



Appeal Decision

Site visit made on 18 December 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/Y3940/W/23/3324436

15 Folly Lane, Warminster, Wiltshire BA12 8EA

- 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. P. Strong against the decision of Wiltshire Council.
 - The application Ref PL/2023/00750, dated 31 January 2023, was refused by notice dated 28 March 2023.
 - The development proposed is described as 'proposed conversion and reuse of redundant stable building into residential accommodation in compliance with core policy 48 of the Wiltshire Core Strategy.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were invited to comment on whether it has relevance for the appeal. I have taken the comments received into account.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy and the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises a single storey building within part of a field. It benefits from access off Folly Lane. The site is not physically separated from the remainder of the field but is partly screened from Folly Lane by trees and landscaping. As a result of the lack of separation from the remainder of the field, the building and wider site are visible from parts of Cannimore Road and the associated bridleway broadly to the south and west of the site.
5. The site does not fall within a designated Local Green Space or Green Belt. Nevertheless, by reason of the site's separation from other residential dwellings and position partly screened from Folly Lane, it provides a visual and physical transition from the denser built form of Warminster to the open countryside.
6. The spatial strategy for the location of housing in the area is outlined in Core Policies 1 and 2 of the Wiltshire Core Strategy (January 2015) (WCS). Core Policy 1 identifies four tiers of settlements where sustainable development will take place (Principal Settlements, Market Towns, Local Service Centres and

- Large and Small Villages). While Warminster is identified as a Principal Settlement within the Warminster Community Area under Core Policy 31 of the WCS, the site lies just outside of the settlement boundary for Warminster itself.
7. Core Policy 2 of the WCS states that outside the defined limits of development, other than the circumstances permitted by other policies in the plan, identified in paragraph 4.25, development will not be permitted. Paragraph 4.25 includes proposals that support rural life under WCS Core Policy 48.
 8. WCS Core Policy 48 supports proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses, subject to the site not detracting from the character or appearance of the landscape and subject to a number of other criteria. The policy further states that where there is clear evidence that these uses are not practical propositions, residential development may be appropriate where it meets the stated criteria.
 9. While I note the small size of the building, lack of services and access off a fairly narrow lane, I do not have clear and convincing evidence demonstrating why these matters make the building unsuitable for some or all of the uses identified under WCS Core Policy 48. I have little detailed evidence before me demonstrating why the size of the building prevents continued use for storage or other non-residential use, why services could not reasonably be provided, or why the access would be unsuitable or need to be enlarged given that it currently serves the site and building. While I acknowledge a cost associated with the provision of services, I do not have detailed evidence to demonstrate that this would prohibit the continuation of the existing or introduction of another use. Moreover, I have not been provided with clear evidence that an alternative use would necessarily require connection to services.
 10. Even if I were to determine that there is clear evidence that these non-residential uses are not practical, and despite the proposed cladding to the building slightly improving its appearance, the appeal proposal as a whole would detract from the character and appearance of the landscape. This would be by virtue of the domestication of the site through a combination of the provision of windows and doors to the southeast elevation facing across the open field, formation of the internal access road and parking bays, large outdoor amenity space and associated residential activity and paraphernalia such as seating, washing lines and play equipment. These changes would be visible from Cannimore Road and the associated bridleway. The residential use of the building and wider site would therefore be at odds with its agricultural/rural setting.
 11. Although I acknowledge that the current building and use, including stationing a vehicle and caravan on site and associated activity cover a similar site area, and have a visual impact upon the field and wider area, the character of the site and activity remain rural in nature. This rural character derives from the absence of clear boundaries, nature and appearance of the land and historic use for storage that does not result in a clear extension of nearby residential built form onto the site. In contrast, the proposal would introduce a residential use with its associated activity and paraphernalia that would fail to respect the role that the site serves in transitioning from the built form of Warminster to the countryside. As a result, the proposal would not protect or conserve landscape character, fail to respect the local character, and fail to respond

positively to the existing landscape as required by WCS Core Policies 51 and 57 and Policy E5 of the Warminster Neighbourhood Plan (November 2016) (WNP).

12. With regard to the other criteria to WCS Core Policy 48, from my site visit and the evidence before me, I have no reason to believe that the appeal building is not structurally sound or capable of conversion. The site benefits from adequate vehicular access and access to local services, the building could be served by adequate infrastructure, and the proposal would not be detrimental to the living conditions of nearby occupiers and is not a heritage asset. However, these matters do not address or overcome the conflict with WCS Core Policy 48 with regard to the lack of clear evidence that other uses are not practical propositions and harm to the character and appearance of the area.
13. I have had regard to the evidence from the appellant in relation to the previous Class Q Prior Approvals and those decisions stating that the building is suitable for residential conversion with the external appearance of the building acceptable. However, the Prior Approvals comprised significantly smaller sites and do not require the same consideration against local and national planning policies. As a result, they are not directly comparable to the current proposal.
14. In light of the above, I conclude that the appeal site is not an appropriate location for housing, with particular regard to the local development strategy and the effect on the character and appearance of the area. As such, the proposal conflicts with Core Policies 1, 2, 31, 48, 51 and 57 of the WCS and Policy E5 of the WNP.

Other Considerations

15. I acknowledge that the proposal would not result in any harm to drainage or biodiversity, flood risk and would benefit from the provision of suitable car parking. However, as these are requirements of local and national planning policy, they are neutral in my consideration.
16. While the appeal proposal would provide some benefits, including provision of a dwelling and related social benefit, given the limited scale and nature of the development that I am required to consider on its merits, the benefits would be limited and would not outweigh the harm identified above to the local development strategy and character and appearance of the area.
17. By virtue of paragraphs 77 and 226 of the revised Framework and the Council having an emerging local plan at Regulation 19 stage, the Council need to demonstrate a four-year supply of deliverable housing sites. The Council state that they currently have 4.6-years supply and no shortfall. I have no evidence before me to lead me to a different conclusion. As a result, paragraph 11.d) of the Framework is not engaged.

Conclusion

18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR