The application Ref 20/01159/FUL, dated 5 February 2020, was refused by notice dated 26 May 2020.
 - The development proposed is redevelopment of redundant farm building to create a single new detached house and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for redevelopment of redundant farm building to create a single new detached house and associated works at Dairy Farm, Butterfurlong Road, East Grimstead SP5 3RT in accordance with the terms of the application, Ref 20/01159/FUL, dated 5 February 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. East Grimstead is a rural settlement with an open, spacious and informal character. This is particularly noticeable around the appeal site where buildings are deeply set back from the highway behind grass verges, greens and, in the case of the appeal site, a small paddock and pond. The settlement has a high-quality landscape setting that, given the site's location surrounded by other built form, would not be harmed.
4. A modest single storey building at the site has a functional appearance, but its low height and siting behind the paddock means that it has little influence on the street scene. The proposed dwelling, which would be on slightly raised ground, would be larger, with first floor accommodation partially within a steep roof structure. It would, therefore, be more present in views around this part of the settlement, particularly given the curved alignment of the road.
5. There is a wide variety of dwellings in the area, including single and two storey buildings, and those with rooms within their roof space. Many have windows that overlook the highway, open frontages, or other open areas within the public realm. Therefore, the proposed dwelling, which includes a large first floor window overlooking the paddock area, would not be uncharacteristic of other development. Despite its individual size the proportions of the dwelling are

such that the window would not dominate that elevation and so it would not appear to impose on the public realm. Given the surrounding development the dwelling would not significantly affect night-time light pollution levels.

6. An initial Assessment of Significance prepared for the appellant suggested that any development towards the road should be predominantly single storey, but that was a guiding principle, not a critique of the appeal scheme. While the Parish Council and Council's Case Officer have also expressed a preference for a single storey development, that does not in itself indicate that harm would arise from the proposal.
7. In this case, the proposal would be set back from the highway behind the paddock area and pond. The paddock is outside the application site and so not identified to be future garden land. Therefore, the open, spacious and informal arrangement of buildings that defines the character of the area would be preserved.
8. Accordingly, there would be no conflict with those aims Policies 2, 51 or 57 of the Wiltshire Core Strategy 2015 (CS) or Policy C6 of the Salisbury District Local Plan 2003, that seek to ensure development respects the existing character and form of the settlement, responds positively to its setting, and does not harm the high quality of the landscape.

Other Matters

9. The listed Maypole Farmhouse and associated listed barn are situated across the road from the site. Their setting is as part of the open and spacious rural street scene with a backdrop of open countryside. Although the proposal would be seen in context with the listed buildings, the Council's conservation officer considers the site to be not within their setting.
10. In any case, if I were to find that the site were within the setting of the listed buildings, my conclusions that the proposal would not harm the character and appearance of the area means that the street scene component of the settings would not be harmed. While the dwelling would be more present in the outlook from Maypole Farmhouse than the existing building, it would be seen amongst other buildings and so not harm its setting or the buildings' significance as a vernacular farmhouse and barn. The countryside to the rear would be unaffected.
11. There is potential that the pond adjoining the site could support great crested newts. Parts of the site could form supporting habitat. There is also evidence of bat and bird activity within the existing buildings at the site. As such, protected species could be affected by the proposal and a licence may be required.
12. The pond has been previously surveyed for great crested newts, but that was some time ago. As a precaution, a re-survey should be undertaken and, if positive results are returned, the Council is content that a construction management plan, together with specific habitat creation on the site, would be sufficient to protect great crested newts. Such can be secured by planning condition. Another condition has been suggested to mitigate effects on bats in line with a detailed mitigation strategy. That mitigation strategy relates to a different proposal and so revisions are required, nevertheless, it is indicative that appropriate mitigation can be secured. I, therefore, conclude that the development, which would contribute to meeting housing needs in Wiltshire,

would ensure that the favourable conservation status of protected species would be maintained and I have no reason to suspect that a license might not be granted.

13. I note concerns that have been raised about the relationship of the access to that at Pine Cottage. However, the Highway Authority has not objected to the proposal and the additional traffic from one single dwelling would not significantly hinder manoeuvring into this neighbouring property.

Appropriate Assessment

14. The site is within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site, and the Solent & Isle of Wight Lagoon SAC (the European Sites).
15. Natural England has confirmed that high levels of nitrogen, mainly from agricultural sources or waste water from housing and other development, are entering the water environment and contributing to eutrophication. This is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European Sites are designated. Additional housing within the catchment could, cumulatively, lead to adverse effects on the integrity of these sites. Natural England has, therefore, advised that all new development should demonstrate that it is nitrogen neutral.
16. As mitigation, the appellant proposes to take an area of land out of agricultural production. The evidence indicates that this would adequately offset the amount of nitrogen likely to be produced by the development. Natural England, as the appropriate nature conservation body, has confirmed that the mitigation would be sufficient to secure nitrogen neutrality. Various concerns about an early draft of a planning obligation that would secure the mitigation in perpetuity have been addressed, so I am satisfied that it would be effective. Although, suggested by the Council and Natural England, I have not used conditions to secure the mitigation as the mitigation land is not within the appeal site and so they may not be enforceable.
17. Therefore, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I conclude that the proposal would not lead to significant adverse effects on the integrity of the European Sites. As such, there would be no conflict with those aims of CS Policy CP50 that seek to protect European Sites.

Conditions

18. A plans condition is necessary in the interests of certainty. To avoid harm to protected species, a construction method statement and detailed mitigation proposal for bats and birds is required. In the interests of the character and appearance of the area, approval of facing materials is required and a condition requiring the laying out of the vehicular access is required to protect highway safety.
19. Given the previously developed nature of the site and possible historic uses of the buildings, an investigation into potential contamination is required and a

condition preventing the burning of waste during construction is necessary to protect living conditions. So that adequate foul drainage facilities are provided a condition is required to ensure that the submitted details are implemented.

20. The Council has suggested a condition to remove permitted development rights for windows, dormers and rooflights. However, given the variety of dwellings in the vicinity and my analysis of the character of the area, together with the distances to neighbouring dwellings, this is not necessary to safeguard those interests. A condition has also been suggested limiting construction hours but as the site is not particularly constrained or close to neighbouring dwellings, and, with regard to the scale of development proposed, this is not necessary to protect living conditions.
21. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the National Planning Policy Framework.

Conclusion

22. For the reasons given, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1717/40; 1717/60/H; 1717/71/D; 1717/72; 1717/80 rev A; 1717/1000/F; 1717/1001; 1717/2001; 1717/2002.
- 3) Prior to the commencement of the development hereby permitted, water sampling and an eDNA analysis to test the pond adjoining the development site for the presence of Great Crested Newts shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority. If the analysis reveals the presence of Great Crested Newts within the pond, then the following shall apply:

No site clearance shall take place, no vegetation shall be removed from the site area within the red line and no development (including demolition) shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- Details of the type and position of fencing required to deter newts from entering the development site.
- Details of measures required to minimise the risk of newts being harmed during the works, e.g. during demolition, excavations and earthworks, use of stockpiled materials and vegetation removal.
- A commitment to ensure that an Ecological Clerk of works is present on site when works commence to oversee erection of Heras, newt and any other necessary fencing.

- A commitment for the Ecological Clerk of Works to be present once a month during the key period of newt activity from March to June to ensure the CMS is being implemented.
- Details of compensation habitat which will be provided to offset the loss of grassland and other habitat within the application boundary.

The development shall be implemented in strict accordance with the measures and timings set out in the agreed CMS.

- 4) The development hereby approved shall not be commenced until a detailed mitigation strategy to avoid adverse effects on bats and birds including a timetable for the delivery of any measures has been submitted to and approved in writing by the Local Planning Authority.

All the bat and bird mitigation and compensation measures shall be provided and available for use at the time specified in the approved strategy and shall be maintained in situ for the lifetime of the development.

- 5) 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 the Local Planning Authority has been provided with written confirmation that 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.

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 site investigation may be necessary. Mitigation and remediation measures shall then be agreed in writing by the Local Planning Authority, implemented and thereafter maintained in accordance with the details and agreed timings for the works.

- 6) No development shall commence above slab level on site until details of the materials listed on the elevation plans hereby approved have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be maintained as such.
- 7) No part of the development hereby permitted shall be first occupied until the access, turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.
- 8) No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.
- 9) The dwelling hereby approved shall not be occupied until a suitable means of drainage for foul water has been provided for and connected to the development, in accordance with the details of a package treatment plant submitted with the application. The foul water drainage facilities shall thereafter be maintained as such.