



Appeal Decision

Site Visit made on 28 July 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/Y3940/W/20/3262812

Hambrook Farm, Thornhill, Royal Wootton Bassett SN4 7RZ

- 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 Williams against the decision of Wiltshire Council.
 - The application Ref 20/05588/FUL, dated 6 July 2020, was refused by notice dated 2 October 2020.
 - The development proposed is demolition of existing barn and erection of a new dwelling with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing barn and erection of a new dwelling with associated works at Hambrook Farm, Thornhill, Royal Wootton Bassett SN4 7RZ in accordance with the terms of the application, Ref 20/05588/FUL, dated 6 July 2020, subject to the following conditions:-
 - 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: 1801 001, 1802 002, 101 revision 2, 102 revision 2 and 105 revision 2.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling hereby permitted shall be carried out, other than those expressly authorised by this permission.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be erected or provided within the curtilage of the dwelling hereby permitted.

Applications for costs

2. An application for costs has been made by Mr & Mrs Williams against Wiltshire Council. This is the subject of a separate Decision.

Preliminary Matter

3. The National Planning Policy Framework (the Framework) was revised in July 2021. I have considered comments from the main parties on the Framework as part of my assessment.

Main Issues

4. The main issues are (i) whether the proposal would be in a suitable location having regard to the policies of the Wiltshire Core Strategy 2015 (CS), the North Wiltshire Local Plan 2006 (LP) and the Framework, and (ii) its effect on the character and appearance of the area.

Reasons

Suitability of location

5. The site lies outside any settlement as defined under the CS or the LP. Also, the new dwelling would be a significant distance from any settlement or services and so it would not be located where it would enhance or maintain the vitality of rural communities. The appellant makes no case that the proposal would comply with any of the CS or LP policies that allow new housing in the countryside. Moreover, the scheme would not accord with any of the situations when isolated homes may be acceptable as specified in the Framework.
6. As such, I conclude the development would not be in a suitable location in light of CS and LP policies and the Framework. In these regards, it would be contrary to CS Core Policies 1, 2 and 19 and LP policy H4. Amongst other things, these direct growth and new housing to defined settlements and resist new homes in the countryside except in certain circumstances.

Character and appearance

7. The barn forms part of a small complex of buildings, surrounded by flat open fields. A public footpath is in the adjacent field but away from the site.
8. The proposal would be in the same position as the barn and of similar form, although it would be slightly taller and wider. However, the increase in volume and floor area would be marginal and indiscernible, particularly when viewed at a distance such as from the footpath. As it would also be seen as part of the complex, the house would avoid any appreciable loss of openness and would cause no detriment to the intrinsic beauty of the countryside.
9. Therefore, I conclude the proposal would not harm the character and appearance of the area. In these regards, it would accord with CS policies 51 and 57 which, amongst other things, seeks to ensure development is sympathetic to and protects landscape character.

Fallback position and planning balance

10. The site benefits from an approval as required under permitted development rights that allow the barn to be converted to a dwelling house. Also, planning permission has been granted for various amendments to the approved conversion scheme.
11. The appellants' submissions highlight construction methodology issues with the approved developments. Nevertheless, contrary to the Council's claim, there is

no substantive evidence that demonstrates insurmountable economic or other problems exist that would prevent the approved works from taking place. Indeed, correspondence indicates that a new dwelling would be provided regardless as to the outcome of this appeal. As such, there is a greater than theoretical possibility that the conversion would be carried out even if I dismiss the appeal. Therefore, the approved schemes represent a fallback position.

12. The proposal would be very similar to the approvals in terms of its size and internal layout. As such, it would have almost identical impacts in terms of its usage, the need to travel and its effects on the visual qualities of the area.
13. The approved schemes involve various alterations to the barn, although elements would be retained. In contrast, the proposal would include complete demolition and the erection of a new building. However, I am unclear from the submissions as to the harm that would arise as a consequence of this difference. The particular circumstances in respect of this case are unusual and so I am satisfied allowing this appeal would not set a precedent that is bound to be followed in the determination of all future planning applications.
14. Overall, the effects of the development would be almost identical to the approved schemes. As there is a real prospect they would be implemented, the fallback position attracts significant weight which outweighs that attributed to the harm identified under the first main issue.

Conditions

15. I have considered the list of conditions suggested by the Council, having regard to the tests set out in the Framework. For reasons of clarity, a condition is imposed that requires the development to be carried out in accordance with the approved plans. There is no need for a separate external materials condition as details are indicated on the drawings. Also, I am unclear why a condition is necessary that requires boundary treatment to be a post and rail fence. The application form indicates a post and wire fence and this would be appropriate to the area. Therefore, the suggested condition is not imposed.
16. Conditions that remove permitted development rights for extensions or alterations and buildings on the site are justified as the dwelling provided under the conversion schemes would not have such rights. However, I have amended the wording of these conditions for reasons of precision and so they correspond with the relevant parts of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Conclusion

17. The proposal would be contrary to development plan policies in respect of the suitability of its location. However, the weight to be attributed to the fallback position is sufficient to justify granting planning permission contrary to the development plan. Therefore, I conclude the appeal should succeed.

Jonathan Edwards

INSPECTOR