
Appeal Decision

Site visit made on 7 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/Y3940/W/22/3291323

Hatts Farm, Semley, Shaftesbury SP7 9AD

- 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 Rothschild against the decision of Wiltshire Council.
 - The application Ref PL/2021/05339, dated 20 May 2021, was refused by notice dated 26 July 2021.
 - The development proposed is described as replace a derelict barn for a holiday let and / or staff accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was partly refused on grounds that no ecological assessment had been undertaken. An assessment has however occurred since, and the Council is satisfied with the level of information provided. That being so I shall not consider this matter any further.
3. The appellants state that the proposed building would not be a new dwelling. However, insofar as it is described as a 'holiday let' and 'staff accommodation', and it would presumably be fully self-contained, it would afford those who used it the facilities required for a day-to-day private domestic existence. This would be true whether or not a condition was imposed restricting the nature of its use. I have therefore considered the scheme on the basis that it would provide a new dwelling which could be used to provide holiday and/or staff accommodation. The Council did likewise.

Main Issue

4. The main issue is whether the site is an appropriate location for the proposed development having regard to its effect on the Cranborne Chase Area of Outstanding Natural Beauty (the AONB).

Reasons

Background

5. 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 is neither within nor adjacent to a defined settlement but lies within an isolated rural location.

6. Core Policy 48 of the CS sets out criteria for residential development outside defined settlements, including where this would involve conversion and reuse of rural buildings, or where it would meet the evidenced need of employment essential to the countryside. Whilst its content does not directly mirror policy set out within paragraph 80 of the National Planning Policy Framework (the Framework), which relates to isolated homes in the countryside, it otherwise broadly reflects the Framework's concern with securing environmentally sustainable development.
7. In this regard the development would not entail either conversion or reuse but the construction of a new building partly on the site of one which has collapsed. Though 'staff accommodation' is otherwise included within the description, no detailed evidence relating to need has been provided. Conflict would thus arise in relation to all the above policies.
8. Core Policy 39 of the CS likewise directs new buildings for 'tourist development' to Local Service Centres and Large and Small Villages. However, it too provides for development outside them in exceptional cases. This is itself broadly consistent with paragraphs 84 and 85 of the Framework, which both concern the rural economy. In common with Core Policy 39, each emphasises the need for sensitivity to the rural context. Within this and all the above regards the Council's concern is the effect that the development would have on the surrounding landscape.

AONB

9. The site is located within the AONB, within which there is a duty to have regard to the purpose of conserving and enhancing natural beauty. Paragraph 176 of the Framework further states that great weight should be given to conserving and enhancing landscape and scenic beauty within AONBs.
10. The site consists of the remnants of a collapsed timber agricultural shed. This lies just beyond the periphery of a group of extant/former agricultural buildings, some of which have been converted. The surrounding landscape consists of a mix of open agricultural land and woodland, and there are far reaching views across falling ground to the north/northeast. The site indeed occupies a reasonably exposed position and can be additionally viewed closer at hand from the adjacent lane, and from a footpath which crosses the field towards the north.
11. At the time of my visit the remains of the shed had a very limited visual presence within the landscape. This was because so little of it remained standing, and the already collapsed remnants were partly overgrown. The remainder of the shed has apparently since collapsed. Though the slab on which the shed stood may remain, the shed itself has ceased to exist in any meaningful sense.
12. When intact the shed was a modest single storey building. Photos provided appear to show that it was already undergoing collapse across its front prior to being hit by a tree from the rear in 2020. The appellants nonetheless claim that the shed was suitable for the proposed use prior to being hit by the tree, and that this should weigh in favour of the scheme. However, even were I to accept this claim, the proposed building would bear very little resemblance to the shed. It would feature a different form, palette of materials and details, be more substantial in height, overall scale and mass, and occupy a different

footprint. It would also incorporate additional features including a terrace, heat pump and driveway. The visual effects of the proposed development would therefore significantly differ both from that of the site as it once existed, and that of the site as it exists at present.

13. In these regards the proposed building would have a marked visual presence which would be appreciable both within the immediate setting and within the surrounding landscape. This would be accentuated by its exposure, position detached from the adjacent group of former/extant agricultural buildings, and by the scale of required excavation into the slope. Relative to the previous shed the scheme would entail a considerable intensification of development. Relative to the site as it currently exists the effect would clearly be even more pronounced. Given its conspicuous nature the development would appear harmfully intrusive within the open landscape of the AONB.
14. When standing the shed held no merit other than its modesty, and its remnants are themselves inherently unattractive. Modesty is however important in context, and ongoing decay means that the remnants of the shed both have and will have an increasingly limited visual presence. Thus, whilst the design seeks to provide a higher quality of construction, and to imply the appearance of a more traditional agricultural building, when considered in context, and set against my findings above, this would not deliver an overall enhancement to the AONB.
15. It is stated that the building could be screened from the lane by landscaping. However, more exposed views would remain over the open landscape towards the north, across which the building would remain conspicuous. Landscaping would not therefore successfully mitigate the harm identified above.
16. Reference has been made to a larger building granted planning permission at a nearby property. However, whatever the Council's reasoning was in that particular case, the current proposal, site and specific landscape context all differ. As necessary, I have therefore considered the appeal scheme on its own merits.
17. For the reasons set out above I conclude that the site is an inappropriate location for the proposed development given the harm that it would cause to the AONB. The development would therefore conflict with Core Policies 1, 2, 48 and 39 of the CS as considered above, Core Policy 51 of the CS, which seeks to protect, conserve and where possible enhance landscape character, including the special qualities of AONBs, and Core Policy 57 of the CS, which amongst other things seeks to secure development that relates positively to its landscape setting.

Other Matters

18. Visitors would be likely to make use of local services, thus generating some benefits within the local economy. It is additionally claimed that the development would assist the viability of the farm, and further generalised reference has been made to the effects of Brexit and Covid-19. However, I have been provided with no evidence in relation to viability, and the specific relevance of Brexit and Covid-19 is unclear. The scale of any likely benefits to the broader economy would otherwise be very limited in scale, and insufficient to outweigh harm to the AONB.

19. The appellants state that the development would draw support from the Framework by making more efficient use of land. Within this context however, and broadly in common with Core Policy 57 of the CS, the Framework highlights the desirability of maintaining an area's prevailing character and setting. In this regard my findings above indicate that the scheme would fail.
20. The appellants' submissions also state that the development would make use of 'brownfield land'. However, land that is or was last occupied by agricultural buildings is excluded from the definition as set out within the Framework, and I have not been provided with evidence that the shed was anything other, notwithstanding its reported recent use as a bicycle workshop. The proposed building would otherwise occupy a different footprint. Use of brownfield land is not therefore a consideration which attracts weight in favour of the scheme.
21. A failure to mitigate likely significant effects on the integrity of the River Avon Special Area of Conservation (SAC), due to nutrients entering the catchment, formed a reason for refusal of planning permission. This is a matter upon which Natural England has also provided advice, which indicates scope for insignificant levels of phosphorous discharges to the ground subject to compliance with 7 criteria. The appellants have accordingly sought to address these criteria with the assistance of the Council. However, the details provided are far too vague to provide any certainty of compliance. Thus, had I been minded to allow the appeal and the circumstances existed in which planning permission could be granted it would have been necessary to examine this matter in much further detail, including through Appropriate Assessment. However, as I am dismissing the appeal for other reasons, no further examination of this matter is necessary.

Conclusion

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

Benjamin Webb

INSPECTOR