
Appeal Decision

Site visit made on 15 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/Y3940/W/21/3284439

Hulberts Cottage, Braydonside, Brinkworth SN15 5AR

- 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 David Aspin against the decision of Wiltshire Council.
 - The application Ref 21/01357/FUL, dated 28 January 2021, was refused by notice dated 15 July 2021.
 - The development proposed is described as erection of carport and equine rug and laundry room.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the countryside.

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 an 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 meet the employment needs of rural areas. This broadly reflects saved Policy H4 of the North Wiltshire Local Plan 2011. The supporting text of Core Policy 48 sets the exception within the context of protecting the countryside and maintaining its local distinctiveness. The same concern clearly underpins the wider settlement strategy, and is further expressed within Core Policy 51 of the CS, which states that development should protect, conserve and where possible enhance landscape character.
5. Set against this background, Hulbert's Cottage was constructed following a grant of outline planning permission in 2014. This was approved on the basis that the dwelling would provide accommodation serving an essential rural employment need generated by a horse riding school. It therefore benefited from the exception set out in Core Policy 48, which thus provided an implicit basis to accept the likely effects of the development on the character and

appearance of the countryside. Permitted development rights were nonetheless restricted in order to limit the potential for additional effects.

Assessment

6. Hulbert's Cottage is built adjacent to, but stands distinct from a cluster of buildings and spaces utilised as the riding school. The cottage is clearly visible from the lane towards the front, and the backdrop to the rear is generally open, providing both long and wide ranging views across the attractive rural landscape.
7. The proposed development would see an open-fronted double garage described as a carport constructed alongside the cottage, with accommodation provided within the roof space above. The latter would be used as a laundry and repair room for horse rugs/blankets in association with the riding school. As the majority of both the useable floorspace and volume of the building would be taken up by the garage, this would be its primary use. Similarly, the primary visual and spatial relationship of the building would be with the cottage rather than with the riding school. In this regard the building would be perceived as an addition to the existing dwelling, and this impression would be further underlined by its design.
8. The proposed building would as such markedly increase both the actual and perceived visual and physical presence of domestic development on the site. The latter would consequently become more substantially domesticated than it is at present. This would be clearly appreciable from the lane, particularly set against the open backdrop, and to a more limited extent from adjacent rights of way. It would also be apparent to patrons of and visitors to the riding school. In each regard this would give rise to a greater sense of intrusion by domestic development on the open rural setting than exists at present, thus conflicting with Core Policy 51.
9. As outlined above, the existing presence of the dwelling, as too the acceptability of its established effect on the countryside, derives solely from the fact that it serves an essential employment need. No comparative need has however been advanced in relation to the double garage. Insofar as it is claimed that provision of the garage would be a consequence of provision of the accommodation above, the rationale is wholly unconvincing. This is particularly given that a garage minus first floor accommodation has been previously proposed in the same location. Indeed, there is no clear necessity to construct the proposed building in space currently used for open air parking by occupants of the cottage. Moreover, it appears that ample scope otherwise exists to accommodate a washing machine, tumble drier and other equipment within one of the cluster of existing buildings related to the riding school. Furthermore, within such a location the facilities would be far more accessible and well related to the activities served than they would be in the proposed location, and presumably cost less to install. The appellants have claimed the contrary, but without any clear evidence. That being so, it has not been demonstrated that addition of the building would be necessary to serve an essential business or employment need that could not otherwise be more logically, realistically and sensitively met by other means. Serving such needs does not therefore exist as a valid reason to depart from Core Policy 51.
10. The parties further dispute whether the proposed building would affect the value of the cottage, and its future viability as a rural worker's dwelling. The

concern is clearly that this would again be at odds with the justification for its original approval. Whether or not a condition can be imposed restricting use of the roof space, it can be reasonably assumed that addition of a double garage would increase the value of the cottage. In the absence of evidence, it is however unclear whether this would be sufficient to affect the affordability of the dwelling to a degree sufficient to undermine its continued/future use as a rural worker's dwelling. Nonetheless, either way, I have already established that the adverse effects of the scheme lack sound justification, and that as such, addition of the proposed building is unacceptable.

11. For the reasons set out above I conclude that the development would have an unacceptable effect on the character and appearance of the countryside, thus conflicting with Core Policy 51 of the CS.

Conclusion

12. For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan taken as a whole. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR