



Appeal Decision

Site visit made on 20 September 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/Y3940/W/22/3296421

1 Bedwyn Common, Bedwyn Common SN8 3HZ

- 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 Mrs S G Thompson against the decision of Wiltshire Council.
 - The application Ref PL/2021/07810, dated 6 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is the change of use of existing residential annexe to self-contained dwelling including the provision of 2 car parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing residential annexe to self-contained dwelling including the provision of 2 car parking spaces at 1 Bedwyn Common, Bedwyn Common SN8 3HZ in accordance with the terms of the application, Ref PL/2021/07810, dated 6 August 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 and thereafter retained in accordance with the following drawings: Location Plan (Buy a Plan, 1 Bedwyn Common, Bedwyn Common, Wiltshire SN8 3HZ); 1:100 Existing Floorplan (to be unchanged); 1:100 Existing Elevations (north & south) (to be unchanged); and 1:100 Existing Elevations (east & west) (to be unchanged).
 - 3) Prior to the commencement of any works in connection with the new parking area, full details, including reinstatement of the retained boundary wall and new boundary treatments, shall be submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in accordance with the approved details and retained thereafter.
 - 4) Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modifications), no enlargement, addition or extension to the dwelling, nor any building incidental to the enjoyment of the dwelling, shall be constructed.

Preliminary Matters

2. For clarity and succinctness, I have amended the description of development to refer solely to the operative part of the development.

Main Issues

3. The main issues are:

- whether the location of the proposal would be acceptable with regard to development plan policy; and
- whether the proposal would represent sustainable development.

Reasons

Location

4. Policies CP1 and CP2 of the Wiltshire Core Strategy (2015) (Core Strategy) set out the overarching settlement strategy for the Council's area, and seek to direct new housing to the most accessible built up areas in the district. Whilst the appeal site is located outside of any defined settlement limits set out in these policies, paragraph 4.25 of Policy CP2 does reference certain exception criteria, where new development may be permitted in more rural areas.
5. One of these exceptions is set out in Policy CP48, which supports certain types of development which support rural life. Under this policy, and subject to meeting certain criteria, the conversion and re-use of rural buildings to a prescribed list of alternative uses may be permitted. These include employment, tourism, cultural and community uses. Where clear evidence is presented to demonstrate that none of these alternative would be practical propositions, conversion to residential use may also be permitted.
6. The appeal property comprises annexe accommodation, which was previously converted from a former agricultural barn. Whilst it has since been extended, owing to this former rural use, Policy CP48 does remain pertinent to the proposal. Putting aside any evidential requirements regarding the impracticality of the alternative uses outlined above, conceivably, the proposed residential use of the appeal site could therefore be consistent with the policy, subject to it meeting the relevant prescribed criteria. Specifically, these criteria require that the building should be capable of conversion without major rebuilding; that the use would not detract from the character nor appearance of the surrounding landscape; that the property would be served by adequate access; and that the site would have reasonable access to local services.
7. The Council has confirmed that the proposal would broadly meet these requirements, and there is no reason before me to disagree with this conclusion. Indeed, the building is already in residential use, so is clearly capable of conversion without additional building works. With the exception of the creation of new parking, there would be no other substantive building works, so the proposal would preserve the character and appearance of the surrounding landscape. The appeal property is also served by suitable access. Whilst occupiers would invariably be reliant on private vehicles to access local services, Great Bedwyn is located just a few kilometres away, and includes a school, a church, a pub and a shop, as well as public transport connections to

further afield. In the context of its rural location, access to local services would therefore be reasonable.

8. Nonetheless, I acknowledge that the appellant has not presented any substantive evidence to demonstrate that employment, tourism, cultural or community use of the appeal property would not be practicable. Technically, the development would therefore conflict with the content of Policy CP48, as well as the overarching spatial strategy for new development set out in Policies CP1 and CP2. In turn, when considered against the Council's development plan policy, the appeal site would not be an appropriate location for residential development. However, given that the proposal would meet the remaining substantive criteria for residential development under Policy CP48, and the lack of identifiable harm arising from the proposal, I only attach limited weight to these policy conflicts.

Sustainable Development

9. As mentioned, the appeal property is currently used as annexe accommodation in conjunction with no. 1 Bedwyn Common. It was apparent on my site visit that the annexe is already routinely used as a domestic accommodation, which in itself, would invariably attract vehicle movements to and from the property. In this context, and particularly given the modest size of the accommodation, any associated increase in the number of vehicle movements which would arise from the proposed change of use, would likely be marginal. In turn, I do not consider that the development would lead to any meaningful proliferation in the use of private vehicles in and around the appeal site, when measured against existing usage.
10. As highlighted above, the property does benefit from reasonable access to local services within Great Bedwyn, as well as public transport connections to larger settlements which are further afield. The built up market town of Marlborough is also located approximately 9km away. Access to local amenities would therefore be adequate.
11. Nonetheless, occupiers of the development would invariably be reliant on private vehicle to access day-to-day amenities, at least to a degree. Strictly speaking, the development would therefore conflict with Policies CP60 and CP61 of the Core Strategy, both of which seek to promote sustainable modes of transport, by directing development to the most accessible locations. However, given the reasonable accessibility of the site, and the similarities between the existing and proposed use (and the corresponding comparability in terms of reliance on private vehicles), any harm arising from these policy conflicts would once again be very limited.

Planning Balance

12. It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing land. Irrespective of the extent of such shortfall, this means its policies relating to the delivery of housing are out of date. Paragraph 11(d)(ii) of the National Planning Policy Framework (2021) (Framework) is therefore engaged, which says planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Whilst the proposal would conflict with Policies CP1, CP2, CP48, CP60 and CP61 of the Core Strategy, given that these policies are considered out of

date, the weight attributed to these policy conflicts is therefore further reduced.

13. Paragraph 60 of the Framework emphasises the need to significantly boost the supply of houses across the country, and paragraph 69 highlights the importance of small and medium sites in achieving this target. Reflecting these objectives, the proposal would contribute a new dwelling to the Council's housing supply. Whilst only a minor contribution, this would still be a notable benefit of the scheme.
14. Given the lack of any meaningful identifiable harm that would arise from the proposal, I therefore find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The tilted balance is engaged, and the presumption in favour of sustainable development therefore applies in this instance.

Other Matters

15. The appeal site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty, and section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. With the exception of two new parking spaces, which would be located discreetly along the western elevation of the property, the proposal would not give rise to any additional building works which would alter its appearance. In turn, I am satisfied that the proposed change of use would preserve the rural beauty of the AONB.
16. Similarly, and in line my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of 1 – 3 Bedwyn Common, which are grade II listed. For the same reasons outlined above, I consider that the proposal's impact in this regard would be neutral.

Conditions

17. I have reviewed the Council's list of suggested conditions and amended these in line with the provisions of the Framework and the Planning Practice Guidance.
18. I have included a plans condition to ensure certainty over the development permitted. I have also included a condition requiring details of the new and retained boundary treatments to be approved by the Council prior to any works in connection with the new parking area. This is to ensure the setting of the listed building is properly preserved.
19. Finally, I have included a condition which restricts permitted development rights relating to any further extension or ancillary outbuildings, to ensure the setting of both the listed building and the wider AONB can be properly regulated going forward.

Conclusion

20. Whilst the development would conflict with the Council's development plan, given the Council's housing land supply position, its policies relating to the

delivery of housing are out of date. In accordance with the provisions of the Framework, the tilted balance is therefore engaged. In this instance, the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development applies, and the appeal should therefore be allowed.

James Blackwell

INSPECTOR