



Appeal Decision

Site visit made on 10 January 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/Y3940/W/23/3320485

Land Adjacent to Knapp Farmhouse, High Lane, Broad Chalke SP5 5HH

- 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 Ian Sutton against the decision of Wiltshire Council.
 - The application Ref PL/2023/00794, dated 2 February 2023, was refused by notice dated 30 March 2023.
 - The development proposed is change of use of a parcel of land to residential use, the erection of a detached 3-bedroom dwelling, a detached carport, creation of a new access onto High Lane, hard and soft landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 which was updated on 20 December 2023. I sought further submissions on the revised Framework, which I have taken into account in coming to my decision. Where I have referred to the provisions of the Framework below, I have done so with numbering from the revised version.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) became 'National Landscapes'. As such references in my decision will be to the National Landscape (NL).
4. The appeal site is in the Broad Chalke Conservation Area (CA). I have a duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I have therefore included this within the main issues and have sought further submissions from the main parties on this matter which I have taken into account in coming to my decision.

Main Issues

5. The main issues are:
 - whether the site is in a suitable location for the development having regard to local policies, and
 - the effect of the development on the character and appearance of the area, bearing in mind it would be within the Cranborne Chase and West Wiltshire Downs NL and the Broad Chalke CA.

Reasons

Suitable location

6. The appeal site comprises an irregular shaped parcel of land adjacent to High Lane, one of the main roads running through the village of Broad Chalke.
7. The settlement strategy for Wiltshire is set out at Policy CP1 of the Wiltshire Core Strategy (Adopted January 2015) (WCS). This states that development in large and small villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Policy CP2 goes on to state that outside the limits of development as defined on the policies map, development will not be permitted, unless it falls within a category permitted by other policies of the WCS.
8. Broad Chalke is defined as a large village and the parts of the settlement included in the defined boundary comprise several dispersed sub areas. Although not isolated in the terms of paragraph 84 of the Framework, the appeal site is located outside of the defined settlement boundary, within the open countryside.
9. The proposed dwelling is not a form of development which is specifically permitted by the policies of the WCS and the appellant acknowledges that there is an identified conflict with the development plan.
10. Policy 1A of the Broad Chalke Neighbourhood Plan 2019 – 2026 (Made July 2021) (BCNP) states that within the defined settlement boundary, proposals for minor development of up to 9 units and infill development will be supported subject to several criteria. Para 3.65 of the BCNP refers to infill development and states that as far as possible development should take place within (or immediately adjacent to) the defined settlement areas and not between them. Although the site is adjacent to a domestic tennis court, it is not immediately adjacent to the nearest settlement boundary which is located further to the southwest. Therefore, the site is between defined settlement areas and as such there is conflict with the BCNP.
11. The appellant contends that the dwelling would be within walking distance of the facilities of Broad Chalke and that there are other properties nearby. They therefore consider that the site is a suitable location for new residential development. However, I am not convinced that the facilities could be accessed safely by foot as there are no pavements or lighting along High Lane. The presence of other dwellings near to the appeal site does not justify the construction of a new dwelling in an unsuitable location.
12. In support of the appeal the appellant has referred to a dwelling which has been approved by the Council, outside of settlement boundaries. I have been provided with limited information in relation to this case and cannot be certain that it is similar to the appeal site. However, I note that the site is described as being accessible to the village via lit pedestrian footpaths, in contrast with the appeal proposal. The appellant also refers to an appeal decision at Malmesbury, however based on the information before me that scheme was a mixed residential and commercial scheme bordered by development on three sides. As such the nature of the scheme and the settlement differ and there are limited parallels with the appeal scheme. Further appeals have been referred to which are outside of Wiltshire, each of these cases involved balancing various

factors which weighed in favour of the appeals and I cannot be certain that any of these are sufficiently similar to the appeal scheme to lead me to a contrary view.

13. For these reasons the appeal site is not in a suitable location for the development, having regard to local policies. It is in conflict with Policies CP1 and CP2 of the WCS and Policy 1A of the BCNP which seek to limit development in villages to that which is necessary and to strictly control development outside of settlement boundaries.

Character and appearance

14. Broad Chalke is a rural village set within attractive countryside which is part of the NL, the special qualities of which include open chalk downland, rivers and woodland. These characterise the rural areas surrounding the village and are evident in the context of the appeal site. I have a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the NL.
15. The appeal site comprises a grassed area, the front boundary of which is defined by mature hedgerow which in combination with other mature vegetation nearby contributes to the rural character of the area. Despite residential development nearby, the appeal site is nevertheless part of the countryside and an intrinsic part of the NL.
16. The majority of the village is within the Broad Chalke CA which is characterised by, and derives its significance from its landscape setting and the separate areas of the settlement with clearly defined spaces. The absence of built form on the appeal site and the lack of frontage development adjacent to High Lane in the gap between the distinct built-up areas of the village, of which the appeal site is part, contributes to the character of the area.
17. Furthermore, the mature hedging along the frontage of the site is a prominent feature and contributes positively to the rural character of the CA. The Heritage Statement prepared on behalf of the appellant acknowledges that *"the sites northern boundary is an important part of the approach to Broad Chalke from the west."*
18. The proposed dwelling would be built into the ground and would primarily be single storey with first floor accommodation at one end. However, the presence of a building within the appeal site would be clearly evident over the hedges from vantage points along High Lane and the adjacent footpath to the rear of the site.
19. Although the proposed development has been designed to evoke the idea of traditional farm outbuildings, the proposal would result in the loss of an open, undeveloped area and the introduction of a new building within the gap between built-up areas of the village which would be at odds with the character and appearance of the area.
20. I acknowledge that the new opening in the hedge to create access would be kept to a minimum and that surface finishes have been carefully designed. However, the formation of a sizeable gap in the hedge, along with the provision of a driveway and visibility splays would interrupt the linear nature of the existing hedge and result in a more domestic appearance to the site. As a

consequence, the proposal would erode the contribution of the hedge to the character and appearance of the area and would result in harm to the CA.

21. I recognise that the appeal is supported by a Heritage Statement, that the Council's Conservation Officer did not object to the proposal and that the effect of the development on the CA did not form part of the reason for refusal. However, for the reasons outlined above and based on my own observations, I have found that the proposal would result in harm to the character and appearance of the CA.
22. As required by paragraph 205 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case the proposal would lead to less than substantial harm to the significance of the CA. Paragraph 208 of the Framework states that in such circumstances, this harm should be weighed against the public benefits of the proposal.
23. There would be economic and social benefits arising from the provision of a dwelling including local employment through the construction phase and new residents supporting local facilities. The Framework seeks to significantly boost the supply of homes and I acknowledge that the dwelling would add to the choice of homes locally. The dwelling would be constructed to achieve high levels of energy efficiency and provide a self-build dwelling in the context of a shortfall in provision locally. Overall, I attach moderate weight to these benefits. However, given the great weight that must be given to the conservation of heritage assets, I conclude that the public benefits of the proposal do not outweigh the harm.
24. Existing trees and buildings intercede in long views towards the site from the surrounding countryside, and the proposal would not have a significant impact upon the wider landscape. However, in more localised views the proposal would result in the loss of the undeveloped character of the site and the erosion of the existing hedgerow. It would therefore be harmful to local landscape character and the NL and in accordance with the Framework, I attach great weight to this matter.
25. Having regard to all of the above, I conclude that the proposal would have a harmful effect on the character and appearance of the area, with particular regard to the CA and the NL. It would therefore conflict with Policies CP51, CP57 and CP58 of the WCS, Policies 1A and 3C of the BCNP and relevant paragraphs of the Framework which seek to ensure that development must not have a harmful impact on landscape character and demonstrate that the special qualities of the NL have been conserved. They also seek to ensure that a high standard of design is achieved which enhances local distinctiveness, retains important natural features and that development conserves or where possible, enhances the historic environment.

Other Matters

Setting of listed buildings

26. The appeal site is within the setting of several listed buildings (LBs). I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of

preserving the LBs, their setting or any features of special architectural interest which the LBs possess.

27. The nearest LBs are Knapp Farmhouse and Mascalls which both originate from the late 17th Century and early 18th Century respectively and are both Grade II listed. Both buildings derive their significance from their history and architecture. Both are constructed of a combination of stone and brick. Mascalls has a tiled roof, whilst Knapp Farmhouse has a thatched roof. Both buildings are orientated such that their principal elevations and views therefrom are south facing, over the valley. The proposed dwelling would be some distance from the LBs and whilst there would be a degree of intervisibility between the sites, mature vegetation intercedes in these views. Therefore, the proposal would not detract from the features of the LBs or the way in which they would be experienced from public vantage points. As such, the proposal would preserve the setting of the LBs and would not cause harm to their special interest or significance. The impact on the setting of the LBs has not been raised as a reason for refusal by the Council and there is no evidence before me which leads me to reach a contrary conclusion.

Housing need and supply

28. The appellant contends that the Council is unable to demonstrate a five-year supply of deliverable housing sites. The Council does not dispute this and states that its current housing land supply is 4.6 years although it considers itself to be in the position as described by paragraph 77 and 226 of the Framework. This requires a minimum supply of 4 years' worth of housing because it has an emerging local plan that has reached Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage.
29. However, even if I were to accept that the Council is unable to demonstrate an adequate supply of deliverable housing sites and that the policies most important for determining the application are out of date, I have found that the proposal would be harmful to the NL and a designated heritage asset. The application of policies in the Framework that protect these, provides a clear reason for refusing the proposed development. Therefore, the presumption in favour of sustainable development does not apply.

Self-build

30. Councils have a duty under Section 2A of the Self Build and Custom Housebuilding Act 2015 (as amended) to "give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area."
31. Based on the evidence provided by the appellant, there is a significant shortfall in the provision of self/custom build plots when assessed against applicants on the Council's register. The Council state that they have no information available to counter this argument.
32. The appellant is on the self-build register and intends that the proposed development would provide a self or custom build plot. Given the modest scale of the proposed development, I attach moderate weight to the provision of a self-build plot.

River Avon Special Area of Conservation (SAC)

33. The appeal site is within the Zone of Influence of the River Avon SAC. However, there is no need for me to undertake a Habitats Regulations Assessment because I am dismissing the scheme for other reasons.

Planning Balance

34. The proposal would make a small contribution to housing supply and would provide economic and social benefits through the construction phase and through the use of local services and facilities. The proposal would also be built to a high standard of efficiency and would provide a self-build plot in the context of a shortfall in provision. Overall, I attach moderate weight to these benefits.
35. I acknowledge that the proposal would not result in harm to the living conditions of occupiers of neighbouring properties and has not attracted an objection from the Highway Authority. However, the lack of harm in relation to these matters is a neutral factor in the appeal.
36. Set against the identified benefits the proposal would result in significant harm to the character and appearance of the area with particular regard to the CA and NL, to which I attach great weight. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the material considerations, including the benefits identified do not indicate that the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

37. I conclude that the proposal conflicts with the development plan, read as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR