



Appeal Decision

Site visit made on 20 June 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/Y3940/W/21/3282586

Close Farm, Close Lane, Marston, Devizes, Wiltshire, SN10 5SN

- 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 Pearce against the decision of Wiltshire Council.
 - The application Ref PL/2021/03423, dated 26 March 2021, was refused by notice dated 9 July 2021.
 - The development proposed is for the conversion and extension of a stable to form a 4-bedroom dwelling, the change of use of a storage building to a stable, the cladding of the proposed stable and an existing store, hard & soft landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal follows a recent dismissed appeal at the site in 2020 (ref: APP/Y3940/W/20/3245229) for a development which included the proposal to reconfigure and convert the existing stable into a 4-bedroom dwelling. As this is a recent appeal decision and based on similar proposals then it is a material consideration in this appeal before me.
3. I am aware that the storage building at the site has permission to be converted to a dwelling under Class P of the General Permitted Development Order (GPDO) though this has not been implemented (ref: 19/03801/PNCOU).

Main Issues

4. The main issues are whether (1) the site is appropriate for a dwelling as proposed given Development Plan policies; and (2) the effect of the development on the character and appearance of the area, including the setting of the Marston Conservation Area (CA).

Reasons

Location

5. Within the appeal site is a stable block which does not appear to have been completed or in use as a stable. There is also an open store/hay building to the side, all adjacent to a yard area. There is another building on site which is a store building.
6. The site lies to the end of the semi-rural cul-de-sac of Close Lane. Close Lane is mostly part of the settlement of Marston, which is classed within the Wiltshire

Core Strategy (WCS) as a 'Small Village'. However, although close to other forms of built development I would consider the site buildings to fall outside of the confines of the village, which was also the conclusion of the Inspector for the 2020 appeal.

7. Core Policy 1 of the WCS seeks to limit development such as housing in small villages due to the lack of services and facilities. Furthermore, Core Policy 2 of the WCS indicates that development within Small Villages will be limited to infill within the existing built area. It is my view that the proposal would not constitute a form of infill due to the lack of significant existing adjacent buildings. It would result in an encroachment of residential development from the village into the countryside. There is also no substantive evidence that the proposed dwelling is needed to meet housing needs of this settlement.
8. A dwelling as proposed in this location, on the periphery of the village, would be served by limited services and facilities. As such I consider that it is likely that future occupiers would be reliant on the private car to access a number of day-to-day local facilities. The site is not isolated but nor is it accessible when considering the lack of day-to-day services and facilities the village can offer to future occupants of the proposed dwelling in this location.
9. The appellant has raised the issue of the fallback position of a dwelling formed from the store building which has consent under application reference 19/03801/PNCOU. I have no reason to consider that this is not a genuine fallback position, which would result in a dwelling at the site. However, there is the issue, which was raised with the 2020 Appeal Decision, that there is no appropriate mechanism in place to avoid a potential situation of two dwellings at the site if this appeal is allowed. A condition would not be sufficient to prevent the conversion under 19/03801/PNCOU if any consent under this appeal was not commenced at that time. Furthermore, there is no planning obligation before me that would prevent the appeal proposal and that subject of the recent prior approval from both being implemented.
10. The appellant has raised the matter of the 'Pilkington Principle', established by *Pilkington v SEO* [1973], namely that whilst a landowner can make multiple planning applications for the same piece of land which may be inconsistent with each other, once one of those permissions has been implemented, and development has been carried out which makes it impossible to achieve development under another permission over the same piece of land, that other permission is no longer valid.
11. In this appeal case it would be possible to convert the store to a dwelling under the extant consent and then subsequently convert the stable to a dwelling also (if this appeal were allowed) as they are separate buildings. It would just mean that an aspect of this proposal, being the conversion of the storage building to a stable, could not be undertaken, but the conversion of the stables to a dwelling could still be implemented. It would not be physically impossible for both consents to result in two dwellings on the site. This differs from some of the other appeal decisions brought to my attention, where it would be impossible to have both consents implemented or that there could be a legal agreement in place to prevent this.
12. If all an approved development is implemented, it should all be in full accordance with the permission. However, it could be that the developer does not wish to implement all separate aspects of an approved scheme, which is

possible in this circumstance as there are separate buildings involved in the overall proposal.

13. It is also my view that the proposed new dwelling would result in significant adverse visual impacts (as described in the following section) which differs from the situation with the 19/03801/PNCOU consent, which does not include the extensions for example as with this appeal scheme. As such, they are not directly comparable, with greater adverse visual impact from the dwelling proposed with this appeal.
14. Overall, whilst there is a genuine fallback position that may result in a dwelling on this site, in this case there is a possibility of the previously consented dwelling still being implemented, potentially resulting in two dwellings at this site. As such, this fallback position does not overcome the conflict with the policies of the WCS that would result from the proposed conversion of the stables to a dwelling. The proposal would be contrary to the aforementioned Core Policies 1 and 2, but also Core Policies 12, 60 and 61. These policies seek to direct development to accessible locations, amongst other things.

Character and Appearance

15. The appeal site is outside but near to the edge of the Marston Conservation Area (CA). Due to the close proximity of the site to this heritage asset I would regard the site as within the setting of the CA.
16. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. 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. Paragraph 195 also states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)."
17. As was described with the 2020 appeal, the area is characterised by linear built form along lanes, terminating in farm/rural buildings such as at the site. The site therefore provides part of an attractive rural setting for the village and the CA.
18. The proposal would extend the stable building significantly and would result in a sizable formal garden area. Whilst there have been efforts in the design to minimize the visual changes from the stables approved, the building would be larger and also would appear as a dwelling, rather than a stable building. A dwelling in this location, with the associated garden area and typical domestic paraphernalia, would be much more conspicuous than the existing stable building, as stables are common building types within the countryside. As such, the proposed dwelling would be visually intrusive and also be a significantly harmful form of development, which would erode the rural character that forms the village setting.

19. The proposed dwelling would be single storey and would be screened to some extent by existing mature landscaping and further planting. This would help to mitigate the visual harm. However, from my observations on site there would likely be views (albeit partial from some locations) of the proposed dwelling from Close Lane, or surrounding public rights of way, for example. As such, the visual impact of the proposed development would not be neutral but would be adverse.
20. It may be that the conversion of the storage building which has consent would be constrained in terms of its design, but it would not include significant extensions or a large curtilage. It would also be in a less prominent position than the proposed dwelling with this appeal. As such, this fallback alternative would have a lesser visual impact than the proposals with this appeal. I therefore give the fallback position limited weight with this main issue.
21. Heritage assets may be affected by direct physical change or by change in their setting. The location of the appeal site has currently a positive contribution to the CA setting, due to its rural/agricultural informal character on the edge of Marston. However, the proposed dwelling in this location, for the reasons given above, would result in an erosion of this positive character setting to the CA. This would harm the significance and character of this heritage asset. The harm to the CA would be 'less than substantial' in respect of paragraph 196 of the Framework. Therefore, such identified harm to the significance of the designated heritage asset needs to be weighed against public benefits of the proposal.
22. There would be some benefits with the proposal, primarily being the provision of a new dwelling towards local supply, and the associated social and economic benefits. There would also be further landscaping and some improved visual elements, amongst other potential benefits. However, overall, this is a proposal for a single dwelling house and the benefits would be limited.
23. There are no such public benefits arising from the proposal which would offset the identified harm, to which I must attach considerable importance and weight. The proposal is therefore in conflict with Core Policies 51 'Landscape', 57 'Ensuring High Quality Design' and 58 'Ensuring the Conservation of the Historic Environment' of the adopted Wiltshire Council Core Strategy, which requires that development protect, conserve and where possible enhance the historic environment, respond to the value of the natural and historic environment, and relate positively to its landscape setting, amongst other things.

Planning Balance

24. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
25. It is stated that the Council can demonstrate a sufficient housing land supply. Nonetheless, there are the benefits which are outlined in paragraph 22, including the provision of a dwelling towards housing land supply, positive economic factors, enhanced landscaping and biodiversity benefits. However, being a proposal for a single dwelling the benefits would be limited. The Local Plan policies, such as those that relate to heritage assets, are also in general accordance with the Framework policies on these issues. Overall, even if the

housing land supply were below 5 years, when considering the policies from the Framework, the harm I have identified would significantly and demonstrably outweigh the total benefits.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR