



Appeal Decision

Site visit made on 4 May 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/Y3940/W/21/3288168 Sandyhills Farm, Teffont SP3 5QX

- 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 & Mrs Richard Bristow and Annabel Webb against the decision of Wiltshire Council.
 - The application Ref PL/2021/03133, dated 18 March 2021, was refused by notice dated 6 August 2021.
 - The development proposed is conversion of existing agricultural barn to form a single storey residential dwelling (Use Class C3) and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's refusal notice referred to the absence of survey work and mitigation to demonstrate potential impacts on Great Crested Newts (GCN) at the site. Additional information on this matter has accompanied the appeal, and the Council is satisfied that this now demonstrates there would be no harmful effects on GCN subject to conditions. Accordingly, there is no need for me to deal with that matter.

Main Issues

3. The main issues are:
 - whether future occupiers would be likely to experience acceptable living conditions, with particular reference to outlook and light;
 - the effect of the proposal on the integrity of the River Avon Special Area of Conservation (SAC) and the Chilmark Quarries SAC;
 - the effect of the proposal on the character and appearance of the surrounding area, having regard to its location within the Cranborne Chase Area of Outstanding Natural Beauty (AONB) and the setting of the Teffont Conservation Area (CA); and
 - whether the proposal would be in a suitable location for housing, having regard to local and national planning policies.

Reasons

Living conditions

4. The appeal site comprises a linear parcel of land surrounded by tall mature trees. The agricultural barn occupies a central position within the site, yet the immediacy of the tall boundary trees and the sharply rising land at the barn's rear result in it appearing somewhat confined within the plot.

5. The proposed conversion would result in a dwelling incorporating four bedrooms and an open plan kitchen/dining and living room. Those spaces would be served by windows primarily orientated towards the steep bank to the rear, and the tall boundary trees lining the site's boundary with the adjacent road.
6. Given the proximity of the proposed windows to the tall boundary trees and the limited gaps between them, it is likely that they would cast a significant shadow and limit the amount of light entering habitable rooms. Similarly, the rear facing windows would feel appreciably enclosed by the rising topography of the bank and the trees upon it. The consequence of this, in addition to the absence of rooflights, would result in those internal spaces being dark and having a diminished outlook particularly in instances where the windows are orientated to the north and south. The effects would be most acute during the spring and summer months when the trees would be in full leaf. Future residents would therefore be subjected to an unattractive internal environment that would have harmful effects on their amenities.
7. It would be reasonable to expect that future occupiers of the dwelling would seek to improve the situation through regular pruning or the removal of some of the boundary trees. However, this would likely have consequential effects on the visual setting of the site, while those works would not fully resolve the harmful effects of the rising bank to the rear.
8. There would be an area of external amenity space to the side of the dwelling. This would be in a more open part of the site, where it is deeper and less inhibited by the shadowing effect of the boundary trees, owing to the presence of the gap created by the adjacent site access. The amenity space is of adequate size whilst it could reasonably cater for the needs of future occupiers in terms of functionality. Despite this aspect of the scheme being acceptable, it would not overcome the deficiencies referred to in respect of the proposed internal living environment.
9. In conclusion, future occupiers would likely experience unacceptable living conditions with particular reference to outlook and light. Therefore, it would fail to accord with Core Policy 57 of the Wiltshire Core Strategy (adopted January 2015) (Core Strategy) insofar as the policy requires proposals to be of a high-quality design that takes account of the needs of future occupiers.

SAC

10. The appeal site is located within the consultation zone associated with the Chilmark Quarries SAC. This qualifies as a habitats site under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). The SAC is designated for its important bat populations.
11. As the competent authority, I am unable to grant a planning permission if the proposal, either on its own or in combination with other plans or projects, is likely to have a significant effect on a habitats site unless I have made an appropriate assessment of the implication of the proposal for that site in view of its conservation objectives, and that has concluded that the proposal will not adversely affect the integrity of the habitats site.
12. Artificial lighting used during the construction and operational phases of the development may disturb bats that potentially forage/commute along the appeal site's boundary hedges/trees. This could lead to a significant adverse impact on Annex II bats when foraging/commuting outside the SAC.
13. There is some mutual agreement between the parties that lighting proposals for the operational phase of the development are acceptable and would not harm the

conservation interests of local bat populations. However, the means of mitigating artificial lighting during the construction phase are somewhat vague. There is a commitment to no construction activity either side of dawn and sunset hours, however, there are no categorical assurances on whether lighting would be used during and outside of those times even when daily activities associated with the construction phase are completed. I cannot therefore be certain that all forms of lighting, associated with the construction phase, have been ruled out during times when bats would be foraging along the site's boundaries. Therefore, the proposal would not pass the test set out earlier in respect of the site's conservation objectives.

14. The appeal site is within the catchment of the River Avon SAC. The SAC is designated for several species of wildlife that depend on pristine water quality typical of chalk rivers such as the Avon. The SAC is a habitats site and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). Regulation 63 of the Regulations prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the protected sites.
15. New residential development within the River Avon catchment area has the potential to increase phosphate loading within the SAC. Such harmful pollutants can affect the habitat site's ecology. It therefore must be appraised in line with the Regulations by an appropriate assessment.
16. There is dispute between the parties on whether the proposal falls within the scope of the Council's agreed mitigation strategy, which broadly requires schemes to be development plan compliant. Even if I found that it did, the recently updated Natural England guidance¹ on nutrient neutrality does not appear to have been considered by the appellant. In addition, there is limited information on how foul drainage would be discharged from the site, details that would likely inform any appropriate assessment I would need to make to assess the proposal's effect on the integrity of the SAC.
17. However, as one of the main issues provide clear reasons for dismissing the appeal, there is no need for me to consider the implications of the development on the integrity of the River Avon SAC since my findings on that issue would not change the appeal outcome.
18. Irrespective of my findings on the River Avon SAC, there is insufficient information before me to provide certainty that the proposed development would not harm bat habitats associated with the Chilmark Quarries SAC, so as to not have an unacceptable effect on the integrity of the SAC. There would be conflict with Core Policy 50 of the Core Strategy and Paragraphs 180 and 182 of the National Planning Policy Framework (2021) (the Framework), where they require proposals to demonstrate how they would protect habitat sites and features of nature conservation value.

AONB

19. The appeal site is located within the Cranborne Chase AONB. It is located close to the small village of Teffont, which is surrounded by attractive pastureland and wooded valleys.
20. Paragraph 176 of the Framework makes clear that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas. Moreover,

¹ Natural England guidance, 16 March 2022 - Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites.

the scale and extent of development within AONBs should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

21. The appeal site faces a narrow country road, although the presence of the tall boundary trees ensures that the existing barn, is discreetly positioned within the landscape. The area of amenity space proposed to the side of the dwellings would likely be visible to some extent through the proposed side access. Parked cars and other domestic paraphernalia would be observed through the gaps in the trees and the access, yet these views would not be particularly perceptible or detailed given the thickness of the roadside boundary and the extensive bank and trees, providing enclosure, to the site's rear.
22. The Council is concerned that the site's rural character would be altered by virtue of having a more domestic appearance, for instance through attendant parking and areas of outdoor seating.
23. Given the extent of established vegetation surrounding and screening the site, it is not considered that the scale of the changes would amount to any significant harm on the appearance of this rural area. Moreover, the existing agricultural use of the site could continue, and I have not been aware of any restrictions that would prevent machinery and implements being stored on the land surrounding the existing barn.
24. Reference has also been made to an appeal decision² relating to a site in the locality, where the Inspector raised concerns regarding the proposal's domestic appearance upon the local landscape. However, I have limited information on that site's location and its appearance. Moreover, it was for a holiday let rather than a dwelling. Accordingly, I am unable to draw any close similarities between the two cases and I give limited weight to that decision.
25. Therefore, whilst there would be some change to the site's appearance, it would not on balance harm the character and special qualities of the AONB.

Conservation Area

26. The appeal site's western boundary, in part, adjoins the curtilage land of the Old Black Horse Cottage, a grade II listed building. This boundary also marks the edge of the Teffont Conservation Area (CA), an extensive heritage designation that covers most of the village.
27. The CA's special character is derived from the attractive architectural qualities of the village which include many traditional stone cottages, framed by stone walls and attractively landscaped gardens. The established roadside trees along the appeal site's front boundary add to the CA's qualities somewhat by the way they integrate with other landscape features that enclose neighbouring residential curtilages within the heritage designation. Consequently, the appeal site's verdant boundary contributes positively towards the setting of the CA, from which it derives some of its significance.
28. The proposed development would change the character of the land from agricultural to residential. However, these changes are unlikely to amount to anything more than the presence of parked cars and residential paraphernalia. Those features would be largely screened by the existing roadside trees, which would continue to make a positive contribution towards the CA. Moreover, the proposed development would be unlikely to be seen clearly in context with other

² APP/Y3940/W/203246187, dismissed 22 September 2020

dwelling and buildings within the CA. Accordingly, I have found there would be no harmful effect on the CA's setting and therefore its significance.

Findings on character and appearance

29. Therefore, in light of the above, the proposal would not have an unacceptable effect on the character and appearance of the area, having regard to its location within the AONB and the setting of the CA. It would accord with the provisions of Core Policies 41, 51, 57 and 58 of the Core Strategy. These require, amongst other things, that proposals to not detract from the character and appearance of the site or area, conserve and enhance the landscape and scenic beauty of the AONB, effectively integrate buildings into their setting, make an efficient use of land, and protect and enhance designated heritage assets. It would also meet the requirements of Paragraph 176 of the Framework relating to the conservation and enhancement of AONBs.

Location of Development

30. Core Policy 1 of the Core Strategy sets out the overall settlement strategy, defining settlements. Core Policy C2 of the WCS indicates that other than in circumstances permitted by other policies, development will not be permitted outside the limits of development of those settlements. Core Policy 48 allows for dwellings for essential rural workers and for the conversion and re-use of rural buildings, again subject to various criteria. Core Policies 60 and 61 require that new development is located in accessible locations to limit the dependency on the need to travel by private motor vehicle.
31. The appeal site is located a short distance outside the settlement of Teffont, with access to it along a narrow country road. There are limited services and facilities in the village, other than a small play area, community hall and a bus stop with services to larger towns and villages. The road to access these is unlit and lacking in pedestrian footways, thus representing an undesirable walking route for many when accessing those facilities. Therefore, residents of the proposed dwelling would be heavily reliant on the use of a car or other vehicle. Consequently, the proposal would fail to accord with aspects of the development plan, including Core Policies 1, 2, 60 and 61 of the Core Strategy.
32. Notwithstanding the site's remote location from a range of facilities and services, Core Policy 48 contains the provision that in isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.
33. In terms of national policy, Paragraph 80 c) of the more recent Framework supports the conversion of redundant buildings to dwellings in isolated countryside locations providing proposals enhance the immediate setting. In this respect, the proposal would not result in any loss of trees at the site, whilst the submitted drawings show new turfed areas to the front and side of the dwelling. Although modest as a proportion of the site's area, these areas would soften the land around the building and enhance its natural setting amongst the tall mature trees along the boundaries. Moreover, as a conversion opportunity the proposal would align favourably with aspects of the Framework that promote the efficient use of buildings and land, as well as limiting the use of natural resources. Additionally, the proposal would add a further dwelling to the local housing stock.
34. I have found that the proposed dwelling would be close to a settlement, but it contains limited services and facilities, such that future occupiers would more than likely be reliant on the private motor vehicle to access these. However, I have also found that the proposal would deliver social and environmental benefits through

the development of a further dwelling to add to the local housing supply, modest site enhancements, while as a building conversion would represent a less resource intensive development. These social and environmental benefits, which are supported by the Framework, would outweigh the proposed site's inherent accessibility shortcomings. Thus, material considerations indicate that, in this instance, the proposal should be determined other than in accordance with those parts of the development plan referred to above.

35. Therefore, the proposed development would be in a suitable location for housing having regard to local and national planning policies. It would accord with Core Policies 48 and 51 of the Core Strategy where the re-use of buildings in isolated locations, may be permitted where justified by special circumstances, in line with national policy, and include landscape protection and enhancement measures. It would also meet the requirements of Paragraph 80 c) of the Framework.

Conclusion

36. I have found that the proposal would have an acceptable effect on the area's character and appearance, whilst being in a suitable location for a dwelling. There would also be scheme benefits insofar as the proposal adding to the local housing supply and being an efficient use of the land. However, these matters would not overcome the significant harm I have identified in relation to the living conditions of future occupiers and the conservation status of the Chilmark Quarries SAC.
37. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR