



Appeal Decision

Site Visit made on 12 July 2021 by B Phillips BSc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/Y3940/W/21/3271968

Land at Lower Stanton Farmhouse, Avil's Lane, Lower Stanton St Quintin, SN14 6BY

- 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 & Mrs Robert Chanter against the decision of Wiltshire Council.
 - The application Ref 20/08732/OUT, dated 21 October 2020, was refused by notice dated 21 January 2021.
 - The development proposed is Outline - erection of detached dwelling with means of access and siting not reserved.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. This is an outline planning application with approval being sought for siting and access only. I have considered the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than siting and access.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to it within this decision would not be unreasonable to the parties.

Main Issues

5. The main issues in this case are whether the appeal site is suitably located for a new dwelling having regard to local and national planning policy and the accessibility of services and facilities; the effect of the proposed development on the character and appearance of the area and the setting of a nearby listed building.

Reasons for the Recommendation

Location

6. The appeal site is located on the north east edge of Lower Stanton St Quintin, which is defined in the Wiltshire Core Strategy (CS) as a Small Village without a defined settlement boundary.
7. Although CS Core Policy 10 seeks to direct housing towards the most appropriate locations, principally in respect of services and facilities and transport accessibility, CS Core Policy 1 establishes that within Small Villages *'some very modest development may be appropriate, to respond to local needs and to contribute to the vitality of rural communities.'* This is on the basis that certain other criteria are satisfied as set out in CS Core Policy 2, including that development will be limited to infill within the existing built area, which is defined as the *'filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.'*
8. The appeal site is made up of a field directly next to Lower Stanton Farmhouse, and whilst it is clearly managed with established boundaries on all sides, it appears outside its residential curtilage. It is noted that a certificate of lawfulness¹ for the residential use of the land was amended to exclude the appeal site. Beyond the appeal site are agricultural fields.
9. Lower Stanton Farmhouse is the final property on the northern side of Avil's Lane, extending out of the settlement and marks the extent of the built area of the village on this side of the road, with countryside beyond. The appeal site lies outside of the built area of the village and the proposal cannot be defined as infilling because such development would need to be between existing development within the built area to satisfy CS Core Policy 2 which would not be achieved in this case. Moreover, the proposal would elongate the village on this side of the road, in conflict with the aims of CS Core Policy 2 and it has not been substantiated that the new dwelling would meet the housing need of settlements. The location of road signage does not impact nor identify the extent of built form.
10. The appellants point to a new property recently constructed on Avil's Lane², however it appears that this dwelling sits between two existing properties and therefore is clearly an infill development. As such, it is not comparable to the appeal site.
11. Furthermore, I observed that Lower Stanton St Quintin did not have services and facilities to meet the day to day needs of the intended future occupiers of the new dwelling, with facilities limited to a Petrol Station shop, located on the other side of the A429 running past the village. There are also bus stops located within walking distance of the appeal site, providing access to nearby settlements where there are further facilities, however, no bus timetables have been submitted so it is not possible to be certain that the times of buses would be suitable for people to travel to places of work, education, and shops. There are almost no employment opportunities and no schooling opportunities within the village.

¹ Application reference 15/07854/CLE

² Application reference 17/0562/FUL

12. Accordingly, the intended future occupiers of the new dwelling would be likely to have a high reliance on a private motor vehicle to access day to day services. Once in their cars there would be a high probability that occupiers of the new dwelling would be likely to go further afield where there are a greater range of services and facilities. Consequently, the support that would be given by occupiers of the new dwelling to maintaining the vitality of the community would be unlikely to be discernible.
13. The dwelling would not be located where it would enhance or maintain the vitality of rural communities or allow occupiers of the dwelling a choice of transport modes to access nearby services.
14. Given my findings I conclude that the location of the appeal site is not suitable for a new dwelling because of the conflict with CS Policies Core Policy 1, Core Policy 2 and Core Policy 10, the aims of which are set out above, and the accessible location and sustainable transport requirements of CS Policies Core Policy 60 and Core Policy 61. These policies are in broad accordance with the Framework which requires that housing in rural areas is located where it will enhance or maintain the vitality of rural communities, support local services and promote sustainable transport modes.

Character and Appearance

15. The existing site is an open field, which, whilst surrounded by boundary treatment, is clearly separate visually from the residential curtilage of Lower Stanton Farmhouse. It makes a positive contribution to the rural appearance of the wider agricultural land to the east and north.
16. Although the design and scale of the dwelling is not before me at this stage, given the location of the proposed dwelling, in a prominent position when viewed from the highway, it would extend development and built form into the open countryside and natural landscape. A dwelling in this location would harm the existing rural landscape character of the site, irrespective of its scale or design and would be likely to urbanise this area of open countryside with built development and domestic paraphernalia contrary to CS Policies Core Policy 2, Core Policy 51 and Core Policy 57 which collectively require development to protect the character and form of the village and wider landscape. The proposal would also conflict with the Framework's aims of ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Heritage Asset

17. Lower Stanton Farmhouse is a two-storey early 19th century building, finished in stone with a slate roof. The building is Grade II Listed due to its special architectural or historic interest.
18. Under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The Framework is also clear that great weight should be given to a designated heritage asset's conservation and that its significance can be harmed by development within its setting.
19. Lower Stanton Farmhouse is set back considerably from the highway and is separated from the appeal site by an established stone wall. Originally it would

have had a close relationship with the open countryside, and the uninterrupted aspect to the east contributes to this, particularly as there is now built development to the west, and the detached garage of the property sited to the north east. There however remains a sense of open space around the Listed Building. This remaining degree of separation forms its setting which enables an appreciation of the building's historical significance from Avil's Lane.

20. When viewed from the highway, given the location of the proposed dwelling, in addition to the slightly raised level of the appeal site compared to the highway, the dwelling would sit prominently in front of the listed building, and would impact the way the listed building is experienced. Whilst sited some distance from the farmhouse, the enclosing of the farmhouse with residential dwellings/curtilage and built form to each direction would erode the open aspect in this direction and harmfully impact its setting.
21. As such, the loss of the existing open appeal site would result in harm to the significance and setting of the listed building. Given the separation distance between the proposed siting of the new dwelling and the listed farmhouse, this harm amounts to less than substantial, which paragraph 202 of the Framework advises must be weighed against the public benefits.
22. The benefits of the development would be limited to the addition of a new dwelling, supported by the Framework's objective of significantly boosting the supply of homes, along with associated economic benefits. Given the limited quantum of development, these public benefits would be minor and do not outweigh the identified harm to the setting of the listed building and its significance as a designated heritage asset. The proposal would therefore conflict with the protection of heritage asset requirements of CS Core Policies 57 and 58 and national policy in the Framework in this respect.

Planning Balance and Conclusion

23. The Council acknowledge that they are unable to identify a 5-year supply of housing land, as required by paragraph 74 of the Framework. The Council set out that the figure is 4.56 years supply which is clearly a shortfall to which I attach considerable weight.
24. In these circumstances, paragraph 11 d) of the Framework sets out at footnote 8 that the policies which are most important for determining the application are out-of-date in respect of applications involving the provision of housing.
25. Accordingly, it requires planning permission to be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Importantly, footnote 7 includes policies relating to designated heritage assets as a Framework policy that seeks to protect areas or assets of particular importance, which is a factor applicable in this appeal. Given this conflict, the presumption in favour of sustainable development does not apply.
26. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate

otherwise. Development which would conflict with and undermine the strategy of an approved development plan and the Framework when read as a whole would, in planning terms, be harmful.

27. For the reasons given above the appeal proposal would conflict with the spatial strategy for the area, would result in unsustainable travel patterns and a reliance on the use of the private car, would be harmful to the character and appearance of the area, and the setting of the Grade II listed Lower Stanton Farmhouse. Whilst the proposal would provide public benefits, including the provision of much needed housing in the area at a time when the Council is unable to demonstrate that it has a 5 year supply of deliverable housing land, and economic benefits associated with its construction and occupancy, the other material considerations in this case do not justify taking a decision other than in accordance with adopted development plan policy.

Recommendation

28. For the reasons given above, I therefore recommend that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should not succeed. It is therefore dismissed.

RC Kirby

INSPECTOR