



Appeal Decision

Site Visit made on 20 July 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/Y3940/W/21/3273853

Poulton Farm, Poulton Hill, Marlborough, Wiltshire SN8 2LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs B Bull against the decision of Wiltshire Council.
 - The application Ref 21/00813/PIP, dated 22 January 2021, was refused by notice dated 25 February 2021.
 - The development proposed is the residential development of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have invited the views of the main parties on the recently published 2021 iteration of the National Planning Policy Framework (the Framework). I have asked for further comments from the main parties and, where received, have taken any comments made into account and referred to the new Framework in my decision.
3. The proposal is for permission in principle (PiP), a process that has two stages. The first stage establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages. The scope of the consideration for PiP is limited to location, land use and the amount of development. All other matters are part of the technical details consent stage.

Main Issues

4. This main issues are therefore (1) whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development; and (2) the effect of the proposal on the area with particular regard to the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Location of development

5. The appeal site is an area of land that mostly comprises a large agricultural building. The appeal site itself is relatively flat with a nearby residential dwelling located to the east on higher ground. The site is part of a small cluster of buildings and dwellings, with surrounding development being more loose knit than the nearby settlement of Marlborough. The site is within the North Wessex Downs AONB.

6. Core Policies 1 and 2 of the Wiltshire Core Strategy (CS) identify that the area is predominantly rural and sets out a clear settlement hierarchy for development. There is a general presumption against development outside defined settlement limits, which is strictly controlled, and development should only be permitted in line with exceptions under other policies. Core Policy 2 also seeks to prioritise the re-use of previously developed land, however as the last use of the site was agriculture it does not meet the definition of previously developed land.
7. The appellant argues that by virtue of the site's proximity to the services within the neighbouring settlement of Marlborough, which is identified as a Market Town by Core Policy 1 of the CS, it is thus a suitable location for residential development, which would contribute to the rural area's economy and social vitality. The appellant contends that the occupiers of the proposed dwellings would be able to walk to the services and facilities at Marlborough via a rural lane, and on to Poulton Hill, which leads into Marlborough.
8. In addition to the above, the appellant states that the occupiers of the proposed dwellings would have access to a range of sustainable transport options, which link Marlborough to other settlements where services and facilities are available; namely, a bus service on St Martins and that future occupiers could walk or cycle to the settlement.
9. On my site visit, I noted that the access to the site from Poulton Hill was a single width rural lane which has no pavements or streetlighting. I also noted that whilst Poulton Hill does benefit from a pavement the stretch to the outskirts of Marlborough did not have any streetlights. Given the distance between the site and Marlborough and the aforementioned road conditions, the use of the rural lane and Poulton Hill by the occupiers of the proposed dwelling, especially during the winter months where daylight hours are limited, to walk to services and facilities would not be an attractive alternative to the use of the private motor vehicle for most journeys. I note that third parties have raised concern regarding visibility at junctions, however during my site visit adequate visibility was available for entering and existing the site and nearby junctions.
10. Given the above, I consider that the proposed development materially conflicts with the spatial strategy of the CS, which promotes housing within Wiltshire's towns and villages.
11. In conclusion, the proposal would not provide a suitable location for housing having regard to the accessibility to services and facilities. Therefore, it would not accord with CS policies Core Policy 1, Core Policy 2, Core Policy 60, and Core Policy 61 which, amongst other things, seek to protect the countryside from inappropriate development and reduce the need to travel by private car. It would also not meet the aims of paragraph 8 of the Framework in terms of ensuring accessible services and facilities.

Character and appearance

12. The appeal site comprises a large agricultural building with yard and further agricultural buildings located to the south. Whilst the existing building is large and visible from a number of vantage points, including nearby rights of way and cycle routes, it is a traditional agricultural building in a rural setting.

13. The appeal site is located in the Cotswold Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act 2000 (CROW) places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Paragraph 176 of the Framework requires “great weight” to be given to those matters in decision making.
14. Whilst I acknowledge that this is a permission in principle application, where the technical details are to be agreed at a later stage, the proposal would remove a large building, which appears prominent within the rural landscape when viewed from surrounding vantage points. Development nearby is more loose knit than within Marlborough itself, however the site forms part of a small cluster of dwellings which are visually and physically close to the site.
15. The site at present has a neutral impact on the wider character and appearance of the area and AONB which is predominantly undeveloped fields, mature vegetation with wide-ranging views. The presence of a dwelling and associated domestic paraphernalia would not be an incongruous addition to the area and would sit well within the cluster of existing dwellings. The size of the site also allows any future development to retain the loose knit scattered character of the area. The removal of the large agricultural building and replacement with a single dwelling would conserve the natural beauty of the AONB.
16. As such, the proposed development would not harm the character and appearance of the area or the landscape scenic beauty of the AONB. The scheme would therefore accord with CS Core Policy 51 and Core Policy 57, which seek, amongst other things, to ensure that development responds positively to landscape features to integrate a building into its setting. The proposed development also accords with paragraph 176 of the Framework.

Other Matters

17. My attention has been drawn to appeals within the Council area for similar developments that have been allowed. However, from the details before me, it appears to me that the merits and circumstances of such schemes are different to those of the appeal proposal. In particular the appeal at Foxhill House¹ which differs from this appeal as it was located within a small hamlet and proposed to utilise previously developed land.

Planning Balance

18. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. In this situation, paragraph 11 of the Framework sets out that the most important policies should be considered out of date and, drawing from my earlier findings, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits which assessed against the policies in the Framework taken as a whole.
19. Although I have found that the proposed development would not be harmful to the area’s character and appearance I have concluded that it would give rise to significant harm in regard to its location. Accordingly, in the context of the development plan, I have found that the proposal would be contrary to CS Core Policies 1, 2, 60 and 61. For this appeal, I have found these policies to be

¹ APP/Y3940/W/ 21/3266427

generally consistent with the relevant aims of the Framework and whilst they can act to restrict the supply of housing, I attach substantial weight to them. I have found significant harm to arise in the context of the policies stated above and consider that proposal would not accord with the development plan when considered as a whole.

20. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the dwelling. The dwelling would make a very modest contribution to the supply of housing and towards helping to address the Council's shortfall. However, the proposal would result in the likelihood of a dependency on the use of the private car for access to services. As such it would be contrary to the aims of the Framework to minimise the need to travel and to support the transition to a low carbon future.
21. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.

Conclusion

22. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed

Tamsin Law

INSPECTOR