



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: 18th July 2022

Appeal Ref: APP/Y3940/W/22/3293124

Land South of Bell House, A342, Lydeaway, Wiltshire SN10 3PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Planning Base Limited against the decision of Wiltshire Council.
 - The application Ref PL/2021/04264, dated 22 April 2021, was refused by notice dated 27 August 2021.
 - The development proposed is erection of 6no. dwellings (2no. affordable starter home dwellings) and associated development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for future consideration. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.
3. The proposed development was refused for four reasons. The appellant has submitted a 'Flood Risk and Drainage Strategy' (prepared by RMA Environmental, dated 18 November 2021) as part of their appeal documentation, which demonstrates that the flood risk from all sources of flooding can be managed on site without increasing flood risk elsewhere. The Council has confirmed that this overcomes the fourth reason for refusal, with any further information required to be resolved through the imposition of appropriate conditions.
4. The Council has clarified that the third reason for refusal relates to the impact on the setting of Belle Vue Cottage, a Grade II Listed Building. The appellant has provided details of the nearby Conservation Areas. However, the impact on the nearby Conservation Areas is not a disputed matter between the main parties.
5. The main parties have set out the relevant planning history related to the site, which includes a previous appeal decision¹ for the erection of 2 dwellings. It was dismissed. Whilst I have taken this decision into consideration, as some of the matters raised in this previous appeal are relevant in this case, I have determined this appeal on its own merits.

¹ APP/Y3940/W/15/3135301

Main Issues

6. Taking the above matters in to account, there are three main issues. These are:

- whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities;
- whether the proposed development would conserve or enhance the natural beauty of the landscape within the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
- whether the proposed development would preserve the setting of the listed building known as Belle Vue Cottage.

Reasons

Suitable Location

7. The appeal site forms part of a caravan site at Bell Caravan Park in Lydeaway. Lydeaway is a small cluster of dwellings and buildings positioned either side of the A432. Wedhampton and Urchfont are the other closest settlements.
8. The A432 lies to the west of the appeal site, with open countryside running to the east. A group of converted agricultural buildings, The Old Potato Yard, is situated opposite the site. It includes, amongst other facilities, the provision of a Farm Shop, a café, an antique shop and a hair salon.
9. The appeal site lies outside of any adopted settlement limits and has not been included as a site allocation within the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan (UWLNP) (2017). Lydeaway itself does not have any settlement limits and does not form part of the 'settlement strategy' or 'delivery strategy' set out in Core Policies 1 and 2 of the Wiltshire Core Strategy (Core Strategy) (2015), which directs development to the most suitable and sustainable locations. Therefore, the site is classed as open countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside.
10. As confirmed by my site visit, the A432 is a busy road, with Heavy Goods Vehicles (HGV's) frequently using the road. The footpaths along both the A432, which connects the site to Wedhampton, and the main road to Urchfont, are all limited to short sections and are predominately unlit. Given the busy nature of the A432, it would not represent an attractive environment for cycling, nor would it be appealing to walk alongside, where there are footpaths available.
11. A bus stop is located along the A432 directly in front of the appeal site. Based on the bus timetables provided by the appellant, the bus service is infrequent and would not represent a convenient alternative to the car.
12. In view of the above, future occupants of the proposal would therefore be largely reliant on the private motor car to access services and facilities. This lack of accessibility to enable future occupants to carry out day to day activities demonstrates that the site would be an unsuitable location for new housing.
13. On my site visit, I saw the range of services and facilities that are available at the Old Potato Yard. However, future occupants would still need to travel further afield to access day to day services, including schools and employment

opportunities. Therefore, whilst the range of services available at the Old Potato Yard may have expanded or changed since the earlier appeal decision, future occupants of the proposal would remain largely reliant on the private motor car.

14. A new railway station is expected to be provided at Lydeway. The appellant has included a press release, which suggests it could be operational in 2027. However, the Council have advised that it is still at feasibility stage. Based on the press release provided by the appellant, it appears that there are still a number of uncertain stages to go through in order for the 2027 opening date to be achieved. Based on the evidence before me, I can only give this potential new railway station limited weight in my decision.
15. The proposed development, for the reasons given, would not provide a suitable location for housing, having regard to the accessibility of services and facilities. The proposal would be contrary to Core Policies 1, 2, 12, 60 and 61 of the Core Strategy. Amongst other things, these policies, in combination, direct growth and new housing to defined settlements and resist new homes in the countryside except in certain circumstances. They also encourage planning developments in accessible locations and promote sustainable transport alternatives to the use of the private car.
16. The proposal would not meet the aims of paragraph 8 of the National Planning Policy Framework (the Framework) (2021) in terms of ensuring homes have accessible services.
17. The Council also cite Policy 64 of the Core Strategy in their first reason for refusal, which relates to demand management measures to reduce the reliance on the car and to encourage the use of sustainable transport alternatives. However, given my conclusion above, there are no 'demand management measures' that would be applicable to the proposal.

North Wessex Downs AONB

18. The appeal site consists of a flat and irregular shaped site. It is relatively enclosed, with mature vegetation along the southern boundary and alongside the A432 to the west. Smaller hedgerows, interspersed by mature trees, form the remaining boundaries, with open countryside lying to the east. Sporadic residential properties are situated to the south of the site. Bell House, the dwelling associated with the caravan park, is situated to the north of the site. There is also a bridleway² situated to the east.
19. Despite its use as part of the caravan park and the impact of the A342, the site retains its rural character and contributes positively to the natural beauty of the landscape within the North Wessex Downs AONB.
20. The layout on the drawings is indicative and could change. However, due to the size and irregular shape of the appeal site, the construction of 6 dwellings would inevitably result in a tight knit layout which would be at odds with the prevailing loose knit character of the area. Whilst the retention of the trees along the A432 would help to screen the proposal, I am not satisfied that an acceptable scheme for 6 dwellings would be capable of being accommodated on the site without harming the character and appearance of the area.

² Bridleway URCH23

21. The previous Inspector³ concluded that the earlier scheme would have a 'neutral impact' on the landscape and scenic beauty of the AONB. However, the proposal is now for 6 dwellings and would be significantly different to the earlier scheme for 2 dwellings. Therefore, I have reached a different conclusion on the matter.
22. For these reasons, I conclude that the proposal would fail to conserve or enhance the natural beauty of the landscape within the North Wessex Downs AONB. The proposal would be contrary to Core Policies 51 and 57 of the Core Strategy and Policies H2, D1 and CN1 of the UWLNP, which together, amongst other criteria, requires development to protect, conserve and enhance landscape character and the landscape setting of the villages, and to relate positively to its landscape setting and local distinctiveness.
23. The proposal would also conflict with the principles within Chapter 15 of the Framework in regards to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regards to conserving and enhancing landscape and scenic beauty within the AONB.

Listed Building

24. Belle Vue Cottage is one of a pair of semi-detached thatched cottages situated opposite the appeal site. It is a Grade II Listed Building. Its architectural interest, which includes the thatched roof and 2 flush casement dormers, are important to its special interest and significance.
25. The setting of the listed building is heavily influenced by the A342. Nevertheless, it is a rural setting, within the open countryside. Whilst there might be a lack of a visual relationship between the appeal site and the listed building due to the mature vegetation along the A342, the appeal site, in its current undeveloped form and rural character, makes an important contribution to its rural setting and thus the significance of the listed building. Based on the historic maps provided as part of the Council's evidence, the appeal site was undeveloped between 1844-1888. The road was also in situ at this time. Therefore, the setting of the listed building has been consistent for a long time.
26. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the LBCA Act) requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
27. Although matters relating to scale, layout, appearance, and landscaping have yet to be fixed, the proposal would result in 6 dwellings spaced across the appeal site. I have already concluded that I do not consider that an acceptable scheme for 6 dwellings is capable of being accommodated on the site without harming the character and appearance of the area. This would permanently erode the rural character of the appeal site. There would be a negative effect on the setting of Belle Vue Cottage and thus harm to its significance.

³ APP/Y3940/W/15/3135301

28. In view of the above, the development would fail to preserve the setting of the listed building. The harm to the significance of Belle Vue Cottage that would result from the proposal would be less than substantial. I have attached considerable importance and weight to the desirability of preserving the setting of the listed building. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
29. The proposal would provide six new houses in an area where the Council accepts it cannot demonstrate a five-year supply of housing land, including the provision of 2 affordable starter homes. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the six houses. However, these public benefits of the development would not be sufficient to outweigh the harm to the significance of Belle Vue Cottage identified above.
30. Heritage was not a matter in dispute under the previous appeal decision. However, the Council have raised it as an issue with the current appeal proposal. The fact that it was not raised as an issue previously does not change the harm that I have identified above.
31. Taking the above matters in to consideration, I conclude that the proposals would not preserve the setting of Belle Vue Cottage and would result in harm to the significance of the listed building. It would not meet the requirements of Section 66 of the LBCA Act. For the same reasons, the proposal would be contrary to policies CP57 and CP58 of the Core Strategy and policies D1 and BE1 of the UWLNP, which all require development to protect and conserve historic buildings and their settings. It would also conflict with paragraph 200 of the Framework, which states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.
32. The Council has also cited Policy CP51 of the Core Strategy in their refusal reason on heritage matters. However, this policy appears to refer to landscape character so would not be relevant to this main issue.

Other Matters

33. It is common ground between the parties that the Council is unable to demonstrate a five-year housing land supply. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. In respect of paragraph 11(d) of the Framework with regard to decision-making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including applications involving housing where the Council cannot demonstrate a five-year housing land supply), permission should be granted unless (i) the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 confirms that this includes the policies of the Framework concerning AONB's.

34. The harm to the AONB that I have identified above gives rise to conflict with specific Framework policies, most notably paragraph 176, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's and that the scale and extent of development in AONB's should be limited. Accordingly, the presumption in favour of sustainable development does not apply to this appeal. Furthermore, even though the UWLNP is now 5 years old, given the presumption in favour of sustainable development does not apply, the criterion set out in paragraph 14 of the Framework are not relevant.
35. There are some benefits with the proposed scheme, such as the provision of starter homes and market housing towards the housing undersupply. The proposal would also have some economic benefits in employment during the construction phase and support for local businesses. However, I can only attach limited weight to these benefits given that their location would be poor in terms of access to services. Furthermore, any benefits of employment during construction would be temporary.
36. The Council's officer report raised additional concerns regarding both the potential archaeological interest of the appeal site and the loss of the land as part of an existing commercial enterprise, the Bell Caravan Park. However, these were not included as reasons for refusing the application. Given that I am dismissing the appeal on the main issues for the reasons set out above, I have not pursued these matters any further.
37. Finally, I note the lack of objection from the Parish Council and the letter of support from a local resident. However, the matters raised do not alter or outweigh my findings on the main issues.

Conclusion

38. The conflict with the range of policies drawn to my attention lead me to conclude that there is conflict with the development plan as a whole. Having considered all the matters raised in support of the development, I conclude that these would not be sufficient to outweigh the harm identified. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR