



Appeal Decision

Site Visit made on 19 April 2021

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

an Inspector appointed by the Secretary of State

Decision date: 3 June 2021

Appeal Ref: APP/U3935/W/20/3265305

Barn Cottage Swindon Road, Highworth, SWINDON, SN6 7SL

- 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 Adrian Sykes of Skye Property Group Limited against the decision of Swindon Borough Council.
 - The application Ref 20/0732, dated 17 June 2020, was refused by notice dated 3 December 2020.
 - The development proposed is for the erection of 5 number Dwellings (Access, Layout and Scale not reserved)
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Skye Property Group Limited against Swindon Borough Council. This costs application is set out with a separate decision.

Preliminary Matters

3. The description of development comes from the Appeal Form as this is a more detailed and precise description than that on the Application Form.
4. The appellant states that the Council failed to determine the planning application, though there is a Decision Notice. It may be that the Council Decision Notice was after the date of an agreed extension of time, but it is apparent that this was issued before the appeal was made. I have taken the reasons for refusal in the Council Decision Notice into consideration when defining the main issues.
5. The appeal seeks outline permission with all matters reserved except for access, layout and scale. In so far as the submitted plans and drawings show details of matters other than the access, layout and scale, I have treated those as being purely illustrative.

Main Issues

6. The main issues are the effect of the development on (1) the character and appearance of the area, and (2) the living conditions of occupiers of existing dwellings.

Reasons

Character and Appearance

7. The proposed dwellings are set to the south of the village of Highworth. It is outside of Highworth's Settlement Boundary and so in policy terms is within the open countryside. Indeed, from my observations on site is to the rear of a line of several houses in spacious plots which front the A361 Swindon Road in what is a rural location. They are physically separate from the edge of Highworth and I would not regard them as being within this village. Furthermore, the existing houses do not themselves constitute a settlement, being a small amount of dwellings with no other facilities or services, for example.
8. The existing houses adjacent to the site are typical of a sporadic ribbon of houses and agricultural buildings either side of the A361 between Swindon and Highworth. A predominant feature of the houses along the A361 in this area is that they are positioned close to the road frontage, often with large gardens to the rear. The built development is confined mainly towards the edge of this highway with the rural landscape to the rear.
9. However, the proposed development would result in a group of new dwellings set behind this row of existing houses, which would not reflect the pattern and layout of housing in this area. Moreover, the dwellings would project the extent of built development into the countryside, away from the A361.
10. The appellant claims the site to be all part of the curtilage of Barn Cottage. However, from my observations on site, the land to the rear of Barn Cottage does not appear to be garden land, but some kind of field or paddock. There is a rear garden enclosed adjacent to Barn Cottage, which has a similar depth to the neighbouring gardens. There are some dilapidated structures, but most of the site is open and undeveloped. From the evidence provided I am not persuaded that this is all the rear garden of Barn Cottage and therefore previously developed land. In any case, as the site currently is mainly undeveloped it positively reflects the character of this rural area. The proposed dwellings across this site would erode this openness and be harmful to the landscape.
11. Whilst not fully visible from many vantage points (especially with additional planting), a development of the scale proposed would be apparent within the landscape as a new build housing layout on what was an open rural part of the landscape, set away from the A361, and not reflecting the typical ribbon development of housing fronting this highway.
12. My attention has been drawn to other housing developments within the area. However, while there may be some similarities to that proposed in this case, there are also significant differences to their location and layout. As such, they do not set a precedence for allowing the five houses proposed in this appeal.
13. The proposal is therefore harmful to the character and appearance of this rural location, contrary to policies DE1 and EN5 of the adopted Swindon Borough Local Plan. These policies require development to respect existing built characteristics and to conserve the intrinsic character of landscape, amongst other things.

Living Conditions

14. The proposal would result in the access road to the houses running past the side of Barn Cottage. This would result in some level of increased noise and possible disturbance for occupants. However, this is a proposed development of five houses and so the level of traffic along this access lane would not be substantial. In such circumstances the level of noise and disturbance this would result in would not be significantly adverse.
15. As such, the proposed development would not result in harm to the living conditions of those at Barn Cottage or any other adjacent existing property, thereby being in accordance with policy DE1 of the adopted Swindon Borough Local Plan, which requires that development respect amenities from noise for example.

Planning Balance

16. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the National Planning Policy 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.
17. The proposal would provide dwellings towards the local housing supply. There would be economic benefits from the construction of the dwellings, and this could be considered an efficient use of the site. I acknowledge that the proposed dwellings would be self-build, which is a form of development which has been supported by the Government. The design could also reflect some of the rural characteristics of the area.
18. Other benefits would be the use of renewable energy generation on site and electric car charging points, together with sustainable drainage systems and dwellings which are conducive to home working. There would also be some additional planting and biodiversity enhancements. All of which have environmental benefits.
19. Whilst there are benefits, the scheme is relatively small in scale and so these benefits would be limited. However, the harm to the character and appearance of the rural landscape as 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, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations, including the Framework.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR

