



Appeal Decision

Site visit made on 14 June 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/U3935/W/21/3289499

Ferndale Cottage, Highworth Road, South Marston, Swindon SN3 4SE

- 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 M Robinson against the decision of Swindon Borough Council.
 - The application Ref S/21/1261, dated 26 July 2021, was refused by notice dated 22 November 2021.
 - The development proposed is proposed agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an agricultural barn at Ferndale Cottage, Highworth Road, South Marston, Swindon SN3 4SE in accordance with the terms of the application, Ref S/21/1261, dated 26 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: - Drawing No. Full Plans - Proposed Floor Plan, Elevation, Site Location Plan and Block Plan (dated July 2021)
 - 3) The external materials to be used in the construction of the development hereby permitted shall be as shown on the planning application form.

Main Issue

2. The main issue is the principle of the proposed development with specific regard to its location.

Reasons

3. The Council's reason for refusal explains that the proposed development would be an incursion into the countryside which would adversely affect the rural character of the area. However, their evidence sets out that the proposed barn would be of acceptable design, size and scale, which accords with Policy DE1 which considers, amongst other things, high quality design. The reason for refusal also states that there is no overriding justification for the encroachment of development into the countryside and thus the proposal would be contrary to Policy SD2 of the Swindon Borough Local Plan 2026 (Local Plan) (2015).
4. On my reading of Policy SD2, it appears to be mainly concerned with the strategic spread of residential and employment allocations and development, in accordance with the Council's spatial strategy. In terms of development in

countryside locations, it nonetheless sets out that it will be permitted where local needs have been identified, it relates to tourist uses or it is in accordance with other policies of the plan in regard to development in the countryside.

5. I have not been passed copies of any other policies, only Policy SD2, and as such can only take the Council's confirmation that the proposed development would not sit squarely with any of them in terms of countryside development. The appellant alludes to Policy EC5 of the Local Plan, albeit seems to admit that the appeal scheme would not be a farm diversification project. With this and the above in mind, one cannot find compliance with Policy SD2.
6. The appeal scheme would be for employment development which, following the approach of SD2, should be located in more accessible locations. That said, it strikes me that as development intrinsically linked to agriculture, it would be arguably more suited to a countryside location. The appellant currently keeps, as observed on my site visit, chickens and ducks. There is also a small vegetable patch. The appeal scheme would therefore appear, on its face, to expand what is an existing very small-scale enterprise into a small holding. The intention is to introduce sheep, goats and several beehives. Animals would be reared for their produce, most notably their eggs, wool, meat, and honey. The proposed building would be used to store hay, straw, feed and machinery, as well as the keeping of livestock during the winter months.
7. The appeal site consists of a roughly triangular shaped parcel of agricultural land situated to the north of Ferndale Cottage, a semi-detached dwelling situated along Highworth Road. The character of the area is of sporadic dwellings, situated in a ribbon form along Highworth Road. A mature hedgerow runs along the boundary with the highway. As I have alluded to above, the Council do not object to the effect of the proposed building on the character and appearance of the area. I have no reason to disagree. Whilst the Parish Council have raised concerns that the building is too large, I feel the size of the proposal would be reasonable, commensurate with a functional need.
8. Paragraph 84 of the National Planning Policy Framework (the Framework) (2021) sets out that, in order to support a prosperous rural economy, planning decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. Decisions should also enable the development of agricultural and other land-based rural businesses.
9. The appeal scheme would conflict with the development plan, albeit in the absence of planning harm and purely out of policy conflict. However, there are material considerations, specifically the circumstances of the case as I have set them out and the approach of the Framework, to which I attach substantial weight, such that they lead me to reaching a decision other than in accordance therewith. I therefore find the principle of the proposed development acceptable.

Other Matters

10. The Parish Council have also objected on the basis of the additional traffic joining the road. The site is already in agricultural use and the proposal would use the existing vehicular access from Highworth Road. The proposal would not result in a significant number of additional vehicle movements, to the detriment of highway safety. The Council's highways officer is also satisfied

that the proposal would not result in highway issues regarding either safety or capacity.

11. Whilst there was a commercial vehicle observed on my site visit, this was parked on the private driveway associated with Ferndale Cottage and not on the appeal site. The appellant has confirmed that the only machinery that would be stored in the barn would be machinery associated with the agricultural use of the land. Therefore, I can only afford the concern that the proposal would be used to house commercial vehicles and materials limited weight.
12. The request for permitted development rights to be removed, would not pass the test of reasonableness or necessity, as set out in the Planning Practice Guidance (PPG). Planning permission would be required should the building be used for any purpose other than as an agricultural building. Planning permission runs with the land and it would not be reasonable or necessary to link the proposal to Ferndale Cottage.
13. Finally, the Council refer to the PPG's definition of what would constitute a 'material planning consideration'. The PPG confirms that the Framework is a material consideration and must be taken into account where it is relevant to a planning appeal. In determining this appeal, I have found that the proposal would be in accordance with the Framework.

Conclusion

14. For the above reasons, the appeal is allowed, and planning permission hereby granted, subject to the conditions set out above.

Laura Cuthbert

INSPECTOR