



Appeal Decision

Site visit made on 20 January 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 23 February 2022

Appeal Ref: APP/Y3940/W/21/3282640

The stables east of Penrose, Tytherton Lucas SN15 3RH

- 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 Noyes against the decision of Wiltshire Council.
 - The application Ref PL/2021/03351, dated 25 March 2021, was refused by notice dated 9 July 2021.
 - The development proposed is a contemporary vernacular conversion to dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The plans initially submitted with the appeal did not correspond with the plans that the local planning authority (LPA) determined the original application against. Copies of the correct plans for the determination of this appeal were received from the appellant on 27 January 2022, this followed the completion of my site visit. I am nevertheless satisfied that I have a full understanding, of the site context and the proposed development, to enable me to make an objective decision without the need to revisit the site.
3. The description of development on the application and appeal forms states *‘Contemporary vernacular conversion to dwelling incorporating the addition of a garage’*. However, the scheme was amended during the application process, which included the removal of the garage element of the proposals. I have dealt with the appeal on this basis.
4. Following the LPA’s refusal of planning permission, the appellant instructed further structural engineering investigations at the site and has submitted the findings of this work with the appeal. The LPA has had the opportunity to review the additional findings and has provided comments as part of the appeal process. I am therefore satisfied that no party has been prejudiced by my acceptance of this further information.

Main Issue

5. The main issue in this appeal is whether the proposal complies with local and national policies regarding the development of new dwellings in the countryside.

Reasons

6. The appeal property is an existing stable building and associated paddock land, located approximately 1km south-east of Tytherton Lucas. At the time of my site visit the stables were actively being used for equine purposes.
7. The appeal site is in the open countryside, outside of the settlements in which sustainable development, including housing, is sought to be located under Core Policy 1 (CP1) and Core Policy 2 (CP2) of the Wiltshire Core Strategy 2015 (Core Strategy).
8. Saved Policy H4 of the North Wiltshire Local Plan 2011 (NWLP) provides opportunities for the development of new dwellings in the countryside, where they are in connection with the essential needs of agriculture, forestry or other rural based enterprise, or involve replacement dwellings. The appeal proposal is not for such development and therefore does not comply with this policy.
9. Core Policy 48 (CP48) of the Core Strategy identifies further circumstances whereby additional dwellings in the countryside may be justified to support rural life. In respect of the re-use and conversion of existing rural buildings, CP48 establishes that residential development may be appropriate where there is clear evidence that other listed uses are not practical propositions, namely, employment, tourism, cultural or community uses. The policy further sets out several criteria that need to be satisfied to justify the re-use and conversion of rural buildings.
10. The appellant has submitted a viability study concerning office or tourism uses that the Council considers acceptable. Based on all that I have read I see no reason to disagree. Furthermore, the LPA previously approved the conversion of the stables to a residential dwelling in 2021, which remains extant. As such, I am satisfied that the general principle of conversion of the stables to a dwelling is admissible under CP48. Fundamental to the current appeal proposal is whether the nature of the works that are now proposed satisfy the remaining criteria established under that policy.
11. Amongst other matters, Policy CP48 concerns whether the proposals involve a building that 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*'.
12. I consider that the appeal scheme would generally improve the aesthetics of the existing building. However, whilst its appearance may be improved, cumulatively the proposals would result in a significant divergence from the original form of the stables. I particularly share the LPA's concerns regarding the modifications to the roof structure. I would not go as far as the LPA's suggestion that these alterations are tantamount to a new build dwelling. Nevertheless, I consider that the increase in ridge height of the roof, change to its pitch and introduction of new gable ends amount to extensive alterations that vary the form and nature of the existing building. In my view these alterations go beyond what can be deemed as necessary extensions and modifications to facilitate conversion of the property.
13. Additionally, I am mindful that there is an extant permission that involves more limited intervention and modification to the appeal building. It appears the purpose of the current alterations are largely to increase the amount of

accommodation at the site through a new first floor extension. The presence of the existing permission further convinces me that the current proposals are not limited to only those necessary to allow conversion, while also preserving the character of the original building.

14. The appellant has submitted a structural engineer's report to demonstrate that the development can be built as proposed. Although the report does not include full structural calculations and drawings, it identifies that the structure is suitable for conversion without significant strengthening or alteration. Prior to the appeal the report was supplemented by results of a trial hole inspection of the building's foundations and ground conditions. From the inspection the structural engineer has concluded that the existing foundations are suitable to support the additional weight of the proposed new first floor/mezzanine.
15. The supplementary evidence provides greater reassurances that the existing building is capable of conversion. Despite this, I have found that the extent of the proposed alterations to the existing building would still result in conflict with Policy CP48.
16. The LPA's policies are deemed to be consistent with national policy established in the National Planning Policy Framework (the Framework). Most notably in this instance, Paragraph 80 of the Framework states that the development of isolated homes within the countryside should be avoided, although can be supported in certain circumstances. One such circumstance is where development could reuse redundant or disused buildings and enhance its immediate setting. However, it was evident from my site visit that the stables are in active use. Further potential criteria identified under Paragraph 80 of the Framework, as a justification for the development of new dwellings in the countryside, are also not applicable to the appeal proposal.
17. In view of my findings, I conclude that the development for which permission is sought does not comply with local and national policies regarding the development of new dwellings in the countryside. The development goes beyond what is reasonably necessary to allow for the conversion of the existing stables to a dwelling. It would therefore conflict with Policy CP48 of the Core Strategy that requires, amongst other things, the re-use of rural buildings is to be achieved without significant external alteration, extension, or substantial rebuilding. In addition, the proposals fail to meet the requirements of Saved Policy H4 of the NWLP, which restricts the creation of new dwellings in the countryside to those required for purposes essential to agriculture, forestry, rural enterprises, or replacement dwellings.
18. By implication of the above, the development would also fail to accord with Policies of CP1, CP2, CP8, CP48, CP60 (i) and CP61 of the Core Strategy, which together seek to promote sustainable development, including by seeking to prevent the development of new dwellings in the countryside. For similar reasons, the proposal would also therefore conflict with policies of the Framework in relation to rural housing.

Other Matters

19. The appellant submits that Policy CP41 of the Core Strategy, relating to the promotion of sustainable construction and low carbon energy, has not been given sufficient weight by the LPA, especially since Wiltshire Council has declared a climate emergency. The appellant contends that the appeal scheme

will allow for a more sustainable form of development than the previously approved scheme. In addition, the appellant has shown willingness to accept a condition on a permission requiring higher standards of insulation than the regulatory standards. However, I am not convinced that the level of sustainability benefits outlined by the appellant would outweigh the conflict with Policy CP48.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant considerations, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR