



Appeal Decision

Site visit made on 24 August 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/Y3940/W/21/3269415

Netton Barn, Netton, Salisbury

- 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 G Rasch against the decision of Wiltshire Council.
 - The application Ref 20/06265/FUL, dated 24 July 2020, was refused by notice dated 28 October 2020.
 - The development proposed is change of use of existing redundant barn and land to create one dwelling, parking and residential curtilage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published after the determination of the planning application. The parties were given the opportunity to comment on this matter. I have had regard to the comments received and taken into account the revised Framework in my determination of this appeal.

Main Issues

3. The main issues are:
 - whether or not the existing building is capable of conversion to residential use without major rebuilding;
 - the effect of the proposed development on the character and appearance of the area;
 - whether or not future occupiers of the proposed dwelling would have reasonable access to local services;
 - whether the proposed development would provide satisfactory living conditions for future occupants, with regard to noise, smell and nuisance; and
 - the effect of the proposed development on a protected habitats site.

Reasons

4. The appeal site is formed of a small plot of land and a redundant single-storey barn. The barn was originally built to house poultry but has been used as an

informal store more recently. It lies to the south-east of Netton, a small, unclassified settlement and outside any defined settlement boundaries. It is therefore within the countryside.

5. Core Policy 48 of the Wiltshire Core Strategy 2015 (WCS) sets out that proposals to convert and re-use rural buildings for residential uses outside defined settlement limits will be supported where there is evidence that it can not be used for employment, tourism, cultural and community uses and it satisfies a number of criteria.
6. The Council agrees the building would not be appropriate for conversion to a commercial, tourism or community due to the remote location of the building and the likely increase in traffic arising from such uses. Its conversion to a residential use would need to satisfy the criteria set out under Core Policy 48. Relevant to this appeal are criterion (i) whether the building is structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; criterion (ii) the use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and criterion (iv) the site has reasonable access to local services.

Suitable for conversion

7. The existing barn is a timber framed structure set upon a concrete base. It has timber cladding to the walls and corrugated fibre cement sheeting forming a dual pitched roof supported by timber trusses. It has a number of windows to each elevation. Internally, the walls are lined with fibre board.
8. The proposed works would retain the existing timber frame but would replace all the timber wall cladding with new timber cladding and the cement sheeting to the roof with a slate roof. Insulation would be installed to the floor, walls and roof. The appellant has submitted a Structural Condition Report which concluded that the principle structural elements of the building are satisfactory and of an adequate condition for conversion to take place.
9. I observed that the building did not appear to be structurally unsound. The timber frame and trusses appeared to be in good order although there was evidence of some deterioration in the roof panels. The external timber cladding that I was able to see was also showing signs of age but no significant deterioration.
10. The structural report does not provide information on the structural implications of the proposal, notably with regard to the ability of the structure to support the new roof materials. However, it seems to me that the provision of some additional supports, if found to be necessary, would not in itself amount to major rebuilding of the structure or alteration to the building's character, the existing frame of which would be retained. Furthermore, with the works to the building retaining its existing form and the limited changes to its external appearance, the character of the original building would be preserved.
11. I have been referred to a recently dismissed appeal¹ at Land south-west of New Farm, The Fox, Purton where the Inspector found that the works would entail a

¹ APP/Y3940/W/20/325533

significant augmentation of the structure of the existing building. However, it appears in that case that the works required included extensive works including amongst other things rebuilding a section of the western elevation which is currently open, additional rafters and purlins and lowering the internal floor level. This significantly exceeds the works required in the scheme before me, which is seeking the conversion of a building which is entirely enclosed. I therefore do not find the circumstances to be directly comparable.

12. The Council has referred to the Hibbitt case². The appellant disputes its relevance as the issue before the Court related to the conversion of barns under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)³. It seems to me that irrespective of the legislative basis of this judgement, it is capable of being a material consideration in the circumstances of this case. However, the Hibbitt case involved a structure that was open on three sides unlike the appeal scheme which is essentially a complete building. It is not therefore directly comparable and this judgement does not alter my findings in respect of the appeal building.
13. I find that the existing building is capable for conversion to residential use without major rebuilding. The proposal would therefore comply with the requirements of Core Policy 48 in respect of criterion (i) as set out above.

Character and appearance

14. The appeal site is surrounded by open fields, accessed off a narrow lane enclosed by hedgerows. It is positioned in a slightly elevated position to the land due to the sloping topography of the area. This makes it visible in views from the surrounding area. Directly adjacent to the site there is a dilapidated barn and a further barn beyond that is screened from view by extensive vegetation.
15. The surrounding landscape is both rural, agricultural and largely undeveloped with the small cluster of development forming Netton to the north-west and a stretch of linear development to the south on Beech Walk. A standalone residential property, Hill View, occupies a plot at the corner of the lane and main road between Netton and High Post. The area is identified as a Special Landscape Area, a non-statutory designation, which seeks to protect the rural landscape outside the Area of Outstanding Natural Beauty.
16. The external materials, including the use of timber which would be similar to the existing cladding, and the replacement of the roof with tiles or slates, would not significantly alter the appearance of the building nor would it appear incongruous within the landscape. The building would also retain its existing form. However, the introduction of a residential garden albeit of a modest size, parking and other domestic paraphernalia within the rural landscape would be at odds with the agrarian character of its surroundings.
17. There would be some limited screening of the garden by the adjacent parking, however, this in itself would draw attention to the residential use of the site. Furthermore, whilst reference is made to the adjacent structure providing some

² Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

³ Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

screening, this building is partially collapsed and it seems it would be unlikely to remain in this form in the long term.

18. Inevitably the conversion of a rural building to residential use would give rise to domestication of the site. There are examples of small clusters of development locally but limited numbers of standalone properties within the immediate vicinity of the appeal site, Hill View being the most notable example. The domestic character and appearance of this property appears somewhat anomalous in the context of the surrounding agricultural fields but its position on the main road linking settlements provides some mitigation for this. The appeal proposal would have a similar effect but unlike Hill View would be set on a lane where there is no other residential development. The introduction of residential development and an associated domestic garden would erode the rural character in this location.
19. I conclude that the proposed development would cause moderate harm to the character and appearance of the area. It would therefore not comply with Core Policy 48 of the WCS in respect of criterion (ii) as referred to above, insofar as it relates to the character or appearance of the landscape. It would also not accord with Core Policy 57 of the WCS and Saved Policy C6 of the Salisbury District Local Plan 2003 which together seek development that enhances local distinctiveness and relates positively to its landscape setting and would not have an adverse effect on the quality of the landscape.

Access to local services

20. The proposal would not amount to an isolated dwelling although it lies within a relatively remote location. The nearest settlements providing a limited range of services are indicated to be approximately 1.5 kilometres from the site in the Woodford Valley villages which offer day to day services including a primary school, churches, pubs and a village hall. A greater range of services would be met by the larger settlements of Salisbury and Amesbury both of which would be under 10 kilometres from the site. A bus service operates twice daily between these two centres, stopping in Netton.
21. Whilst the bus stop would not be a far distance from the proposed house, access to it would be along an unlit lane with no footpath. This would be neither attractive nor convenient for future residents. Furthermore, the infrequency of the service is unlikely to make this an attractive option for future residents. It therefore seems to me that future occupants of the proposed dwelling would be highly likely to rely on a private car in order to access the range of services and facilities to meet their day-to-day needs.
22. I appreciate that the re-use of rural buildings would be unlikely to be in a highly accessible location and that some reliance on the use of the private car would be inevitable. This is reflected in Core Policy 48 criterion (iv) which requires reasonable access to local services and is less restrictive than Core Policies 60 and 61 of the WCS which together seek sustainable transport and guide development to accessible locations. These are nevertheless still relevant development plan policies.
23. However, as I have found the proposed development would be almost entirely reliant on the private car for access to basic day-to-day services and facilities, I cannot conclude that future occupiers of the proposed dwelling would have reasonable access to local services. The proposal would therefore conflict with

Core Policy 48 of the WCS in this regard. It follows therefore that it would also conflict with the aims of Core Policies 60 and 61 of the WCS as referred to above.

Living conditions

24. The appeal site is surrounded by agricultural fields. At the time of my visit, they were being grazed by sheep. Neither of the adjacent barns were in use due to their state of collapse and overgrowth of vegetation.
25. The proposed dwelling would be almost directly on the boundary with an agricultural field used for grazing livestock. A number of windows would face onto this field. An area of garden would separate the proposed house from the adjacent dilapidated barn, with several windows facing in this direction.
26. The proximity of the proposed dwelling to grazing animals could give rise to some nuisance from noise, odours and pests. More fundamentally, is the proximity to the dilapidated barn which could be repaired and brought back into use for agricultural purposes, including the housing of livestock. I acknowledge that the appellant has stated that the appeal site has not been used for agricultural uses for many years and he has no requirement for these buildings for that purpose. However, I have no firm evidence before me to suggest this could not happen. If this were to occur, the proximity of this building to the proposed house would give rise to unacceptable impacts on future occupants in respect of the nuisances identified above.
27. The appellant has suggested that the Council's EHO did not object subject to the imposition of a condition to deal with contamination that may be present within the appeal building. However, I note the EHO only raised no objection on the basis that the rest of the site was not going to be brought back into agricultural use. As I have set out above, I cannot be certain of this.
28. This leads me to conclude that the proposed development would not provide satisfactory living conditions for future occupants, with regard to noise, smell and nuisance. It would therefore conflict with Core Policy 57 of the WCS which requires appropriate levels of amenity to be achieved, having regard to the compatibility with adjoining buildings and uses, including the consideration of pollution such as noise and fumes. It would also not accord with the Framework which seeks a high standard of amenity for future users.

Habitats site

29. The appeal site is located within the River Avon Special Area of Conservation (SAC) catchment area. The SAC is designated for several species of wildlife that depend on pristine water quality typical of chalk rivers such as the Avon. The SAC is a habitats site and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). Regulation 63 of the Regulations prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the protected sites. I am the competent authority for the purposes of this appeal.
30. The SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen which may enter the river from sewage treatment works or from fertilisers in runoff from the farmland within its catchment. New residential development within the River Avon catchment area has the potential

to increase phosphate loading within the SAC. It therefore must be appraised in line with the Regulations by an appropriate assessment.

31. Since the appeal was submitted the Council has adopted a generic appropriate assessment with Natural England for the River Avon catchment where mitigation would be funded by the Council through contributions made via the Community Infrastructure Levy. However, the Council considers the appeal proposal, as speculative development, falls outside the scope of this appropriate assessment and a bespoke appropriate assessment would be required and mitigation would need to be funded by the appellant.
32. Irrespective of this, if I were minded to allow the appeal, as the competent authority I would need to undertake an appropriate assessment to confirm that the proposal would not adversely affect the integrity of the site. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further.

Conclusion

33. The proposed development would provide a single dwelling. This would make a very limited contribution to the Council's five year housing land supply.
34. I have found the building would be capable of conversion to residential use without major rebuilding. However, I have found that its conversion would cause moderate harm to the rural character and appearance of the area. The proposed development would also not have reasonable access to local services and would fail to provide satisfactory living conditions for future occupants due to its relationship with adjacent land uses.
35. The proposal conflicts with the development plan read as a whole and there are no material considerations to indicate that the application should be determined otherwise than in accordance with the development plan. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR