



Appeal Decision

Site visit made on 7 November 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/Y3940/W/23/3322880

Land adj 29 Spin Hill, Market Lavington, Devizes SN10 4NS

- 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 James Tilley against the decision of Wiltshire Council.
 - The application Ref PL/2022/01749, dated 2 March 2023, was refused by notice dated 28 April 2023.
 - The development is the change of use from agriculture to domestic use, retention of two shipping containers and construction of access.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr James Tilley against Wiltshire Council. This application is the subject of a separate Decision.

Main Issue

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

Reasons

4. The appeal site is located on the edge of Market Lavington, adjacent to No 29 Spin Hill (No 29). The site has been fenced off from the field that adjoins the rear boundaries of the properties along Spin Hill. Two shipping containers have been sited near to the road and the area between them and the road is being used for storage of various items. The rest of the site is grassed and currently free of any structures.
5. The built form of Market Lavington thins out as it emanates from the centre of the village along the roads that lead out into the countryside. Spin Hill is an example of this layout. No 29 is the last residential property in a row of semi-detached dwellings on one side of the road. The dwellings are set back from the road within rectangular plots, with long and narrow gardens to the rear.
6. The appeal site is to the side of No 29 and forms a natural break in the built form on the edge of the village. Whilst it is densely planted along the boundary of the site with the road, it provides a green gap that creates a characterful link into the open countryside beyond the development limit of the village. It makes a positive contribution towards the transition from the village's developed edge into the open countryside.

7. The change of use of the land for domestic purposes and the siting of the two shipping containers have resulted in a loss in the green gap between the built form along this side of the road. I note that no buildings are proposed as part of the development, and whilst the shipping containers are substantially screened by the planting along the boundary of the site with the road, they have an industrial appearance and are therefore not sympathetic to the rural character and appearance of the site and the surrounding area. Whilst a condition could be attached to prevent the construction of buildings on the land without the granting of planning permission, no condition could prevent the introduction of domestic paraphernalia that would not constitute development under Section 55 of the Town and Country Planning Act 1990. Such paraphernalia would lead to a degradation of the rural nature of the site.
8. Furthermore, the change of use of the land has led to the domestic garden of No 29 being significantly enlarged to the side of the dwelling. This is at odds with the position and size of the rear gardens of the semi-detached properties within the same row of properties as the appeal site, which are the most visually relatable properties to No 29. The development is therefore incongruent with the grain of development along this section of Spin Hill.
9. The proposed access would be formed in the corner of the site. It would be a basic single vehicle width access that would have the appearance of a typical agricultural field access. As such, it would not be out of keeping with the rural context of the site. The formation of the access, which would include a short section of bank being removed, would not harm the character and appearance of the area.
10. My attention has been drawn to a site on the opposite side of the appeal site to No 29. This is a residential property, known as The Barn, that has been constructed in recent years and has a sizeable garden associated with it. Additionally, it includes a yard area between The Barn and the appeal site, where various buildings have been constructed, including a barn. However, it is understood that the yard has a mixed agricultural and equestrian use, and it is therefore not in the same use as the appeal site. Moreover, the barn has an agricultural appearance that is in keeping with the vernacular of its countryside location and is therefore not comparable to the shipping containers.
11. Whilst the development that has taken place at The Barn has resulted in a marked change in the character and appearance of the area, it does not justify the loss of further agricultural land and the harm resulting from that loss. Nor does it justify the siting of shipping containers that are not in harmony with the character and appearance of the agricultural landscape.
12. For these reasons, although I have found the proposed access acceptable, the change of use of the land and siting of shipping containers result in harm to the character and appearance of the area. Consequently, the development conflicts with Core Policies 51 and 57 of the Wiltshire Core Strategy Adopted January 2015, which collectively seek, in part, to protect, conserve and where possible enhance landscape character, enhance local distinctiveness, and avoid harmful impact upon landscape character. Additionally, there is also conflict with the National Planning Policy Framework, which seeks to protect and enhance our natural environment and recognise the intrinsic character and beauty of the countryside.

Other Matter

13. The dismissal of the appeal would potentially result in the land reverting back to its agricultural use. The appellant contends that the fencing would need to remain to keep the site separate from the adjoining field due to them being in different ownership. The fence is not an area of concern as it does not cause harm to the character and appearance of the area. As such, its retention does not alter my decision on this appeal. Buildings being required to sufficiently manage an agricultural use of the land is a potential future scenario that may not take place and is therefore not a matter for me to consider as part of this appeal.

Conclusion

14. For the reasons given above, the development conflicts with the development plan, when taken as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR