



Appeal Decision

Site visit made on 7 March 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/Y3940/W/22/3303199

1 Church Street, Little Bedwyn SN8 3JQ

- 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 A Jackson against the decision of Wiltshire Council.
 - The application Ref PL/2021/10554, dated 8 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is for the change of use of the garage into 1 no. residential dwelling with associated access, parking, landscaping and private amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a garage into 1 no. residential dwelling with associated access, parking, landscaping and private amenity space at 1 Church Street, Little Bedwyn SN8 3JQ in accordance with the terms of the application, Ref PL/2021/10554, dated 8 November 2021, subject to the conditions set out in the schedule below.

Main Issues

2. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for housing with regard to development plan policies and the accessibility to services and facilities.
 - The effect of the proposed development on parking provision and highway safety

Reasons

Suitable Location for Housing

3. The appeal site is a detached garage building in the rear garden of 1 Church Street in the village of Little Bedwyn. The appeal site has an existing access off School lane and adjoins fields to the northeast. The land is situated in the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the Little Bedwyn Conservation Area (Conservation Area).
4. Core Policies 1 and 2 of the Wiltshire Core Strategy 2015 (Core Strategy) set out the settlement and delivery strategy for Wiltshire. Core Policy 18 of the Core Strategy lists the recognised settlements for planning purposes for the Pewsey Community Area. There is a general presumption against development outside the defined limits of the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

5. Little Bedwyn is defined as a Small Village and therefore does not include a defined settlement boundary. However, Core Policy 2 of the Core Strategy seeks to prioritise the re-use of previously developed land. It also states that some very modest development may be appropriate at Small Villages. Proposals for infill¹ development at Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities. The development should respect the existing character and form of the settlement, it should not elongate the village, impose development in sensitive landscape areas, or consolidate an existing sporadic loose knit area of development related to the settlement.
6. The proposal would involve the conversion of an existing building and not an infill development. In that respect, the proposed development would conflict with Core Policy 2 of the Core Strategy. However, the proposed development would not alter the built form on the site, resulting in a limited impact on the character and form of the settlement and the surrounding landscape. It would also not consolidate sporadic loose knit areas of development relating to the settlement. Therefore, while the proposal would conflict with the policy, in that it would not be an infill, it would also not compromise the aims and objectives of the policy. As such, any harm resulting from the conflict with the strategic housing policies would be limited.
7. Core Policy 60 and 61 of the Core Strategy set out that the Council will help to reduce the need to travel by private car by planning developments in accessible locations. New Development should also be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable travel alternatives.
8. I have not been provided with any evidence to suggest that Little Bedwyn has sufficient services and facilities to sustain future occupiers. Consequently, occupants would be reliant on facilities and services in the nearest 'Large Village' of Great Bedwyn, which is approximately 1.5km to the southwest. Future occupants of the proposed dwelling may be discouraged from walking or cycling this distance, particularly during darkness, as the route to Great Bedwyn lacks footways and lighting. Consequently, occupants accessing services and facilities are more likely to rely on use of a private car than it would if the road was lit and had a pedestrian footway. Hence the proposal would conflict with the requirements and aims of Core Policy 60 and 61 of the Core Strategy.
9. However, Paragraph 105 of the National Planning Policy Framework (the Framework) acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be considered in decision-making. Also, Paragraph 79 of the Framework aims to promote sustainable development in rural areas where it will enhance or maintain the vitality of rural communities.
10. Despite the lack of footways and lighting, the appeal site is not a considerable distance from the larger village settlement of Great Bedwyn, which has a good level of services, facilities and public transport. A single residential unit would also not generate significant levels of traffic movements and occupants of the dwelling would be likely to use facilities and services within Great Bedwyn. Consequently, while the proposal would conflict with the accessibility policies, it

¹ infill is defined in the supporting text of Core Policy 2 as the 'filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.'

would help to enhance and maintain the vitality of the rural community by supporting local services in the nearby Large Village. As such, the resulting level of conflict with the accessibility policies would be modest.

11. For the above reasons, I conclude that the appeal site is not a suitable location for a new dwelling, with specific regard to the development plan policies as well as its accessibility to services and facilities. The proposed development would, therefore, be contrary to the policies in section 5 and 9 of the Framework, which do not allow housing in the countryside other than defined exceptions. Also, it promotes market housing, provided it is in accessible locations with safe and suitable access for all users.
12. I have had regard to the provisions of Policy 48 of the Core Strategy. However, the policy is concerned with the conversion and re use of rural buildings that have become underused or redundant and are unlikely to be used for their original purpose. As this is an ancillary residential building in use, I would not define it as a rural building that would be applicable to this policy.

Parking and Highway Safety

13. The Council outlined in the Officer Report that insufficient information has been provided to demonstrate that parking provision would be available to serve the existing and proposed development.
14. I have had regard to these concerns, but based on the evidence before me, the existing dwelling comprises a driveway to the front of the site, which could provide parking provision for the existing dwelling. At the time of my site visit, two cars were parked in the driveway to serve the property. Furthermore, sufficient space is available to provide sufficient parking and turning for the proposed dwelling.
15. Accordingly, the parking requirements generated by the existing and proposed development could be provided on site, subject to an appropriately worded condition. The proposed development would therefore not materially add to or create any localised parking stress or highway safety issues. Therefore, the proposed development would comply with Core Policy 64 of the Core Strategy, which amongst other things, requires parking to be provided in accordance with the Council's minimum parking standards. The proposal would also comply with paragraph 111 of the Framework relating to highway safety.

Planning Balance

16. The Council has accepted that their deliverable housing land supply is less than five years for current decision-making. Therefore, in accordance with the provisions of paragraph 11d and footnote 8 of the Framework, policies which are most important for determining the application are deemed to be out of date.
17. To allow an independent residential unit on the appeal site would run contrary to the policies of the development plan, which encourage new development to occur within accessible locations and existing settlement boundaries to achieve a sustainable pattern of development and limit development outside settlements to justified exceptions. The proposed development would, therefore, conflict with Core Policies 1, 2, 18, 60 and 61 of the Core Strategy, which are generally consistent with the Framework. However, for the reasons set out above, the

conflict with Core Policies 1, 2 and 18 is limited. The conflict with Core Policies 60 and 61 of the Core Strategy, which refer to accessibility would be moderate.

18. In terms of public benefits, the provision of a new dwelling would contribute towards the supply of housing, in an area with an under supply. There would also be social and economic benefits arising from the conversion works and future spending of occupants giving support to local services and facilities in the nearby village. I therefore afford moderate weight to the factors weighing in favour of the proposal.
19. As the Council is currently unable to demonstrate the supply of housing sites as required by the Framework and therefore paragraph 11(d) is engaged. There are no relevant protected areas or assets that provides a clear reason for refusing the development proposed. However, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. In this case, the presumption in favour of sustainable development does apply, and is a material consideration of sufficient weight to indicate that permission should be granted notwithstanding the conflict with the development plan.

Other Matters

20. I have had regard to concerns raised in representations. Most of the matters raised are addressed within the main issues, however, representations have referred to setting a precedent for future residential development, previous refusals, impacts on the AONB and Conservation Area as well as potential breaches of planning control attached to the original permission.
21. I note that there have been previous attempts to secure planning permission for the conversion of the building to a two-bedroom cottage, one of which was dismissed at appeal. However, the previous decisions were made at a time when the policy position at a national and local level would have been different. Furthermore, proposals to replace the garage would have been a different form of development in respect of its visual impact and relationship to the existing built form. As such, although I had regard to the history, due to the differences in the type of development and policy context I have determined the appeal on its own merits.
22. I have had regard to the concern that the grant of planning permission would set a precedent for other similar developments. However, no directly similar or comparable sites to which this might apply were put forward. A generalised concern of this nature does not justify withholding permission in this case. With respect to breaches of historical permissions, this is outside the remit of the section 78 appeal and would be a matter that would need to be investigated by the Council.
23. The site is located within the North Wessex Area of Outstanding Natural Beauty (AONB) and Little Bedwyn Conservation Area (Conservation Area). The host dwelling and neighbouring properties are identified as significant unlisted buildings within the Little Bedwyn Conservation Area Statement 2003. Also, No 5 Church Street, the Old Manor Cottage and St Michaels Church are Listed Buildings within proximity of the site, with the latter two also being identified as 'Key Buildings'.

24. Due to its location within the AONB and the Conservation Area I have assessed the scheme with regard to the statutory duty of s85(1) of the CROW Act 2000, giving weight to the conservation (and enhancement) of the landscape and scenic beauty of the AONB. I have also had regard to the statutory duty in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when making my decision.
25. The significance of Little Bedwyn Conservation Area appears to be centred around the historic core of the village, the architecture of the buildings and its verdant setting. The Little Bedwyn Conservation Area Statement 2003 outlines the contribution of Church Street, stating 'The church, the row of cottages and the soft edged street with the wide verge, trees and the meadow are of particular quality that together make a major contribution to the character of the Conservation Area.'²
26. Despite the significance of Church Street to the Conservation Area, the appeal site is to the rear of the properties and the changes to the site are minimal. Furthermore, the proposed development would mostly be viewed within the context of the site and the surrounding built form of the village. Although concern is raised over changes to the building in the future, that is not the proposal before me. Also, to safeguard the character of the site and surroundings, a condition to remove permitted rights to extend or alter the dwelling can be included.
27. Accordingly, I do not find that the proposed scheme would be harmful to the setting of the significant unlisted buildings, Listed Buildings, the Conservation Area or the wider landscape of the AONB. It would therefore conserve the landscape and scenic beauty of the AONB, as well as the special qualities of the heritage assets.

Conditions

28. The Council have suggested conditions, which the appellant has been made aware of. I have considered the suggested conditions and amended them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance (PPG).
29. A condition specifying the time to implement the consent and accord with the approved plans is necessary to provide certainty. In the interests of parking and highway safety, the parking spaces and turning areas shall be provided prior to occupation of the residential unit. Although the Council requested a 3-month period for these works to be carried out, the appellant has confirmed that the garage is not currently occupied. As the use has not yet occurred, requiring the parking to be implemented prior to occupation would be sufficient.
30. Permitted development rights have been removed for extensions. Due to the relatively modest size of the building, its sensitive location and the potential to extend and alter the garage and its roof, limiting permitted extensions to the building and roof are considered to be reasonable. However, as the building is set back in the site as well as being in a Conservation Area and AONB, the extent to which outbuildings could be erected without permission is already severely restricted. As such, it is not necessary to limit outbuildings in this context.

² P. 6-7 of the Little Bedwyn Conservation Area Statement 2003

Conclusion

31. For the reasons given above I conclude that the appeal should be allowed.

M. P. Howell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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, Dwg No. 210922-01 Site Plan and Existing, Dwg No. 210922-02 Rev A
- 3) Prior to occupation of the proposed development, the parking spaces shall be laid out in accordance with the details shown on the approved plan Site Plan and Existing, Dwg No. 210922-02 Rev A. The areas shall be kept free of obstruction and maintained for the purposes of parking thereafter.
- 4) Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 and of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any orders amending or re-enacting that Order with or without modification, no extensions or enlargements to the new dwelling within Classes A, B and C shall be constructed or carried out without the prior written permission of the Local Planning Authority.

*****End of Conditions*****