



Appeal Decision

Site Visit made on 16 August 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/Y3940/W/21/3276180

Tynings Farm, 24 Bulkington Drive, Bulkington SN10 1SN

- 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 Mr and Mrs T Taylor against the decision of Wiltshire District Council.
 - The application Ref 21/01146/FUL, dated 3 February 2021, was refused by notice dated 30 March 2021.
 - The development proposed is holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for holiday accommodation at Tynings Farm, 24 Bulkington Drive, Bulkington SN10 1SN in accordance with the terms of the application, Ref 21/01146/FUL, dated 3 February 2021, subject to the conditions set out in the Schedule to this decision.

Applications for costs

2. An application for costs has been made by Mr and Mrs T Taylor against Wiltshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issues

4. The main issues are:
 - whether the principle of the proposed development is acceptable in terms of location; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location of Development

5. Policies CP1 and CP2 of the Council's Core Strategy¹ (CS) set out the overarching settlement strategy for Wiltshire, which generally directs development towards the most accessible and sustainable settlements in the district. Paragraphs 4.17 and 4.25 of the supporting text to these policies set out exceptions to the strategy, and identify certain types of development which may be permitted outside of these defined settlement limits. One of these exceptions is tourist accommodation.
6. Policy CP39 sets out the specific criteria that must be met before new tourist accommodation will be permitted, which vary depending on the particular location of the development proposed. In this case, the development would be located on the outer edge of Bulkington, which is defined in the CS as a "Small Village".
7. The second paragraph of the Policy says that "*outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages*". The wording of this policy is explicit that tourist accommodation need not be located "*in*" a large or small village, only that it should be "*close to*" them. On the basis that the proposed holiday accommodation would be on the very edge of the built-up settlement of Bulkington, it would clearly be "*close to*" a small village. The principle of development in this location would therefore be acceptable, subject to meeting the other requirements of the Policy.
8. The second paragraph of Policy CP39 goes on to say that "*any proposal needs to carefully consider the need to protect landscapes [...]. If new buildings are required in the countryside for tourist development, these should be directed towards the Local Service Centres and Large and Small Villages*". Putting aside any effects on landscape (dealt with later in this decision), any requirement for new buildings flows on from the exception provision of tourist facilities provided for in this paragraph. In other words, if new buildings are "*required*" in conjunction with new tourist and visitor facilities outside of the Principal Settlements and Market towns, then these should be directed towards Local Service Centres and Large and Small Villages. Given the holiday accommodation would be on the edge of Bulkington and therefore close to its associated facilities and services, the buildings forming part of the proposed development would be consistent with these requirements.
9. The criteria set out in the third paragraph of Policy CP39 will only apply where tourist accommodation is proposed "*away*" from Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. Such location would constitute an "exceptional case", thereby necessitating additional scrutiny. As the proposed development would be "*close to*" and not "*away*" from Bulkington, it would not be deemed an "exceptional case". As such, these criteria do not need to be met in this instance.
10. On this basis, I am satisfied that the location of the proposed holiday accommodation is acceptable in principle, and would comply with Policies CP1, CP2 and CP39 of the CS for the reasons set out above. Given the proximity of the proposed development to the built-up centre of Bulkington, I consider that the location of the development would offer reasonable access to local services given its rural location, and would therefore be consistent with Policies CP60 and CP61, which promote development which is not overly reliant on private

¹ Wiltshire Core Strategy (January 2015)

vehicle usage. The development would also be consistent with the Framework (2021), which is clear that sites to meet local business and community needs in rural areas are not always conveniently located within settlements.

Character and Appearance

11. The appeal site is located immediately south of Tynings Farm, on the southern edge of the village of Bulkington. The site comprises an area of grassed paddock which sits to the rear of the main farmhouse. The site is flanked by open countryside to the south and west, and on the opposite side of the road to the east of the site there is a recreation area which includes children's play equipment. Whilst the appeal site does have a rural character, it is located immediately adjacent to the built fabric of the village and its associated facilities.
12. The proposed development would comprise a single storey "L" shaped building, which would include 3 separate units of holiday accommodation. In terms of size and scale, it would be relatively modest and would retain a large area of the grassed paddock. This ensures the verdant and rural quality of the wider site would be retained. The accommodation would be sited sympathetically towards the inner curvature of the boundary hedge, which would ensure its visual impact along the road would be relatively limited. In terms of materials, the timber cladding and clay roof tiles would be typical of other agricultural outbuildings in the area, and entirely appropriate to the rural location. I'm therefore satisfied that the design of the development would complement the rural qualities of the area, and its siting would adequately conserve the open landscape to the south and west of the site.
13. Notwithstanding this position, the design, size and location of the proposal bears significant resemblance to the stables already consented under planning permission Ref 17/02950/FUL. This permission remains extant, and I have no reason to doubt the appellant's assertion that the stables would be constructed if the proposed development were not permitted. The distinct similarity in terms of visual impact between the proposed development and this legitimate fallback position therefore carries weight in my decision.
14. For these reasons, I am satisfied that the development would not harm the character and appearance of the surrounding area. The development would be consistent with Policies CP39 and CP51 of the CS, which require new development to protect, conserve and where possible enhance the landscape character of the area. The development would also be consistent with the overarching design objectives of the Framework (2021).

Other Matters

15. Whilst I note the Council's arguments relating to the criteria set out in the third paragraph of Policy CP39 of the CS, as highlighted above, these criteria would not need to be met in this instance given the location of the proposed development "close to" the village of Bulkington.

Conditions

16. The Council has provided a suggested list of conditions which I have reviewed and amended in line with the Framework and the relevant Planning Practice Guidance.

17. I have included a plans condition for certainty over the approved development. To ensure the development is retained as holiday accommodation, conditions have been included to regulate occupancy in this way.
18. I have included a condition which requires the landscaping to be carried out in the first available planting season prior to occupation (or completion of the development if sooner), to ensure this is properly provided in accordance with the approved details. The landscaping must be maintained for at least 5 years, which will allow sufficient opportunity for it to mature.
19. To ensure appropriate highway safety, the access must be provided prior to first occupation. Finally, a condition has been included to ensure drainage is properly planned for and implemented as part of the development.

Conclusion

20. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is allowed.

James Blackwell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: Location Plan; Block Plan TT/B/02/20AB; Proposed Elevations and Floor Plans TT/B/01/20.A; and Mitigation Strategy WHL-1168-01.
3. The accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence at any time. An up-to-date register of names and main home addresses of all occupiers shall be maintained and made available at all reasonable times to the Local Planning Authority.
4. No person(s) shall occupy the holiday accommodation for a continuous period of more than 1 month in any calendar year and the accommodation shall not be re-occupied by the same person(s) within 28 days following the end of that period.
5. All soft landscaping comprised in the landscape Mitigation Strategy (Ref WHL-1169-01) submitted as part of the Landscape Report for Proposed Holiday Accommodation dated January 2021 by WHLandscape shall be carried out in the first planting season and seeding season following the first occupation of the development or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. The development shall not be occupied until the means of access for vehicles, pedestrians and cyclists has been constructed in accordance with the approved plans. The access shall be retained thereafter.
7. The development shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been approved in writing by the Local Planning Authority. Once implemented, the drainage works shall be retained thereafter.