
Appeal Decision

Site visit made on 4 January 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/Y3940/W/21/3277454

The Lake House at the Old Barn, Middle Coombe, Wiltshire SP7 9LX

- 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 Macpherson against the decision of Wiltshire Council.
 - The application Ref 20/09950/FUL, dated 9 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is described as conversion and reuse of redundant lakeside building to a residential dwelling (Use Class C3) with minor extension, access improvements, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the site is an appropriate location for the proposed development having regard to:
 - whether it would involve reuse of an existing building;
 - its effect on the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (the AONB); and
 - the extent to which future occupants could access services by means other than by private car.

Reasons

Background

3. The Council's settlement strategy is set out within Core Policies 1 and 2 of the Wiltshire Core Strategy 2015 (the CS), which directs development to locations within defined settlements. In this regard the site lies within a physically isolated rural location which is neither within nor near to a defined settlement.
4. Core Policy 48 of the CS sets out further criteria for development outside defined settlements, including where this would involve conversion and reuse of rural buildings. Whilst its content does not directly mirror policy set out within paragraph 80 of the National Planning Policy Framework (the Framework), which relates to isolated homes in the countryside, it otherwise broadly reflects the Framework's concern with securing environmentally sustainable development. In this regard the parties dispute both the nature of the proposed development, and its environmental effects.

The nature of the development

5. The building subject of the appeal is a large timber summerhouse of typically domestic character, albeit incorporating a toilet and kitchen. Its construction appears to feature a double layer of boarding with membrane between. The whole structure appears to rest on timber sleepers. No condition survey has been provided, however from external inspection it is apparent that the outer boarding is decayed in places, as is an attached area of decking. Given the nature of the materials, and the damp setting, decay is hardly surprising, and could well be more extensive than was apparent during my visit.
6. Though the building was constructed without planning permission, its lawfulness has been confirmed since the application subject of the appeal was determined. Both parties agree that the building is now redundant, albeit I have been provided with no indication of when it was last used, or what would happen to it were the appeal to be dismissed. That aside, the scheme would not entail simple conversion. This is because the building would undergo enlargement on 3 sides, and there would be an overall increase in the height of its roof. Even where external walls would be retained in their current position, their external cladding would require replacement, as would the roof covering. The plans otherwise show minimal retention of existing fabric internally, and no explanation is provided of how the existing floor structure would be treated. It seems unlikely however that the latter would be retained in its current state, and here the plans are ambiguous.
7. Sideways enlargement would occur within space currently beneath the deep overhang of the roof, and the appearance of the proposed building would be broadly similar in character to the existing. However, given the extent of the modifications both proposed, and likely to be required, I share the Council's view that the scheme would entail the substantial replacement of the existing building. That being so the scheme cannot be properly considered in the context of reuse, and thus falls outside the scope of Policy 48 of the CS, as too paragraph 80(c) of the Framework.
8. For the reasons set out above I conclude that the development would not involve reuse of an existing building. The location of the development would therefore conflict with Core Policies 1 and 2 of the CS as set out above.

AONB

9. The site is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB), within which there is a duty to have regard to the purpose of conserving and enhancing natural beauty. Paragraph 176 of the Framework further states that great weight should be given to conserving and enhancing landscape and scenic beauty.
10. The building is located on one side of an attractive valley adjacent to a small manmade lake. Though the valley bottom is relatively open towards the west, some scattered trees and small areas of woodland exist adjacent to the building. These can be expected to provide some partial screening of the building when in leaf. However, during my wintertime visit the building could be readily viewed from the lane on the opposite side of the valley, and though not publicly accessible, it appears likely that additional views exist from higher ground towards the south.

11. Both within these views and closer to hand, the isolated nature of the existing building, as too its domestic character, cause it to appear incongruous and intrusive within its immediate landscape setting. This sense of intrusion would be greatly amplified by the proposed development given the increase in the volume and physical presence of built form, including the addition of decking and walls, together with parking space. Works to formalise the access track would serve to further highlight the presence of the development. In this regard there is no obvious reason to consider that the proposed black finish and metal roof would make the building appear any less incongruous or intrusive. As the development would result in a more substantial and permanent domestication of the site than exists at present, it would give rise to greater harm to its landscape setting.
12. The development is one means by which the decayed condition of the existing building could be addressed. However, it is not the only means. In any case, the current condition of the existing building has little bearing on its incongruous and intrusive character. For this reason, and in view of my assessment above, the proposed development would offer no clear benefit in this regard.
13. By way of mitigation, reliance would be placed on long term screening by vegetation, including through some new tree planting. The extent to which such screening would both succeed and endure cannot however be guaranteed, and it would not render the development wholly invisible within the landscape. As such it would not fundamentally alter the intrusive nature of the development. Though the proposed planting might itself provide some enhancement, this would not outweigh the adverse effects of the scheme considered as a whole, and particularly in view of the fact that planting could occur whether the appeal was allowed or not. It follows therefore that the scheme would fail to conserve and enhance the natural, landscape and scenic beauty of the AONB.
14. For the reasons set out above I conclude that the site would be an inappropriate location for the proposed development given its unacceptable effect on the AONB. It would therefore conflict with Core Policy 51 of the CS which requires development to protect, conserve and where possible enhance the landscape, including the AONB.

Travel

15. The dwelling would be accessed by a narrow track. This would adjoin a network of narrow lanes, many of which are dead ended, within an area that appears sparsely populated.
16. The nearest large settlement is Shaftesbury, whose distance from the site is such that it would not preclude cycling. It is however unlikely that the network of narrow unlit lanes within the vicinity of the site would make this an attractive or safe option.
17. I have been provided with no evidence in relation to bus services, however it appears highly improbable that the location lies on a bus route.
18. It is therefore likely that future occupants would be reliant on private motor vehicles to access services, amongst which cars may well be favoured. The effects would however be broadly the same regardless of what mode of private

motor transport was used. Though Shaftesbury can be reached fairly quickly, vehicle emissions generated by travel to and from the site would inevitably cause some environmental harm. The scale of such harm would be very limited, but would nonetheless further undermine the environmental sustainability of the development.

19. For the reasons set out above I conclude that the site would be an inappropriate location for the proposed development given the likely reliance of future occupants on use of private cars, and the associated environmental harm to which this would give rise. It would therefore conflict with Core Policy 61 of the CS which states that new development should be located and designed to reduce the need to travel, particularly by private car.

Other Matters

20. The appellant states that the scheme would deliver biodiversity enhancements and that insulation of the building would be beneficial. Biodiversity enhancements of the site could however occur whether the development took place or not, and the relative benefits of insulation only exist in the context of use, whereas the existing building is both disused and would be substantially replaced. These considerations do not therefore alter my findings above.
21. The Framework sets out the objective of significantly boosting the supply of homes, and my attention has been drawn to the fact that the Council currently lacks a demonstrable 5-year supply of deliverable housing sites. I have however already set out the great weight the Framework attaches to the conservation and enhancement of AONBs, and in this regard harm to the AONB provides a clear reason for refusal of planning permission. The 'tilted balance' set out within paragraph 11 of the Framework is not therefore applicable, and the Framework cannot otherwise be considered to lend its support to the scheme.
22. The Council has identified that likely significant effects on the integrity of the River Avon Special Area of Conservation would arise as a result of the development. This is given the increased population that the development would support, and related generation of nutrients in wastewater. Its findings were supported by an Appropriate Assessment. Had I been minded to allow the appeal, and the circumstances therefore existed within which planning permission could be granted, it would have been necessary for me to examine this matter in greater detail. However, as I am dismissing the appeal for other reasons, no further consideration is required.

Conclusion

23. For the reasons set out above, the environmental effects of the development, including in relation to the AONB, would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR