



Appeal Decision

Site visit made on 24 May 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 13th June 2022

Appeal Ref: APP/Y3940/W/22/3290727

West Street Farm, West Street, Great Somerford, Chippenham, SN15 5EH

- 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 Michael Llewellyn Palmer against the decision of Wiltshire Council.
 - The application Ref PL/2021/03826, dated 14 April 2021, was refused by notice dated 19 July 2021.
 - The development proposed is change of use of land & 2No. agricultural buildings for the purposes of self-storage - Resubmission of 20/07644/FUL.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Michael Llewellyn Palmer against Wiltshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. On 20 July 2021, the day after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). The main parties are aware of this matter as the 2021 Framework is referred to in the submissions.
4. The appellant has clarified that drawing No. LDC2263A 07 Rev A was considered by the Council when it made its decision. The Council has not disputed this. I am therefore satisfied that I should determine the appeal with reference to this plan rather than the original version which is referred to on the Council's decision notice.
5. Two additional plans are before me that are not referred to on the Council's decision. These are LDC2263B 01 and LDC2263B 02. These show how a tractor and trailer would move from the lane onto the proposed access track. They do not seek to amend the proposal but rather provide additional detail. I am therefore satisfied that no party will be prejudiced if I determine the appeal with reference to these additional plans. I will proceed on this basis.
6. Conservation comments in the Council's officer report suggest that the proposal would fail to preserve the setting of the adjacent listed farmstead. Paragraph 9.4 of the appellant's Heritage Statement considers the proposal's impact upon the setting of Nos. 1 and 2 Westerton Farm Cottages. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a

listed building or its setting or any features of special architectural or historic interest which it possesses.

7. Therefore, although this matter was not covered in more detail in the Council's officer report or included within a refusal reason, it is a matter that the main parties have considered. Taking this into account and the statutory duty before me I consider it appropriate for this matter to be a main issue of the appeal and that neither party would be prejudiced by this.

Main Issues

8. The main issues are:

- a) Whether the site is suitably located for the proposed development having regard to local and national planning policies,
- b) Its effect on the character and appearance of the area, including the Great Somerford Conservation Area and the setting of the nearby listed building known as 1 and 2 Westerton Farm Cottages, and
- c) The effect of the proposal on highway safety.

Reasons

Location

9. The Council's settlement strategy is set out in Policy CP1 of the Wiltshire Core Strategy 2015 (CS). This establishes that development at large and small villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Policy CP13 of the CS clarifies that Great Somerford is a 'large village'.
10. The appeal site is outside but adjacent to the defined settlement boundary of Great Somerford. Policy CP2 of the CS establishes that development will not be permitted outside the limits of development unless it is permitted by other CP Policies. Policy CP34 of the CS provides an exception for additional employment land, however the proposal would not provide additional employment.
11. A further exception is provided for in Policy CP48 of the CS. This refers to the conversion and re-use of rural buildings for employment, tourism, cultural and community uses. The proposal would not be put to one of these uses. I am therefore not satisfied that the proposal would accord with Policy CP34 or CP48 sufficient to overcome the in-principle objection to development outside the limits of development established by Policy CP2.
12. Furthermore, although there is some evidence before me that suggests that the proposed storage use could be used by local residents and that there is a demand for such uses in the area, it is likely that it would be a facility that would be useful to people living further afield, and certainly beyond the settlement of Great Somerford. Supporting text to Policy CP1 refers to limited development that could retain the vitality of communities. A storage use could not be considered to make a meaningful contribution to the vitality of Great Somerford, particularly as a similar storage use appears to exist nearby.
13. Paragraph 84 of the Framework establishes that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and the diversification of agricultural businesses. The proposal would see

a new business introduced rather than constitute the growth or expansion of an existing business. It is suggested that it would facilitate the diversification of the existing agricultural use of the site. At my visit to the site I could see that the existing buildings were not in a meaningful agricultural use, and that some low level storage uses that appeared unrelated to agriculture were already underway.

14. The proposal would bring in a new income stream, at a time when various funding sources that the appellant has relied on in the past are to be withdrawn. However, the publication *Farming is Changing*¹ sets out a new system of financial support. Furthermore, there is nothing before me to show how taking the barns and yard out of agricultural use would be compensated for in a manner that ensures that the remaining agricultural holding remains viable, or how the proposed use would support or relate positively to the retained agricultural use.
15. Paragraph 85 of the Framework establishes that planning decisions should recognise that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements. I am not satisfied that there is a clear overriding need before me to demonstrate that the storage use needs to be established in this rural location, in a manner that would meet the needs of the community of Great Somerford, sufficient to override the proposal's clear conflict with the Council's settlement strategy.
16. With further reference to paragraph 85 of the Framework the existing buildings are physically well-related to the existing settlement, however the proposal does not relate to previously developed land with reference to the Framework glossary definition.
17. Taking these matters together, I find that the site is not suitably located for the proposed development. The proposal is thus contrary to Policies CP1, CP2, CP13, CP34 and CP48 of the CS, which together set out the Council's settlement strategy which seeks to limit development in its large villages and outside development areas.
18. The appellant suggests that Policy CP13 is not relevant to the proposal as it is not for new housing. Great Somerford is located within the Malmesbury Community Area and the Policy refers back to the overarching role of Policy CP1. The Policy and its supporting text refer to other types of development. I am therefore satisfied that it is relevant to the appeal proposal.

