



Appeal Decision

Site Visit made on 11 August 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/Y3940/W/21/3273155

The Royal Oak, Amesbury Road, Shrewton, Salisbury SP3 4HD

- 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 Mews Shrewton Ltd against the decision of Wiltshire Council.
 - The application Ref 20/10339/FUL, dated 20 November 2020, was refused by notice dated 11 March 2021.
 - The development proposed is the proposed demolition & conversion of existing buildings into new dwelling and erection of 5 new dwellings with associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed demolition & conversion of existing buildings into new dwelling and erection of 5 new dwellings with associated landscaping at the Royal Oak, Amesbury Road, Shrewton, Salisbury SP3 4HD, in accordance with the terms of the application, Ref: 20/10339/FUL, dated 20 November 2020, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mews Shrewton Ltd against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. Policy CP57 of the Wiltshire Core Strategy (2015) (the WCS) concerns ensuring high quality design and place shaping, and, amongst other matters, provides that development is expected to enhance local distinctiveness, responding positively to the existing landscape and townscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting, and that development makes efficient use of land whilst taking account of the characteristics of the site and the local context.

6. The appeal site comprises buildings and land located either side of the A360 highway within the large village at Shrewton. On the eastern side of the A360 highway, the site comprises a substantial linear building with associated outbuilding and sloping external amenity space to the rear. The evidence before me confirms that the existing linear building is a former public house which is currently in use as a single residential unit. On the western side of the A360 highway, the site comprises an area of hardstanding used as a layby and for parking associated with the existing, abovementioned, residential unit on the opposite side of the road.
7. The appeal scheme proposes the demolition of the existing former public house and the erection of four dwellings to form a terrace which would stagger up in height following the slope of the adjacent highway. The proposal further seeks to convert the existing outbuilding located in the southern section of the site into a single storey, single bedroom dwelling, with a further dwelling being proposed to be positioned within the abovementioned parking layby located on the opposite side of the highway from the former public house.
8. The appeal site is surrounded by residential development of varying scale, styles and designs, and is located in a prominent position adjacent to the highway as it passes through the village. The former public house is a somewhat attractive red brick and render building, with clay tiles, bay windows and breaking eaves dormers. The proposed replacement terrace of new dwellings would have a similar external appearance to the existing building in terms of materials, would be uniform in terms of scale, but would be set back further from the highway.
9. In respect of the proposed terrace of replacement dwellings, the Council have put it to me that the dwellings would appear squeezed or forced into their plots given the nature of the external space available for each of the proposed units, the parking and bin storage arrangements and by reason of the configuration of the dwellings.
10. With regards to these concerns, based on the evidence and submissions in this appeal and from observations made on my visit, I find that the proposed terrace of dwellings would provide sufficient parking arrangements which could be conveniently accessed from the dwellings, and would provide sufficient space in the context of the size of the proposed dwellings. Whilst the rear garden areas would be steeply sloped in parts, each of the proposed dwellings would provide sufficient space such that the individual dwellings would not appear cramped within their plot.
11. Whilst the internal configuration of the proposed dwellings would be somewhat unusual, the relationship between the rear of the units and the associated garden land would not result in a form of development that would appear forced or cramped into the plot. As such, and given the design and proposed materials, in my view I find that the proposed terrace of dwellings would contribute positively to the character and appearance of the surrounding area.
12. In respect of the outbuilding located in the southern section of the site, I find that, whilst the building would be positioned adjacent to the pedestrian footway and would provide external amenity area which is sloped, the proposal would retain the scale, character and appearance of the building while providing sufficient amenity space such that it would not look out of place or cramped into its plot. Whilst I also acknowledge that parking for this unit would share

the parking arrangements with the proposed terraced dwellings to the north of the appeal outbuilding, that arrangement would not alter my finding that the proposed conversion of this building would not have an adverse effect on the character and appearance of the surrounding area.

13. As noted above, the appeal scheme also includes provision of an additional dwelling unit to be located on the opposite of the A360 highway. The design and scale of this additional residential unit would largely replicate the design and scale of the units that would form the abovementioned proposed terrace of dwellings. However, it is noted that this proposed unit would not replicate the proposed terrace of dwellings in terms of orientation, being positioned with a side elevation facing the adjacent highway. Furthermore, the plans and evidence indicate that separate parking space would be provided within this plot, to be located south of the proposed new dwelling.
14. The Council have put it to me that the plot is narrow and given the constraints of the site and the arrangements of parking spaces to serve that dwelling, the proposed dwelling would appear cramped within its plot, thereby being detrimental to the character and appearance of the surrounding area.
15. However, the evidence before me confirms that this plot has a greater width than the width of the individual plots which form the proposed terrace of dwellings and it is noted that the parking arrangement would replicate the position as provided for in relation to the existing dwelling at the former public house. The proposed unit would be located close to the junction between the A360 highway and Salisbury Road and whilst being orientated with the side elevation facing the adjacent A360, given its scale, design and use of materials that would replicate those opposite, the proposed unit would not look out of place nor would appear cramped within its plot. The proposed dwelling would make efficient use of the site and would improve the appearance of this untidy site.
16. In summary of the above, I find that the appeal proposal as a whole would not have an adverse effect on the character and appearance of the surrounding area. The design of the proposed units and the associated parking arrangements would not, in my view and for the reasons given above, result in a form of development that appeared cramped or which would represent overdevelopment.
17. The appeal scheme would respond positively to the existing surrounding built form in terms of height, mass, scale, plot size, design and materials and would integrate well within its setting, whilst making efficient use of land. The proposed development would therefore not conflict with Policy CP57 of the WCS. For the same reasons, the proposal would not fail to accord with the provisions of the National Design Guide and would accord with those parts of the Framework which concern making effective use of land and achieving well designed places.
18. The proposed development would provide limited economic benefits in terms of employment opportunities during the construction and conversion of buildings and through the future spend of residents within local businesses. The proposal would not have a harmful effect on the character or appearance of the area and would enhance the appearance of that part of the site currently used as a car parking layby. The proposed development would provide environmental benefits in terms of efficient use of an untidy site and would provide social

benefits in terms of contribution towards a shortfall in housing land supply at a location with convenient access to the services and facilities contained within Shrewton. Whilst these benefits are, cumulatively, moderate in scale, they are materially positive in nature.

Other Matters

19. Interested parties raise additional concerns with regards the appeal scheme, in respect of highway safety, the living conditions of future residents and nearby residents, drainage and disturbance during construction.
20. With regards to highway safety, all of the proposed units would have sufficient parking spaces and would not require future residents to cross the highway. The parking spaces provided for the abovementioned terraced dwellings and outbuilding to be converted, would provide sufficient space to manoeuvre for vehicles to enter and exit in forward gear. Whilst the spaces proposed to be provided for the single dwelling located on the western side of the A360 highway would not provide additional manoeuvring space, the position reflects that as currently exists with parking for the permitted dwelling at the former public house. The evidence indicates that the proposal would provide sufficient visibility splays and, in combination with the above, I find that the scheme would not have a harmful effect with regards to highway safety.
21. In terms of drainage, the evidence confirms that those dwellings that are proposed to be situated on the eastern side of the A360 highway will be provided with a communal soakaway with the plot of the western side of the highway having its own soakaway. In the absence of any substantive evidence to the contrary, I do not find that the proposal would have a harmful effect on drainage.
22. In the context of the effect of the proposal on living conditions, whilst I note the concerns regarding disruption and disturbance during construction, such disruption would be temporary. In terms of future occupants, the proposal would provide sufficient parking and would provide sufficient internal and external amenity space. Whilst it is noted that some of the bedrooms at the rear of the proposed terrace of dwellings would not provide direct outlook into the associated garden area, users of those rooms would benefit from natural light provided by rooflights. I therefore find no harm in respect of the living conditions of future residents.
23. Planning history for the area confirms that planning permission was previously granted for housing to be located to the west of the site and which remains extant. In this respect, the proposed dwelling to be located on the western side of the A360 highway, would be positioned on higher ground and away from the previously permitted housing. Based on the evidence before and on observations made on my visit, given the orientation and position of the proposed single dwelling within that plot, I find that the proposed development would not adversely affect the living conditions of residents with regards to overlooking or loss of privacy.
24. The appeal site is located within 6.4km of the Salisbury Plain Special Protection Area (the SPA) and the appeal scheme could result in potential adverse effects on the integrity of this protected area. The qualifying features of the SPA include breeding populations of stone curlew. In combination with other

- development, additional residents from the appeal scheme could increase disturbance of ground nesting birds such as the stone curlew.
25. I have been provided with the HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from residential development) (Reviewed in May 2018) (the Mitigation Strategy) which sets out the approach to the management of recreational pressure on the SPA. This approach involves the monitoring of visitors, monitoring of species and careful management of appropriate habitat. The Mitigation Strategy provides that funding for the mitigation is provided from the Community Infrastructure Levy (the CIL).
26. The appeal scheme also has the potential to cause adverse effects, either alone or in combination with other developments, on the integrity of the River Avon Special Area of Conservation (the SAC) through the discharge of phosphorus in wastewater that could adversely affect water quality.
27. I have been provided with a copy of a memorandum of understanding between Wiltshire Council and other relevant local authorities, Natural England, Wessex Water and the Environment Agency, which agrees to deploy a range of measures to ensure that development is phosphorus neutral. Wiltshire Council's approach for achieving neutrality is to be provided through measures which include, amongst other things, new wetlands and woodlands located in the headwaters of the River Avon sub-catchments. Funding would be provided from the CIL.
28. Natural England have confirmed that the measures set out in both the memorandum of understanding for the SAC and the Mitigation Strategy for the SPA, are sufficient to avoid adverse effects on the integrity of the above identified protected sites. Therefore, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended), I conclude that adverse effects on the integrity of the above identified sites would be avoided.

Conditions

29. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.
30. In the interests of biodiversity and ecology, it is necessary to include conditions which require the development to be carried out in accordance with the submitted construction environment method statement and ecology reports. I further find it reasonable to include conditions requiring details of any soft and hard landscaping, external finish and materials, be agreed with the Local Planning Authority, in the interests of preserving the character and appearance of the surrounding area. For the same reason, it is reasonable to require that the development accord with the submitted arboricultural impact assessment.
31. In the interests of highway safety, it is reasonable and necessary to include conditions regarding provision of visibility splays, parking areas and cycle parking facilities prior to occupation and that details of the footpath be agreed with the Council.

32. The Council has recommended conditions removing permitted development rights. However, the Planning Practice Guidance provides that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. Paragraph 54 of the Framework provides that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. No substantive case has been made in this instance which clearly justifies the removal of these permitted development rights. Consequently, I have not included those suggested conditions which seek to restrict permitted development rights.
33. The Council has further suggested a condition that occupation of the appeal scheme should be restricted until works have been implemented to avoid private water entering the highway. However, I find that the suggested condition is not precise with regards to the requirements and accordingly I have amended the wording of this suggested condition to require that details of the proposed surface water drainage works be submitted and approved prior to occupation of the proposed dwellings.
34. The Appellant have been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement conditions and these have been agreed by the Appellant.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: Proposed Elevations Plots 1-4 and Plans for Plot 5 AH2020/44 Sheet 2 of 5, Proposed Floor Plans Plots 1-4 AH2020/44 Sheet 3 of 5 and Proposed Plot 6 & Street Scene AH2020/44 Sheet 4 of 5 received by the Local Planning Authority on 20 November 2020 and drawing number: Proposed Block Plan AH2020/44 Sheet 5 of 5 received by the Local Planning Authority on 20 January 2021.
3. No development shall commence above slab level on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels, contours and site sections through entire site;
 - means of enclosure and boundary treatment;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;
 - details of replacement trees for any trees that are shown on the approved plans to be felled. The replacement shall be of a compensatory size and species and in a location to be agreed. The replacement trees shall be planted in accordance with BS:3936 (parts 1 and 4); BS:4043; and BS:4428.
5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard

landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

6. The development hereby approved shall be implemented in full accordance with the submitted Arboricultural Impact Assessment from Treescene Arboricultural Consultants and dated November 2020.
7. No development shall commence on plot 6, hereby approved, until the junction visibility area (comprising a 2.5 metre wide strip parallel and adjacent to the A360 carriageway edge over part of the frontage of Plot 6, between the edge of the B3083 side road junction and a point 17.5 metres from the edge of the side road southwards (as identified coloured green on drawing number Proposed Block Plan AH2020/44 Sheet 5 of 5), has been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility area shall thereafter be maintained and kept free of obstruction for visibility in perpetuity.
8. No development shall commence on site until full details of the entire frontage of plot 6, showing it to be edged with full height kerbs, apart from across the access position which shall be dropped kerbs, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details prior to the first occupation of Plot 6 hereby approved.
9. No part of the development hereby approved shall be first occupied until the visibility splays for the access serving the parking area for plots 1-5, and the driveway for plot 6 as shown on the approved plans, have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter in perpetuity.
10. No development shall commence on site until full details of the footpath across the entire site frontage on the eastern side of the A360, identifying how this will be widened to 2 metres for its entire length, except across plot 5 where the building line prevents widening, and will be constructed, has been submitted to and agreed in writing by the Local Planning Authority. The footpath shall be implemented in accordance with the approved details prior to any of the development hereby approved being first occupied.
11. No part of the development hereby approved shall be first occupied until, at the point where there is an existing dropped kerb outside plot 5, the footway shall be reinstated to standard footway specification with a full height kerb to match existing.
12. The gradient of the proposed access shall not at any point be steeper than 1 in 15 metres from its junction with the public highway.

- 13.No part of the development hereby approved shall be first occupied until the access, turning area and parking spaces have been laid out, surfaced, marked out and completed in accordance with the details shown on the approved plans. These areas shall be maintained for those purposes thereafter in perpetuity.
- 14.No part of the development hereby approved shall be first occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for such use in accordance with the approved details at all times thereafter.
- 15.Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.
- 16.No part of the development hereby approved shall be first occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 17.The development hereby approved shall be carried out in strict accordance with the information submitted PEA, PRA and Bat Activity Surveys Report (ABR Ecology Ltd dated 20th November 2020). This shall include all mitigation and enhancements detailed under section 5 of the above report titled 'Mitigation, compensation, and enhancement strategy' and as modified by the Natural England Bat Low-Impact Class Licence (BLICL).
- 18.The development hereby approved shall be carried out in strict accordance with the submitted Construction Environment Method Statement Report (ABR Ecology Ltd, 20th November 2020).
- 19.No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the agreed details.
- 20.The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the Local Planning Authority for its written approval.