



Appeal Decision

Site visit made on 6 December 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/Y3940/W/23/3321607

Land adjoining 51 Whitegates, Castle Combe, Wiltshire SN14 7HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Howard against Wiltshire Council.
- The application Ref PL/2022/09836, is dated 28 December 2022.
- The development proposed is conversion of garage into dwelling.

Decision

1. The appeal is dismissed and planning permission for conversion of garage into dwelling is refused.

Preliminary Matter

2. The description of development in the banner heading and decision above is taken from the planning application form, albeit with the word 'proposed' omitted as this word does not refer to an act of development.

Background and Main Issues

3. This appeal relates to the Council's failure to give notice within the prescribed period of a decision on an application for planning permission. The Council has provided an appeal statement which sets out the putative reasons for refusal and the appellant has had the opportunity to respond to these. I have therefore had regard to the Council's submissions when determining this appeal.
4. Thus, having regard to the above, the main issues are:
 - Whether or not the proposed development would provide a suitable location for housing having regard to the spatial strategy and accessibility of services and facilities;
 - Whether the proposed development would provide suitable living conditions for future occupiers of the proposed dwelling, with particular regard to outlook and garden space; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Suitability of the location

5. The Council's strategy for new housing is set out in Core Policies 1, 2 and 10 of the Wiltshire Core Strategy 2015 (WCS). Core Policy 1 identifies four tiers of settlement within which sustainable development will take place, comprising

Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. Core Policy 2 confirms that within the defined development limits there is a presumption in favour of sustainable development at the four tiers of settlement identified in Core Policy 1.

6. These policies are broadly consistent with the National Planning Policy Framework's (the Framework) aims of promoting sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities.
7. Core Policy 10 sets out the spatial strategy for Chippenham Community Area and identifies, amongst other things, the Large and Small Villages within the locality. The appeal site does not lie within one of the qualifying settlements within the spatial strategy and there is no dispute between the main parties that the site lies within the open countryside in planning policy terms.
8. WCS Core Policy 2 confirms that development will not be permitted outside defined limits of development, other than in the circumstances outlined in Paragraph 4.25 of the WCS. The appellant has not provided any evidence that the proposed dwelling satisfies the special justifications set out in Paragraph 4.25 of the WCS, which include rural exceptions sites and dwellings required to meet employment needs of rural areas.
9. Therefore, despite the lack of a five-year supply of housing, which will be discussed further in the planning balance section below, the proposal would represent a new dwelling in the countryside. Even though the appellant considers that there would be limited external changes to the existing building, the proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. As such, it would be contrary to the development strategy for the area.
10. The Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Further, that planning decisions should avoid the development of isolated homes in the countryside unless one of five listed circumstances applies, including that the development would re-use redundant or disused buildings and enhance its immediate setting, or involve the subdivision of an existing residential building. There is no compelling evidence to demonstrate that the appeal scheme would meet with any of the listed circumstances.
11. It is established that 'isolated' in this context connotes a dwelling that is physically separate or remote from a settlement. Consequently, given the sites location physically separate and remote from any settlement, the development would constitute the development of isolated homes.
12. Core Policy 60 of the WCS seeks to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. Whilst there are some services and facilities within Castle Combe, the distance, lack of pavement or lighting along the road would be uninviting for pedestrians or cyclists to have to navigate particularly in the dark or during inclement weather conditions. Therefore, future occupants would likely be largely dependent on private vehicles for access to facilities and services to meet their day-to-day needs.

13. The proposed development, for the reasons given, would not be a suitable location for housing having regard to the spatial strategy and accessibility to services and facilities. Consequently, the proposed development would be contrary to the provisions of Core Policies 1, 2, 10 and 60 of the WCS, which together seek to direct development to the most sustainable locations where occupants would have access to a range of goods and services. It would also be contrary to the aims of the Framework where it seeks to promote sustainable transport.
14. I return to consider the weight to be given to the conflict with these policies, including with regard to the supply of housing in my planning balance below.

Living conditions of future occupiers

15. The proposed development would have a relatively small plot having regard to the context of dwellinghouses in the locality. Nevertheless, the area provides a usable space for future occupiers, which is partially enclosed by a hedge and tall timber fence, for usual regular activities such as sitting out and associated activities. There would be space to store bins and for the drying of washing, and during my site visit I noticed children's play equipment is accessible on Whitegates close to the appeal site. In addition, I have not been provided with any policy which sets out a minimum amount of private garden space. As such, this is not in itself a reason to dismiss the appeal.
16. Whilst the bedroom windows would face toward a narrow side garden area or over a driveway, there would be adequate outlook from the proposed dwelling.
17. I am satisfied that the resulting standard of external space and outlook would be acceptable and would not present a poor environment. As such, the proposed development would provide suitable living conditions for future occupiers, with particular regard to outlook and garden space.
18. For these reasons, with regard to this main issue, the proposal would not conflict with Core Policy 57 of the WCS where it seeks to ensure that appropriate levels of amenity are provided. I also find no conflict with Paragraph 130 of the Framework where it requires that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Character and appearance

19. The appeal site comprises a single storey garage, which is set back from the road. The surrounding area has an established residential character. There is an open area of grass to one side. The site lies next to a pair of semi-detached two storey dwellings, with dwellings within the locality being typically two-storey and single storey semi-detached or terraced dwellings set back behind front gardens.
20. Buildings and rows of terraced houses are generally punctuated by clear gaps. Whilst the context of dwellings are relatively plain in appearance, there is a cohesive rhythm of buildings, and due to the pattern of development the locality has a relatively open and spacious feel.
21. The depth of space between the side of dwellings and the street varies along the road. I notice during my site visit that some dwellings have been extended,

thereby adding to some diversity in the appearance of buildings. As such, a clearly defined scale of development is not a strong characteristic of the area.

22. The appeal proposal would involve the conversion of an existing building. Consequently, it would not reduce the openness of the area and whilst the plot would be relatively small in comparison to the existing residential plots, this would not be particularly obvious within views from the street.
23. The existing building was originally constructed as an ancillary garage to 51 Whitegates. Nevertheless, the proposal would retain sufficient visual gaps to its neighbours and the physical appearance of the existing building would be little altered. It would be orientated to face the street and, as I have found above, would have an adequate level of garden space. As such, it would not appear as overdevelopment or contrived.
24. Even though the use of the site as a dwelling would be likely to result in a greater potential for domestic trappings that would be noticeable to the front of the property, I noticed during my site inspection that the front boundary comprised a low brick wall and an established hedge, which provided some screening. In this context, the proposal would not diminish the established character and appearance of the area or harm the rhythm of development.
25. The width of the plot would appear generally consistent with the pattern of development as appreciated from the street. Its design, form and materials would not appear out of place within the established context of built vernacular. The Council considers that the proposal would conserve the character and appearance of the Area of Outstanding Natural Beauty. For the reasons given above, I have no basis to disagree with the Council in this regard.
26. The appeal scheme would not appear unduly prominent nor incongruous in this setting and it would integrate effectively with the established street scene and the character of the adjoining built environment. The proposal would not have a harmful effect upon the character and appearance of the area. Consequently, the proposal would not conflict with Core Policy 57 of the WCS which, amongst other things, requires a high standard of design and that developments respond positively to the existing townscape and landscape features. I also find no conflict with the provisions in the Framework in relation to achieving well-designed places.

Other Matters

27. Whilst the submitted evidence refers to a previous planning permission¹ for a dwelling within Whitegates, I have not been provided with specific details of that scheme. I am unable therefore to make any meaningful comparison between the proposals. Nonetheless, I note that the scheme related to the subdivision of a dwelling rather than the conversion of a garage. I have considered this appeal proposal on its own merits and concluded that it conflicts with the development plan for the reasons set out above.
28. I note the appellant's view that the proposal would provide some benefits in terms of additional hedge planting and the replacement of existing hardstanding with lawn. However, the benefits are limited by the scale of the proposal and would not outweigh the conflict with the development plan.

¹ Ref 19/09701/FUL

29. The appellant considers the proposal would provide ample parking and I have found that the appeal scheme would not harm the character and appearance of the area and would provide adequate living conditions for future occupiers. However, these are ordinary requirements for new development, and these do not represent a positive benefit that weighs in favour of the appeal scheme.
30. Although the appeal site may be previously developed land, it does not lie within or immediately adjoining a settlement. Accordingly, the proposal would represent residential development in the countryside which would not accord with the strategy set out in WCS Core Policies 1, 2 and 10.

Planning Balance

31. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
32. In the context of the development plan, I have found that the proposal would conflict with Core Policies 1, 2, 10 and 60 of the WCS. In this respect, these policies are generally consistent with the relevant aims of the Framework, where it states that housing should be located where it will enhance and maintain the vitality of rural communities. Additionally, it states that decisions should give priority to pedestrian and cycle movements. Therefore, the conflict with these policies is afforded substantial weight.
33. There is no dispute that the Council cannot demonstrate a five-year housing land supply at present. The appellant considers that there is 4.72 years supply, whereas the Council states it has 4.6 years supply. Even taking the Council's figure, there is a modest shortfall when set against the five-year requirement referred to in the Framework.
34. The proposal would create one new dwelling, which would make a small contribution to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. There would be benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Nevertheless, as construction benefits would be short term, and given the scale of the proposal with the provision of one additional unit within the site, these factors attract little weight.
35. However, despite the acknowledged benefits, the proposed dwelling would not be in an accessible location and would result in the likelihood of a dependency on the use of the private car for access to services, contrary to the Council's spatial strategy for the district, and the aims of the Framework to limit the need to travel. This is a matter of significant social and environmental weight.
36. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development. The material considerations do not justify making a decision other than in accordance with the development plan.

Conclusion

37. Whilst I have found the appeal scheme would have an acceptable effect on the character and appearance of the area and would provide adequate living conditions for future occupiers, I have found that the proposal would not be a suitable location for housing having regard to the spatial strategy and accessibility to services and facilities. Therefore, the appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. For these reasons, and having had regard to all matters raised, the appeal should be dismissed.

J White

INSPECTOR