Character and appearance

19. The two barns at the appeal site stand to the north of the listed building known as Nos. 1 and 2 Westerton Farm Cottages and are within the Great Somerford Conservation Area (CA). In addition to the requirement of Section 16(2) of the LBCA, Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
20. The description for the listed building suggests that it dates from the 17th century or earlier, with a substantial 19th century addition at the southern end against the road. It has a simple linear form, and the two main portions of the building are easy to identify. It occupies an unassuming position, with its largely blank southern gable aligning with the pavement edge and its front

¹ Department for Environment Food & Rural Affairs June 2021

elevation facing over a modest garden enclosed by a stone wall. At the rear it opens out onto the access track that serves the historic farmstead, which includes a characterful stone outbuilding to the northeast. The simple vernacular form of the building, its functional siting and its relationship with the working yard to the rear are characteristics and aspects of its setting that contribute to its special interest.

21. The CA has a strong character, derived from its consistent use of traditional local materials, the vernacular form of its buildings and its rural setting. The western edge of the CA includes a row of modern bungalows. However, the group of historic buildings fronting West Street that include the listed building, the associated historic layout of the farmstead to the rear and the strong relationship between these buildings, the intervening spaces, and the open countryside are important contributors to the character and appearance of the CA.
22. The proposal would see the historic agricultural use of the dutch barns lost and their appearance dominated by rows of container units. In addition to these, five units would be sited in an open area of the yard. The area of the appeal site and the remaining area of the historic farmstead would be viewed easily together from within either space. From these perspectives the industrial appearance and form of the container units, particularly those that would be sited out in the open, would appear out of place in the context of the traditional farmstead, significantly eroding the agricultural setting of the listed building.
23. Views into the site from the wider CA are limited, however the corner of the site can be viewed in the gap between the listed building and West Villa from West Street. Although they would not be prominent to view from this perspective, the view of the side of a modern industrial container would draw the eye as it would appear so out of place in the context of the traditional vernacular appearance of the buildings fronting West Street. I accept that some hedge planting is proposed to soften the visual impact from this perspective, however, considering the height of the units, this would take a long time to establish sufficient to fully mitigate against this harmful visual impact.
24. The settlement edge is well defined by the side of the curtilage of Foxfield and the northern boundary of the existing yard at the appeal site. This alignment continues to the east where smaller paddocks are separated from the open character of the field to the north, which is important to the rural setting of the CA and referred to by the Council as a late 19th century field boundary.
25. The proposal would see development extend out into this area to form a new access track and access from Shiptons Lane. This would alter the settlement pattern and the relationship between developed areas and the surrounding agricultural land. It would involve the loss of a significant length of hedgerow and the formation of a new access set back from the road with visibility splays that would appear engineered and urban in form. It would be entirely at odds with the traditional appearance of the lane beyond Foxfield and the appearance of other gateways fronting the lane that are in line with the hedge boundary.
26. I note that the plans include a substantial area of new planting, and that further planting is suggested in the field beyond the application area. This would help to mitigate the impact of the proposal, but would do nothing to alleviate the urban appearance of the proposed access, or the manner by which

it would replicate the non-traditional appearance of the accesses serving the existing bungalows.

27. In summary, the proposal would harm the character and appearance of the area, including the CA and characteristics of the setting of the listed building that contribute to its significance. It would thus fail to meet the requirements of the LBCA and would not accord with Policies CP51, CP57 and CP58 of the CA, which together seek to ensure that development proposals protect landscape character, enhance local distinctiveness and protect the historic environment.

Highways

28. Evidence before me suggests that vehicle movements associated with the new access would be low, however they would represent an increase in vehicles using Shiptons Lane, and whilst a site management plan might successfully limit the size of vehicles accessing the site, many of these would still be larger than a car owing to the nature of the proposal. The lane is narrow and certainly not wide enough for two vehicles to pass. When vehicles meet it would be necessary for one to reverse or move into a private driveway. Both scenarios would be dangerous and inconvenient.
29. Furthermore, the junction at the end of Shiptons Lane with West Street has particularly poor visibility to the east. Here there would be potential for vehicles emerging from Shiptons Lane to conflict with vehicles that are gaining speed as they leave the village and the 30mph speed restriction.
30. The proposal would also provide access to the agricultural land, and the existing access to the adjacent field through the site would be restricted by a locked gate. This is put forward as a benefit, however, it is likely that vehicle movements necessary to serve agricultural land that is mainly in arable and pasture use would be low. It is reported that the existing farm generates just two agricultural vehicle movements a day.
31. The fields to the north benefit from alternative access from the lane, which is likely to be more convenient than taking a vehicle through the existing yard to access the agricultural land. Therefore, a direct comparison between the existing access and the proposed access is not necessarily appropriate. The existing access would remain in use for the cottages and to access the remaining area of yard. Furthermore, the existing access opens onto a wider area of carriageway and is in the context of many similar restricted accesses in a built up part of the village where drivers would be suitably cautious. For these reasons I am not satisfied that the benefit of providing an alternative agricultural access to the field outweighs the harm to highway safety that would be caused by the introduction of additional traffic on Shiptons Lane for the storage use.
32. In summary, the proposed access would have a harmful impact on highway safety. It would be contrary to Policy CP61 of the CS, which seeks to ensure that development proposals are served by safe access.

Planning and Heritage Balance

33. I have found that the site is not suitably located for the proposed development, that the proposal would harm the character and appearance of the area, including the CA and characteristics of the setting of the listed building that contribute to its significance, and that it would harm highway safety.

34. The heritage harm I have identified would be less than substantial in terms of the Framework. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
35. It is suggested that the proposal would rejuvenate the current site. At my visit the site appeared to be in good order. Although I note that a purpose-built structure was erected at the scheme at Fowlswick Business Park² to provide cover for the units, it is clear that the storage units do not need the existing buildings for shelter or security. As such there would be no need for the buildings to be retained in a good state of repair to continue the storage use. I therefore give little weight to this matter. Similarly, I also give little weight to the perceived benefit that the buildings would be efficiently re-used. Instead, it appears to be the case that the new use would be accommodated around the retained buildings rather than re-using the buildings in a manner that is integral to the proposal.
36. Evidence before me suggests that there is a need for the proposed use and that in general terms the demand for self-storage is high due to increased home working and demands from moving house. However, I give this matter little weight as a public benefit as I have found that the site is not suitably located for the proposed use as it does not accord with the Council's settlement strategy and would harm highway safety.
37. The proposal would remove the possibility of obtaining access to the field from the existing farmyard, thereby moving traffic away from the listed building. I have however established that such vehicle movements are low, and that alternative access to the land appears to exist already. Furthermore, there is no evidence before me to suggest that the use of the existing access by agricultural machinery is harming the listed building. I therefore give this matter little weight.
38. The proposal would see a length of ecologically poor hedgerow removed and replaced with lengths of new mixed species hedge and the planting of new trees. I give this some weight however the benefit of this would be limited initially as the hedgerows and trees would take some time to establish.
39. I give the harm I have identified considerable importance and weight in the public benefit balance of this appeal. Indeed, paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset, regardless of the level of harm identified. In combination the public benefits of the proposal carry modest weight and are not sufficient to outweigh the harm identified.

Other Matters

40. The appellant has secured a grant of prior approval for the proposed access road³ and consent for the removal of a length of hedgerow⁴. I accept that this demonstrates that the Council has considered the loss of the hedgerow and the siting and means of construction of the road and found both to be acceptable, however the matters that can be considered in determining such applications are limited and although the proposals would deliver the loss of a portion of hedgerow and a new access and track, the considerations are fundamentally

² Council Reference: 17/03057/FUL

³ Council Reference: PL/2021/08857

⁴ Council Reference: PL/2021/08854

different. Nevertheless, I accept that this is a fallback position that the appellant could implement, and this is a matter that weighs in favour of the proposal.

41. In respect of whether there is a realistic prospect that these works will be carried out, I have referred already to relevant matters that include the low level of agricultural traffic associated with the farm, the agricultural use that the land is currently put to, and the potential to access the fields through alternative existing accesses. I also note that implementing this fallback position without also introducing the proposed storage use would be less harmful than the combined harm arising from the different aspects of the appeal proposal.
42. These matters limit the weight I give to this fallback position. For these reasons, the grant of prior approval and consent for work are not sufficient to outweigh my findings on the merits of the case.
43. I have considered the details of the scheme that the Council approved at Fowlswick Business Park and am mindful of the importance of consistency in decision making. It is clear however that the context of this site is quite different to the appeal proposal in that the site is well related to an existing established industrial estate and therefore was considered more favourably in the context of the development plan. There are clear material differences between the appeal proposal and the scheme at Fowlswick that justify a different conclusion.

Conclusion

44. In conclusion, the proposal would conflict with the development plan and there are no other material considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR