



Appeal Decision

Site visit made on 20 April 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/Y3940/W/21/3282331

Manor Farm, Main Road, Corston, Wiltshire SN16 0HF

- 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 and Mrs J Eavis against the decision of Wiltshire Council.
 - The application Ref 20/11001/FUL, dated 9 December 2020, was refused by notice dated 27 May 2021.
 - The development proposed is the use of holiday accommodation/ancillary accommodation as a separate dwelling, extension to the building and change of use of land from agriculture to residential.
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Decision

1. The appeal is allowed and planning permission is granted for the use of holiday accommodation/ancillary accommodation as a separate dwelling, extension to the building and change of use of land from agriculture to residential at Manor Farm, Main Road, Corston, Wiltshire SN16 0HF in accordance with the terms of the application, Ref 20/11001/FUL, dated 9 December 2020, subject to the following condition:
 - 1) The development hereby permitted shall accord with the following approved plans: Location plan, drawing number 200934-101 and Design Scheme, drawing number 200934-100 Rev A.

Procedural Matters

2. In my heading above I have taken the revised fuller description of development subsequently agreed with the Council rather than that given on the planning application form. Both parties accept that the development has already taken place, which was consistent with my observations at my site visit. I shall consider the appeal accordingly.

Main Issues

3. The main issues are (1) whether the site would be a suitable location for housing having regard to local planning policies and accessibility; and (2) if harm arises, whether this is outweighed by other material considerations.

Reasons

Location and accessibility

4. Core Policy 1 (CP1) of the Wiltshire Core Strategy, January 2015 (CS) sets out a settlement strategy based on a hierarchy of settlements. Large and small villages comprise the lowest tier of the hierarchy. Together with the delivery

- strategy in Core Policy 2 (CP2) it seeks to direct a level of development commensurate with the degree of accessibility to jobs, facilities, services and public transport to the respective settlements in the county. In turn, this would reduce the reliance on the need to travel by private car.
5. Core Policy 13 (CP13) of the CS is specifically concerned with a spatial strategy for the Malmesbury Community Area. Nevertheless, it stipulates that growth in the community area will accord with CP1 and CP2. It further identifies that Corston is a small village for the purposes of the CS.
 6. CP2 states that development in small villages will be limited to infill within the existing built area. This is defined¹ as the filling of a small gap within the village that is only large enough for not more than a few dwellings and generally, only one dwelling. Unlike larger settlements, there is no defined limit of development within the CS for small villages.
 7. The approach to rural housing contained in these policies generally accords with paragraph 79 of the National Planning Policy Framework (the Framework) which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It further stipulates that planning policies should identify opportunities for villages to grow and thrive.
 8. Essentially, the parties disagree as to whether the appeal site lies within the existing built area of Corston, and consequently, whether it constitutes infill within a small village or whether other policies relating to development in the open countryside are engaged. In the absence of a defined existing built area in the CS, it falls to a matter of judgement whether an individual site is within the existing built area of the small village. This primarily turns on the conditions experienced on the ground.
 9. I observed that the built form in Corston generally follows the sinuous route of roads through the village, but that often groups of buildings were assembled off short spurs. In some instances, this appeared to be because of earlier consolidation of former farmsteads into the fabric of the village. Manor Farm is one such example, where a collection of residential buildings is concentrated close to the farmhouse. Although the appeal building was formerly in agricultural use, given its permitted ancillary residential use and proximity to the farmhouse, it reads as part of that grouping.
 10. Moreover, broadly speaking this group forms part of continuous development along the frontage of the Main Road to the north east. Hence, the group, including the appeal site, is closely connected to the remainder of the village. In addition, there is recent residential development on the other side of the road that extends considerably further to the south. In combination these factors mean that as experienced on the ground, the appeal site appears and feels part of the existing built area of the village. My view on this is significantly reinforced by the comments from St Paul Malmesbury Without Parish Council who describe Corston as comprising string development sitting either side of the A429, with the appeal site being closer to the heart of the village than to its edge.

¹ Paragraph 4.29

11. The Council describes the appeal site as located on the edge of Corston² but does not clearly explain why this should disqualify it from forming part of the existing built area of the village for the purposes of CP2.
12. CP2 allows infill development at the Small Villages of the limited scale proposed in this case subject to three additional criteria. These are that the development i) respects the existing character and form of the settlement, ii) does not elongate the village or impose development in sensitive landscape areas and iii) does not consolidate an existing sporadic loose knit areas of development related to the settlement.
13. The appeal building has been in situ for a considerable period having formerly constituted an agricultural building associated with the grade II listed Manor Farmhouse. The modest extension to the building respects the simple form and traditional materials evident in the original part of the structure and remains subordinate in scale to the farmhouse. Given the limited physical alterations associated with the development, there is little perceptible change to the existing character and form of the settlement, and neither would it elongate the village.
14. The presence of the building and its residential use³ (albeit as holiday or ancillary residential accommodation) are well established at the site and I have already found that it forms part of an existing built area of the village. In these circumstances, I am satisfied that the proposal does not consolidate an existing sporadic loose knit area of development. Therefore, the proposal would reasonably fall within the remit of infill development permitted at small villages by CP2.
15. It follows that the approach to residential development outside the existing built areas of Small Villages set out in Core Policy 48 of the CS is not relevant to my determination. Neither is saved policy H4 of the North Wiltshire Local Plan 2011, June 2006 of particular relevance as it refers to residential development in the countryside, whereas the specific circumstances in this case are addressed by CP2. Similarly, paragraph 80 of the Framework, which states that development of isolated homes in the countryside should be avoided, has had little bearing on my determination.
16. Furthermore, the settlement and delivery strategies in CP1 and CP2 contained in the CS already take account of the limited accessibility of the settlements at the lower end of the hierarchy as it is expressly acknowledged that small villages have a low level of services and facilities, and few employment opportunities. Nevertheless, infill development is permitted by CP2 under certain circumstances, which have been met in this case. Core Policies 60 and 61 of the CS generally seek to reinforce the overall strategy in CP1 and CP2 by emphasising that locating new development in more accessible areas will help to reduce the need to travel by private car. There is no suggestion that they would contradict infill development in small villages permitted by CP2. This resonates with paragraph 105 of the Framework which allows account to be taken in plan-making of the variation in opportunities to maximise sustainable transport solutions between urban and rural areas.

² Section 2, Council/a Appeal Statement

³ Planning reference 99/01991/COU

17. In coming to my findings, I have had regard to an appeal decision to which I am referred⁴. Unlike the appeal proposal, the case concerned the construction of a new dwelling rather than principally the use of an existing ancillary residential building. It also was in Milbourne, a different small village to Corston and some distance from the appeal site. On that basis, it provides limited insight as to whether the appeal site lies within the existing built area of Corston. The Council acknowledges that each scheme has a different context and must be determined on its own individual merits. That is consistent with my approach in this case and given these considerable differences, the decision attracts limited weight and would not lead me to find otherwise.
18. Accordingly, I find that the appeal site does provide a suitable location for the proposed development as it accords with the approach to residential development at small villages contained in CP1, CP2 and CP13 of the CS.

Other Matters

19. The appeal building lies close to Manor Farmhouse, a grade II listed building and there is no dispute that it forms part of the listing. The farmhouse is an attractive traditional stone building dating from the 18th century, with later alterations. Its significance is principally derived from its aesthetic and historic value as an example of a Wiltshire farmhouse. I am required⁵ to have special regard to the desirability of preserving listed buildings or their settings.
20. The form, scale and sympathetic materials of the appeal building convey a subordinate functional relationship to the farmhouse thereby making a positive contribution to its significance. Neither party suggests that the proposal would be harmful to the significance of the designated heritage asset and separate listed building consent has been granted for the extension⁶. Given the existing residential use (albeit for ancillary or holiday accommodation) and limited physical alterations involved as part of the proposals, I have little basis to find otherwise. Therefore, I am satisfied that the proposal has a neutral impact, thereby preserving the listed building and its setting.

Conditions

21. Given that the development has already commenced the standard three year period in which the planning permission may be implemented is unnecessary. In the interests of clarity, a condition is imposed that specifies the plans that are approved.
22. The Council have suggested a pre-commencement condition requiring a scheme of landscaping to be agreed. This would be problematic as the development has already commenced. Additionally, reflective of the buildings' use as ancillary or holiday accommodation, there are established patio areas, retaining walls and landscaping commensurate with a domestic use within the red line denoted on the plan. Moreover, whilst the reason for the suggested condition refers to existing important landscape features, none are identified by the Council, nor is it explained why they may be harmed by the proposal. My observations of the current modest structure and proposed grounds leads me to find that such a condition would be unnecessary to make the proposal acceptable in planning terms.

⁴ Appeal reference APP/Y3940/W/20/3254555

⁵ Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

⁶ Reference 21/01898/LBC

23. The Council have further suggested conditions to restrict extensions, buildings or means of enclosure normally allowed under permitted development rights. However, paragraph 54 of the Framework confirms that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Only generic concerns are cited by the Council for the restrictions. Furthermore, the listed status of Manor Farmhouse is likely to have implications that restrict permitted development rights or will mean additional specific consent is likely to be required. Hence, based on the evidence before me I am not persuaded that a clear justification has been shown. Consequently, I have not imposed these conditions.

Planning balance and Conclusion

24. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites⁷. In these circumstances, footnote 8 of paragraph 11 of the Framework deems that the policies which are most important for determining the application in the development plan are out-of-date. However, as I have found no conflict with those policies, it is not necessary to deliberate further on the presumption in favour of sustainable development contained in the Framework, as it would make little difference to the outcome of my decision.
25. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁸. The proposal accords with the strategy for residential development in the development plan. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

⁷ Paragraph 5.9, Council's Appeal Statement

⁸ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.