



Appeal Decision

Site visit made on 14 November 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/Y3940/W/23/3316986

2 Orchard House, Rockbourne Road, Coombe Bissett, Wiltshire SP5 4LP

- 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 Mark Ward against the decision of Wiltshire Council.
- The application Ref PL/2022/05629, dated 9 August 2022, was refused by notice dated 21 December 2022.
- The development proposed is a conversion of a former agricultural building and office to a dwelling house.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of occupants of neighbouring properties, having regard to privacy;
 - Whether the site would be suitable for this proposal, having regard to the locational strategy of the development plan; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

3. This appeal site is bounded to the south by Orchard House, and to the west by Hardy House. These existing dwellings are one and a half storeys. Planning permission¹ has recently been approved for the conversion of an outbuilding to a dwelling on the northern boundary of the site. I also observed that Orchard House appears extended to form a small single storey dwelling (No 2) near the southern boundary of the appeal site. Indeed, the submitted evidence indicates two dwellings on this neighbouring plot.
4. The proposal would result in a two-storey dwelling at the appeal site. The western elevation of this proposed dwelling would include floor to ceiling glazing which would lead on to a balcony. This balcony would be close to the northern boundary of the site and would extend a substantial width across this elevation of the proposed dwelling. Located at the first floor, this balcony would provide views over the nearby neighbouring properties.

¹ Ref: PL/2022/07815

5. The views of the dwelling at Hardy House would be predominantly of its roof. However, the proposed balcony would be separated only by a relatively small proposed rear garden from the shared boundary with that existing property. As such, this balcony would allow relatively close and elevated views of the private garden to the side of that dwelling.
6. While Hardy House has a good-sized garden, this side section of that garden is a significant portion of the outside space at that property. Moreover, that side garden is not significantly overlooked by properties and provides a good degree of privacy for the occupants of that dwelling. The existing sense of privacy in that side garden would be considerably eroded by the presence of the proposed balcony. This significant loss of privacy would be detrimental to the living conditions of occupants of that dwelling.
7. Also, the proposed balcony would give elevated and direct views of the southern elevation of the recently permitted, single storey dwelling on the northern boundary of the appeal site. Work had not commenced on that approved development at the time of the site visit, but the planning permission is extant, and I find nothing indicating that the permission will not be implemented.
8. The approved plans of that planning permission show the elevation of that dwelling, close to the northern boundary of the appeal site, will have floor to ceiling windows that will serve two bedrooms. While one of those approved bedrooms will be dual aspect, this will not be the case for the second bedroom of that dwelling.
9. The proposed balcony would be set close to this shared northern boundary, with the small rear garden of the proposed dwelling and the front drive of the permitted dwelling providing only a limited degree of separation. With this proximity, even with privacy screens, future occupants of the proposed dwelling would have a relatively open and high outlook into two habitable rooms of that neighbouring property. As such, further occupants of the permitted dwelling will experience a sense of being overlooked from the balcony of the proposed dwelling. Consequently, the front bedrooms of that dwelling would be considerably less private than would be the case in the current circumstances. This would result in an unacceptable degree of overlooking that would be harmful to the living conditions of future occupants of that dwelling.
10. The proposed dwelling would also include a large, first floor terrace on its southern elevation. While this would be enclosed by a solid boundary, views above this boundary, albeit for persons over 5ft 11, would be possible. This terrace would be set close to the small garden of No 2, separated only by the front drive of the proposed dwelling.
11. While No 2 is already close to existing dwellings, those are one and a half storey, and configured such that the garden of No 2 is not subject to significant overlooking from neighbouring properties. The introduction of the terrace, close to this existing outside space, would substantially erode the existing sense of privacy that occupants of that dwelling currently enjoy when in that small space. This resultant loss of privacy would significantly harm the quality of life for occupants of that dwelling.

12. I have some uncertainty as to whether No 2 functions incidental to the dwelling at Orchard House. If this is the case, while Orchard House is in a good size plot, its front garden is relatively overlooked from the lane and neighbouring properties, such that private areas of garden are largely limited to the side and rear. This is the outside space that would be significantly overlooked by the proposed terrace. This may well be considered acceptable by the current occupants, but I must consider the impact of the proposal in the long term.
13. The proposed windows at the first floor would be recessed and would include privacy glazing, and I note that the revised scheme reduced the extent of openings. Be this as it may, this would not mitigate the loss of privacy that would occur from the sizeable balcony and large terrace. The mature tree in the rear garden of the proposed dwelling would provide some screening but this would be limited to one corner of the site.
14. The proposed landscaping around the boundary of this garden would improve screening between properties, and this could be secured by condition. However, landscaping would unlikely be sufficient to screen high level views of the side garden of Hardy House or the views into the bedroom windows of the neighbouring dwelling to the north. Moreover, landscaping is not proposed along much of the boundary with Orchard House. Even if it was, I am not satisfied that this would be sufficient to prevent a harmful level of overlooking from the terrace of the proposed dwelling.
15. The appellant asserts that balconies are not an uncommon feature on neighbouring dwellings. However, this does not justify development at the appeal site which would harm residents' living conditions.
16. In light of the above, I find that the proposal would have a significant harmful effect on the living conditions of occupants of neighbouring dwellings, having regard to privacy. In this respect, the proposal would conflict with Core Policy 57 of the Wiltshire Core Strategy (Core Strategy). This Policy requires development to have regard to, amongst other matter, the impact on the amenities of existing occupants, including the consideration of privacy.

Location

17. Core Policies 1 and 2 of the Core Strategy identify the settlement strategy in Wiltshire. The Policies state, within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Core Policy 2 states that other than in circumstances as permitted by other policies within the plan, development will not be permitted outside these limits of development.
18. Core Policy 48 seeks to support rural life, setting out the circumstances, outside of defined limits of development, where new development to support rural life may be acceptable. As such, while the Core Strategy is restrictive in this matter, it does provide flexibility to address local needs. In this regard it is generally consistent with the National Planning Policy Framework (the Framework) which states in rural areas, planning policies and decisions should be responsive to local circumstances and support housing development that reflect local needs.

19. Core Policy 48 sets out criteria for proposals to convert and re-use rural buildings. This includes at *ii* '*... The use... would not be detrimental to the amenities of residential areas.*' I have found that this proposal would be harmful to the living conditions of the occupants of neighbouring dwellings with loss of privacy. The proposal would therefore not satisfy this criterion, and there would be conflict with this Policy in this regard.
20. The existing structure is a Dutch barn with a lean-to. I have no reason to doubt the conclusions drawn in the structural reports that the structure is in reasonable condition, robust and structurally adequate to support a timber frame necessary to provide the proposed living accommodation. However, the barn comprises a steel frame covered predominately in corrugated metal sheets. Also, it is largely open on one side.
21. The evidence before me indicates, for this structure, which is essentially a covered frame, to function as a dwelling, substantial works would be required. This would include repairs to the supports, replacement exterior wall following the removal of the wooden building, new exterior wall to cover the large open side of the structure, numerous large new apertures and replacement cladding, as well as foundation works.
22. I have had regard to the works allowed in Class Q of the General Permitted Development Order, which includes the installation or replacement of, amongst other things, windows, roof and exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse. However, that is a separate regime, and the proposal before me should be determined in accordance with the development plan unless material considerations determine otherwise.
23. I find no reason to dispute that the existing structure could be reclad without planning permission. Be this as it may, even if the existing frame was wholly retained, and work was minimised by repairs and preserving existing materials, the works necessary to make this structure habitable would still be substantial such that it would amount to major rebuilding.
24. The proposal would not significantly extend the footprint of the existing structure and would largely retain the structure's form. However, even if it was accepted that the changes would not considerably alter the form of the original building, the works required to make the structure habitable would be extensive such that this structure would only be capable of conversion with major rebuilding. In this regard the proposal would not satisfy the criteria of Core Policy 48.
25. In isolated locations, Core Policy 48 states the re-use of redundant buildings may be permitted where justified by special circumstances, in line with national policy. The appeal site is surrounded by dwellings and outbuildings and as such it is not isolated from other built forms. However, the site is part of a small group of buildings that is surrounded by countryside with the nearest village approximately 2.5 miles away.
26. While it is only a short car journey to the village and could be a manageable cycle ride for some, access to the main road is via Rockbourne Road, which is a rural road without a separate pedestrian footway. Even if public right of ways offered a viable alternative to Rockbourne Road and the nearest bus stop on the main road was a reasonable walking distance, this would not be a suitable

or safe option for parents with small children who could occupy the proposed family sized dwelling. Nor would it be realistic for people with restricted mobility. For this reason, even if I accept that this location has reasonable access to local services, access to these services would generally be by car. In this regard the site is remote from day-to-day services and facilities such that the future occupants of the dwelling would largely be dependent on the car.

27. This aside, if I accepted that the circumstances set out in Paragraph 80 of the Framework in relation to redundant or disused buildings applied in this case, this would not address the unacceptable living conditions that would result with this proposal.
28. Core Policy 2 permits limited infill, but this is within the existing built area of small villages. While this development could be construed as infill between existing buildings, the site is not within a village and as such this policy is not relevant in this case. Moreover, councils are not bound by comments made during the application process.
29. Attention has been drawn to at least three existing dwellings near the appeal site that replaced outbuildings or mobile homes. However, these planning decisions were made before 2010 and therefore predate the current local and national planning policy context. The recent decision for a replacement dwelling near the site involved fire damage and is not directly comparable to this proposal in this respect.
30. The building to the north of the appeal site is an outbuilding with four largely solid sides and is different from the appeal property in this regard. However, the degree of works that will be involved in converting that building to a dwelling are noted. The Inspector's judgement on extent of works at the Cheddar site are also noted, and regard has been had to the works required for developments at Nunton, Grittleton, and in respect of case Ref 18/02695/FUL. I have also considered the similarities of the locational circumstances of the three Wiltshire developments. However, harm to living conditions were not identified in all the above cases and they are distinctly different in this regard to the proposal before me. These matters have not altered my findings for these reasons.
31. Consequently, I find that the site would not be suitable for the proposal, having regard to the locational strategy of the development plan. Regarding this matter, the proposal would conflict with Core Policy 48 of the Core Strategy. Also, I find the proposal would not accord with Core Policies 60 and 61 of the Core Strategy. These policies collectively seek, amongst other matters, to help reduce the need to travel particularly by private car.

Character and Appearance

32. The appeal site is in the Cranborne Chase Area of Outstanding Natural Beauty (AONB). This western part of the AONB is described as an open chalk Downland and is an undulating landscape of fields and woodland, with a distinctly agricultural character. Other attributes of this landscape include its relative tranquillity. With limited development, the area is also valued for its dark skies and has been designated an International Dark Sky Reserve accordingly.
33. The appeal site has a hilltop position. However, it is screened from wider views in the landscape by dwellings and outbuildings on all boundaries. Also, these

- buildings, that largely enclose the site, are reasonably well screened by boundary hedging and trees.
34. The buildings in the vicinity of the site are a mix of 20th Century dwellings and former agricultural buildings. These outbuildings vary in the extent of their disrepair, but largely screened, these built forms do not significantly encroach into the positive attributes of this valued landscape. Moreover, even though the structure at the appeal site is somewhat corroded, as a barn like form it does not appear at odds with this rural landscape.
35. While the proposed development may not be a conversion, it would essentially retain the agricultural building form of the existing structure. The proposed layout would also ensure that residential paraphernalia would be generally set alongside existing dwellings on this hilltop. As such this would not appear a detracting feature in this immediate setting given its mixed rural character.
36. The proposed multitude of windows and openings would diminish the agricultural design aesthetic of the structure. However, even with this unsympathetic detail, the simple form, with landscaping at the rear garden, would be a visual improvement over the existing structure at the appeal site. While the proposal would have some unique qualities, a degree of variation could be absorbed without harm given the mixed appearance of buildings that already exist on this hill. Moreover, retaining the simple form would conserve the rural landscape character of this part of the AONB.
37. The large windows could increase light emissions in this area. However, surrounded by existing dwellings any increase would be largely contained in this immediate setting. In any event, measures have been identified that could limit light pollution and this could be secured by condition such that the proposal would not be a harmful addition in this Dark Sky Reserve.
38. A landscape assessment has been submitted with this proposal. While this may not follow a prescribed methodology, I find nothing stating this is a necessity. In any event, the Framework requires that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty and I am satisfied that the proposal would not be harmful in respect of this issue. This matter has not altered my findings for this reason.
39. Accordingly, I find the proposal would not have a harmful effect on the character and appearance of the area. In this regard the proposal would not conflict with Core Policy 51 of the Core Strategy. This Policy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character.
40. The proposal would also in respect of this matter be consistent with the guidance of the Cranborne Chase AONB Management Plan and provisions of the Framework which seek to conserve the natural environment.

Other Matters

41. The site is within the River Avon Special Area of Conservation (SAC) catchment area. The SAC is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon. This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen which may enter the river.

42. The site is also located in the zone of influence for the New Forest SPA. The New Forest is an internationally important area for its wildlife and has been designated as a SPA to protect birds. Evidence shows that this zone represents where new residential development has the potential of an in-combination adverse effect on the integrity of the New Forest SPA, through increased recreational pressure which could harm these habitats.
43. Given the unfavourable condition and the sensitivity of these protected habitats, a single new dwelling, if it was to result in a net increase in nutrients being released in the catchment area, or that would increase recreational pressure in the protected habitats of the New Forest, is likely to have an adverse impact on the integrity of these habitats. However, as I have found grounds to dismiss in respect of other main issues it is not necessary to consider this matter further in this case.

Planning Balance

44. Section 38(6) of the Planning and Compulsory Purchase Act 2004, states development should be in accordance with the development plan unless material considerations indicate otherwise.
45. In undertaking the planning balance, the evidence suggests that the Council is unable to demonstrate a five year housing land supply. The proposal would result in a family sized dwelling, and this would contribute to the Government's objective to significantly boost the supply of homes. This is a small windfall site on previously developed land, which could be built out relatively quickly. There would be economic benefits during the construction phase. Future occupants of the dwelling would also contribute economically to local services and to the vibrancy of the rural community.
46. The proposal would incorporate on-site renewable energy sources and energy efficiencies. There would also be further environmental benefits from on-site biodiversity net gain and improved landscaping around the site, which are measures that could be secured by condition. These matters all weigh in favour of the proposal, but the social, economic and environmental benefits would be limited given the small scale of the development.
47. The Council has not raised highway concerns, subject to conditions. However, harm should not arise from development and therefore this is a neutral factor in this case.
48. While harm to the landscape and scenic beauty of the AONB has not been identified, and the residential use would not be at odds with the character of the immediate area, I have found harm with regards to neighbouring residents' living conditions. The Framework requires a high standard of amenity for existing and future users, and Core Policies 57 and 48 of the Core Strategy are generally consistent with this provision of the Framework. The proposal would not be a good design and would not be an effective use of the site in respect of this matter.
49. As already outlined future occupants of the dwelling would largely be dependent on the car, and there would be conflict with relevant Core Strategy policies in this respect. However, Paragraph 105 of the Framework states opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-

making. Core Policies 60 and 61 do not fully reflect this guidance and there is some inconsistency with the Framework in this regard. Be this as it may, even if I found that the appeal site would be a suitable location for this use and vehicles movements would not significantly increase, this would not outweigh the harm in respect of living conditions that would result from this development.

50. The provisions set out in Paragraph 11 d) of the Framework are engaged in this case. This applies a presumption in favour of sustainable development where the policies which are most important for determining the application are out-of-date, granting planning permission, unless, amongst other matters, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
51. The adverse impacts, in respect of residents' amenities, would not be significantly and demonstrably outweighed by the limited benefits outlined above, when assessed against the policies in the Framework taken as a whole. For this reason, the presumption in favour of development does not apply in this appeal.
52. Accordingly, I find that the considerations in this case would not justify approving a development which would be contrary to the development plan when read as a whole.

Conclusion

53. For the reasons stated above and having regard to the development plan, the Framework and other material considerations, the appeal should be dismissed.

A J Sutton

INSPECTOR