
Appeal Decision

Site visit made on 11 January 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/Y3940/W/21/3280947

The Mount, Upper Seagry, Chippenham SN15 5EX

- 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 & Mrs Good against the decision of Wiltshire Council.
 - The application Ref 20/11118/FUL, dated 11 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is the demolition of existing outbuilding and part erection and part conversion to form 1no. dwelling; erection of attached double garage; creation of new access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the appeal form, as this more concisely described the location.

Main Issues

3. The main issues are:
 - Whether the site represents a suitable location for a dwelling having regard to local planning policies and accessibility, and
 - The effect on the character and appearance of the area.

Reasons

Suitability of location

4. Core Policy 1 of the Wiltshire Core Strategy (2015) (the Core Strategy) establishes a settlement strategy, comprised of four tiers: Principal Settlements, Market Towns, Local Service Centres and Large & Small Villages. Core Policy 2 sets out that at Small Villages, development will be limited to infill within the existing built-up area and will be supported where it seeks to meet the housing needs of the settlement. Core Policy 10 identifies Upper Seagry as a Small Village and as such does not have a settlement boundary.
5. The Council highlight that the Core Strategy defines infill as "the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling", while the now made Seagry Parish Neighbourhood Plan (the Neighbourhood Plan) defines infill as "involving the development of a relatively small gap between existing buildings".

6. The appeal site comprises two existing outbuildings that are located to the west of the dwelling known as The Mount. To the north of the site is an additional dwelling known as Ashcroft. The barn that is to be retained is positioned such that it lies in close proximity to, and between these properties. However, the further building that is to be demolished and replaced with a new structure lies to the western extremity of the site and despite a proximity to the other existing structures, does not lie in between them. Rather it occupies a position that extends away from the existing structures. In this respect, it would not occupy a gap between existing buildings and thus the proposal would comprise the infilling of an existing gap.
7. As set out above, Core Policy 2 states that at small villages, development limited to infill, will be supported where it seeks to meet the housing needs of the settlements. Such development is considered to be acceptable as a level of growth appropriate to provide for the most sustainable pattern of development, given the intention to reduce the need to travel. Despite the proposal allowing the appellant to vacate their existing property, there is no substantive evidence provided to show that the proposal would meet an identified need for housing at this location.
8. Furthermore, the appellant highlights that Upper Seagry, in terms of services, benefits only from a public house, primary school and church. Additional services are located in surrounding settlements, approximately 5 miles distant, as is access to a rail service. The appellant points to two bus routes through the village, one in each direction, but no information in respect of the frequency of this service is provided. Given the nature of the surrounding road, in terms of lack of footways, narrowness and lack of lighting, walking or cycling further afield to access services is likely to be an unattractive option. As such, it is highly likely that occupants of the proposed dwelling would be reliant on the use of the private car in order to access necessary day-to-day services.
9. Accordingly, I find that the site does not represent a suitable location for a dwelling, having regard to the strategy set out in local planning policies and accessibility. Thus, it conflicts with Core Policies 1, 2 and 10 of the Core Strategy, as well as policy SNP6 of the Neighbourhood Plan, insofar as they seek to ensure that development is directed to appropriate locations.

Character and appearance

10. Upper Seagry comprises a collection of dwellings arranged around a number of roads. There is a strong arrangement of linear development fronting the road within the central section of the grouping, however to the north and the south ends, there is a more mixed and diverse siting of properties. Particularly within the vicinity of the appeal site, there are examples of properties positioned behind those which front the road and as such, the linear character of the settlement does not predominate at this location. The presence of a dwelling at the appeal site, within the context of this mixed arrangement of buildings that can be seen locally, would not be odds with the existing pattern of development.
11. The scheme involves part re-use of an existing building and part new build, with the new build element partly located on the footprint of a building that is to be removed. In this respect, it would not extend beyond the existing built-up area at this location and would not intrude into the countryside beyond the site.
12. The Neighbourhood Plan identifies an area to the south of the proposed dwelling as comprising a key break between existing development. The proposed dwelling, in not extending beyond the current extent of built development would not intrude into this key break, and I am conscious that the Council raise no objection to the

location of the proposed vehicular access on the basis of its effect on the appearance of the area.

13. Accordingly, I find that the proposed development would not be harmful to the character or appearance of the area. Thus, there would be no conflict with Core Policies 51 and 57 of the Core Strategy, or policy SNP5 of the Neighbourhood Plan. Together, and amongst other things, these policies seek to ensure that development conserves the distinctive character of settlements, responds to the existing pattern of development and conserves local distinctiveness.

Other Matters

14. I note that the Council refers to the approval of Ashcroft via an application for a certificate of lawfulness and that it represents an undesirable form of development. Nonetheless, this is an existing dwelling forming part of the built development in the area. As such it forms part of the context for consideration of the appeal scheme, and I have had regard to it in my reasoning above.
15. I am conscious that there exists an alternate scheme for development of the site, which would comprise buildings of the same scale, design and location as that which is proposed under the appeal scheme. However, this scheme was for accommodation ancillary to the existing dwelling at the site and did not comprise a separate unit of accommodation. Consequently, the approved scheme is materially different from that which is before me, and the existence of this planning permission is not sufficient to outweigh the harm I identify above.

Planning Balance

16. The parties agree that the Council is currently unable to demonstrate a five-years supply of deliverable housing sites. The scheme would result in the addition of a new unit of housing within the area, which would have some economic and social benefits. However, given the scale of the development, any such benefits would be very limited.
17. I acknowledge that the scheme is intended to deliver self-build housing. However, there is no mechanism before me, such as a legal agreement or unilateral undertaking, to ensure that the development that would be delivered would comprise a self-build unit; this matter therefore carries little weight. The lack of harm in respect of the character and appearance of the area is a neutral consideration in the planning balance.
18. Therefore, given the harm that I have identified above, in terms of not according with the spatial strategy and locating the development with poor access to services other than by the private car, the harm that would accrue from the scheme would significantly and demonstrably outweigh the limited benefits. Thus, the appeal scheme does not benefit from the presumption in favour of sustainable development.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR