



## Appeal Decision

Site Visit made on 7 September 2021

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 September 2021**

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**Appeal Ref: APP/Y3940/W/21/3275575**

**Land Adjacent To 7 Norney Bridge, Norney Lane, Marston SN10 5SF**

- 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 Thorburn (Ralcro Limited) against the decision of Wiltshire Council.
  - The application Ref 20/09059/FUL, dated 16 October 2020, was refused by notice dated 4 December 2020.
  - The development proposed is described as "erection of a new dwellinghouse on the end of a plot of land forming part of existing development".
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has submitted a contamination risk assessment with the appeal which was not with the Council at the time it made its decision. Also, the appellant has provided a preliminary ecological appraisal and a tree survey/aboricultural assessment which the Council claims was not part of the planning application. These documents have not been the subject of any public consultation but the Council has had the opportunity to comment on their contents. The documents do not fundamentally change the proposal and so I am satisfied no injustice would be caused by taking them into account.

### Main Issues

3. 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) and accessibility, and (ii) its effect on the character and appearance of the area.

### Reasons

#### *Suitability of location*

4. Core Policy 1 of the CS sets out a settlement hierarchy which includes large and small villages. CS Core Policy 2 states that development outside the limits of large villages will not be permitted unless it accords with specified exceptions. CS Core Policy 12 defines Worton as a large village but the site is outside the defined settlement. None of the exceptions apply in this case.
5. CS Core Policy 2 states that at small villages, development will be limited to infill within an existing built area and where it does not elongate the village. Marston is defined as a small village under CS Core Policy 12 but the site is adjacent to a cluster of houses separate from the main built up area. As such,

it is dubious whether the proposal would be at a small village as defined under the CS.

6. In any event, the dwelling would be erected on land at the end of a row of houses with fields to the side and the rear. Therefore, it would not constitute infill development within a built up area, even when taking into account the house on the opposite side of the road. Instead, the proposal would be seen as an extension of the line of houses into the countryside.
7. The development would not be isolated from other dwellings but there are no facilities within the cluster. Apart from a church, Marston contains limited services. There is a school, church and pubs in Worton but the range of facilities are limited and unlikely to meet all of the day-to-day requirements of occupants of the development. As such, it is probable that residents would need to travel to a broader range of facilities at larger settlements further away from the site.
8. It is likely that Worton would be beyond a reasonable walking distance for some occupants of the proposal. The connecting route in parts includes no pavements or street lights so it is not entirely appropriate for pedestrians. The submissions mention a bus stop within 100 m of the site although this was not obvious on my visit. In any case, the evidence indicates that bus services are infrequent and so they are unlikely to provide a realistic option for travel to and from the development. Cycling distances to Worton and Marston would be reasonable but this would not be a suitable travel mode for many trips, particularly in inclement weather. Therefore, even when taking into account the rural location of the proposal, it is likely that the occupiers of the house would be unduly reliant upon car travel to access facilities.
9. For these reasons, I conclude the development would not be in a suitable location having regard to CS policies and accessibility. In these regards, it would be contrary to CS Core Policies 1, 2, 12, 60 and 61. As well as defining where development would be acceptable, these policies seek to reduce the need for car travel and to encourage the use of sustainable modes of transport.

#### *Character and appearance*

10. Despite the influence of the nearby houses, the area surrounding the site has a significant countryside feel by virtue of the adjacent fields, roadside hedgerows and narrow lanes. The site has a largely open interior with trees and hedges near to its boundaries. It has a more enclosed look compared to the open fields but nevertheless the vegetation and the site's openness make a positive contribution to the rural qualities of the locality.
11. New planting as well as trees and hedges to be retained would partially screen the proposed house from the road and surrounding land. However, I am unconvinced that this would totally obscure the dwelling, particularly when looking onto the site through the access gap and when approaching along the road from the south. In any event, vegetation cannot be relied upon to provide screening in perpetuity. As such, the development would lead to a loss of visual openness and would introduce a residential use which would noticeably erode the rural nature of the area.
12. The adjoining row of houses display a marked uniformity in terms of scale and design. The proposed house would be of a similar height but it would have an

unusual appearance with its ground floor external walls not aligned with those at first floor level so as to create overhangs and single storey projections at non-perpendicular angles. Also, its roof form would be out of the ordinary with a skewed dual pitch. The fenestration would be irregular and a mix of brick, render and thatch materials would be used on the external walls. As such, the proposal's appearance and form would be significantly at odds with the adjacent housing.

13. The cluster includes different types of dwellings, although they are predominantly of a regular form and design that reflects a traditional rural character. There are examples of rendered and thatched buildings and so the use of such materials in the proposal would not be entirely unusual. Nevertheless, the house would contain an incoherent range of external materials and would be of an irregular shape. As such, it would not meaningfully reflect local building styles.
14. The development would be away from the site boundaries and so it would not appear cramped. However, it would be in front of the adjacent houses and it would appear unduly conspicuous by reason of its forward position and unusual design, particularly if planting on the site dies or is removed. The proposal would provide a strong visual marker of the end of the built form but any benefit in this regard would not offset or address the incompatibility of the scheme to its surroundings.
15. For these reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with CS Core Policies 51 and 57 which aim, amongst other things, to ensure development protects landscape character and compliments the local context.

### **Other Considerations and Planning Balance**

16. The appellant highlights that the house adjoining the site was granted planning permission in 2001. I am uncertain of the factors that led to this permission but this decision was made before the CS was adopted and so it would have been assessed against different development plan policies. As such, I am not bound to follow the previous decision in respect of this appeal.
17. I have been referred to 2 appeal decisions<sup>1</sup> which were both allowed. These schemes are different to the proposal as the Inspectors found they would not be harmful to the character and appearance of the surrounding areas and would be in suitable locations. Therefore, they do not set precedents that I have to follow in my assessment.
18. The Council can only show a 4.62 year supply of housing land, below the minimum requirement of a 5 year supply. As such, under the terms of paragraph 11 of the Framework, the relevant development plan policies are deemed to be out-of-date. It follows to consider the benefits of the scheme against its adverse impacts in light of the Framework's policies.
19. There is little evidence to indicate that the site poses a particular fire risk. As such, I give little weight to the claim that the development would reduce the risk of fire.

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<sup>1</sup> Appeal decisions reference numbers APP/Y3940/W/16/3160950 and APP/Y3940/W/17/3176525

20. The scheme would not affect the living conditions of any nearby residents and would provide satisfactory accommodation for future occupiers. It has been designed to take full effect of the sun and it would include energy efficiency measures, renewable energy features and a sustainable drainage system. Acceptability in these regards is a neutral factor in my assessment.
21. It is proposed to remove the existing septic tank, which if retained may cause pollution to the natural environment. However, the contamination risk assessment states that no significant pollutant pathways have been identified which may give rise to unacceptable risk at the site. As such, any benefits in these regards attract limited weight.
22. The appellant's ecological assessment finds that the site has low ecological value. The proposed wildlife friendly area and new fruit tree planting would enhance this value, although the introduction of the dwelling and residential use would temper the benefits in these regards. This factor is attributed modest positive weight in my assessment.
23. For the reasons set out under the first main issue, the proposal would not represent development of a suitable site in an existing settlement. However, as a small scheme it is likely to be delivered quickly and it would make a contribution to the housing stock. Also, it would provide construction employment and residents may support businesses in the nearest villages. The benefits in these regards would be modest given that only a single unit is proposed.
24. The scheme would be contrary to the Framework's aim to promote sustainable transport. Also, as it would be set away from the nearest services, the house would not be located so as to maintain or enhance the vitality of rural communities. Moreover, it would be contrary to the Framework's provisions which seek to ensure development is sympathetic to the local context and recognises the intrinsic character of the countryside.
25. Overall, I find the adverse impacts of the development would significantly and demonstrably outweigh its benefits when considered against the Framework. Consequently, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.

## **Conclusion**

26. The harm identified in respect of the main issues means the proposal would not accord with the development plan policies when read as a whole. The overall benefits of the scheme and other factors are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR