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# Appeal Decision

Site visit made on 4 July 2022

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 November 2022**

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**Appeal Ref: APP/Y3940/W/22/3292632**

**38 Stone Lane, Lydiard Millicent, SN5 3LD**

- 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 Michael Kerslake against the decision of Wiltshire Council.
  - The application Ref PL/2021/04439, dated 28 April 2021, was refused by notice dated 3 February 2022.
  - The development proposed is the change of use of section of agricultural land to residential.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr Michael Kerslake against Wiltshire Council. This application is the subject of a separate decision.

## Preliminary Matters

3. The change of use has been completed and the appeal is therefore being assessed retrospectively.

## Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

5. The appeal relates to land located to the rear of an existing detached residential property. The land formed part of a paddock of agricultural land in the same ownership as 38 Stone Street and is located to its north. The appeal seeks to regularise the change the use of a triangular section of land measuring approximately 87 square metres. The redefined garden area would be enclosed by a post and rail fence.
6. The land comprising the appeal site is located outside any defined settlement and as such it located in the open countryside. The rear gardens along Stone Street follow a defined diagonal line. The Council's submission details that this diagonal line formed the historic boundary between the Parishes of Lydiard Millicent and Purton.
7. It was clear at the time of my site inspection that, by reason of the topography of the area and the presence of existing features and structures, the change of

use of land would represent and awkward encroachment into the countryside, creating an irregular boundary which is more angular than the original. Whilst no structures are proposed it would introduce domestication beyond the current defined garden boundaries along Stone Lane which would be harmful to the character and appearance of the area. There would be views of the proposal from properties along Stone Lane and the gardens of properties on Washpool. Whilst these may be limited in terms of public and wider views, I still find there is a harmful impact on the appearance of the area and visual amenity of the countryside.

8. Consequently, I find the development would be in conflict with the relevant elements of Policies CP51 and CP57 of the Wiltshire Council Core Strategy (2015) (CS) which seek, amongst other things, to ensure that developments respect the separate identity of settlements and the transition between man-made and natural landscapes and the urban fringe and relate positively to their landscape settings and the existing pattern of development. The development would also be at odds with paragraph 130 of the Framework which seeks to ensure developments are visually attractive and sympathetic to local character.

### **Conclusion**

9. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant consideration, the appeal should be dismissed.

*Tamsin Law*

INSPECTOR