



Appeal Decision

Site visit made on 27 March 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/Y3940/W/23/3329556

Storage Building, Land to west side of Bullocks Horn Lane, Bullocks Horn, Charlton, Malmesbury, Wiltshire SN16 9DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs K Bailey against the decision of Wiltshire Council.
 - The application Ref is PL/2023/03382.
 - The development proposed is the conversion of storage building into one dwelling.
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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) in December 2023. The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken these submissions into account in my decision.
3. A Wiltshire Local Plan Review (LPR) is emerging, which has reached Regulation 19 stage. However, the LPR, which has yet to be submitted for examination, remains at a relatively early stage and as such its emerging policies currently attract limited weight in decision making. I shall consider the appeal on this basis.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for a dwelling, having particular regard to the local development plan.

Reasons

5. The appeal site comprises an area to the west of Bullocks Horn Lane which is mostly wooded with an area of hardstanding approximately central to the plot where the appeal building is located. The building is a single storey, three-bay open fronted storage building on a concrete base.
6. The spatial strategy for housing development in the area is set out in Core Policies (CP) 1 and 2 of the Wiltshire Core Strategy (January 2015) (CS). The appeal site is outside of any settlement identified as being suitable for new housing. The nearest village, Charlton, is defined as a small village within the Malmesbury Community Area by CP13 of the CS, however the appeal site is some distance from this settlement, in the open countryside.

7. CP2 of the CS states that outside the defined limits of development, other than in the circumstances permitted by other policies of the plan, development will not be permitted. Such policies include CP48 which seeks to support the conversion and re-use of rural buildings for employment, tourism, cultural and community uses provided they satisfy several criteria. Where there is clear evidence that these uses are not practical propositions, residential development may be appropriate subject to the same criteria. The policy goes on to say that in isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.
8. Whilst I acknowledge that policy CP48 does not explicitly require marketing data or a financial viability assessment to be submitted, it does require clear evidence that the uses listed therein are not practical propositions. I note that the building is limited in scale, is accessed via a rural lane, lacks surrounding infrastructure and is away from any settlement or community. However, I have no clear and convincing evidence before me that these matters necessarily mean that the building is unsuitable for some, or all of the uses listed within CP48. Consequently, I am not satisfied that it has been adequately demonstrated that this is the case and therefore that residential development may be appropriate in this location.
9. Even if I were to consider that there is clear evidence in respect of the impracticality of the stated uses, it would be necessary to consider the acceptability of the proposal against the listed criteria. The parties agree that the proposal would satisfy criteria ii), iii) and v), and I see no reason to take a contrary view.
10. Based on the evidence before me and my observations, the concrete base, blockwork walls and roof trusses are all in good condition and I am satisfied that the building is structurally sound. The works which would be required to convert the building involve the formation of internal walls and the glazing of the existing openings. This would not involve major rebuilding and constitute only minor modifications to the building which would preserve its character. Therefore, the proposal would satisfy criterion i) of CP48.
11. The appeal site is located in the open countryside, away from any settlement. There are no footways or cycle paths on either Bullocks Horn Lane or the B4040 which might allow convenient pedestrian or cycle access. In any event Charlton has a limited range of facilities and as such, future residents are likely to be reliant on a private vehicle to meet the majority of their daily needs in the towns which are further afield.
12. Consequently, the site does not have reasonable access to local services and therefore the proposal would not satisfy criterion iv) of CP48. For these reasons the proposal also conflicts with CP60 and CP61 of the CS which seek to ensure that new development is located in accessible locations and reduces the need to travel by private car.
13. Paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside unless one or more stated circumstances apply. Paragraph 84(c) allows for development which would re-use redundant or disused buildings and enhance its immediate setting. I saw at my site visit that the building is no longer used for the storage of machinery and equipment, or any other use and am satisfied that it is disused.

14. The proposal would not involve any changes to the area outside of the building and therefore would not result in enhancements to its immediate setting. Consequently, I find that the circumstances stated at paragraph 84(c) of the Framework do not apply to the proposal. The remainder of the circumstances listed at para 84 of the Framework are not relevant to the proposal.
15. I acknowledge that some classes of the General Permitted Development Order allow the change of use of buildings in the countryside to dwellings and I note that there are some dwellings near to the site which have come about as a result of such conversions. However, this appeal relates to an application for planning permission, and I am required to consider the proposals against local and national policy. Whilst I have not been provided with the full details of the appeal scheme¹ referred to by the appellant, I note that the Inspector found that the proposal resulted in an enhancement of the site which I have not found to be the case with the proposal before me.
16. I conclude that the appeal site is not an appropriate location for a dwelling, having particular regard to the local development plan. The proposal would therefore conflict with CP1, CP2, CP13, CP48, CP60 and CP61 of the CS and paragraphs 84, 109 and 114 of the Framework which seek to avoid isolated homes in the countryside and to reduce the need to travel by car.

Other Matters

17. The policies with which I have found conflict are largely consistent with the Framework which seeks to guide development to sustainable locations. The appellant considers CP48 to be out of step with the Framework, however the policy contains reference to the circumstances outlined in national policy and as such I find consistency between them in this regard. Therefore, the proposal would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
18. Because the emerging local plan has reached Regulation 19 stage, including a policies map and housing allocations, the Council is required to demonstrate a 4-year housing land supply as a result of the provisions of paragraphs 77 and 226 of the revised Framework. The Council can demonstrate a housing land supply of 4.83 years. The appellant has referred me to footnote 79 of the Framework, however this refers to the transitional arrangements in terms of paragraph 76 which is not applicable in this case. Consequently, because the Council can demonstrate a 4-year housing land supply paragraph 11d) of the Framework is not engaged.
19. Nevertheless, the Framework seeks to significantly boost the supply of homes and the provision of a new dwelling and the re-use of an existing building are benefits of the proposal. However, given the small scale of the scheme I attach limited weight to the benefits of the proposal. Given that I attach significant weight to the conflict with the development plan, the benefits of the scheme do not outweigh the harm I have identified.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework which outweigh this finding.

¹ APP/H1840/W/21/3276064

21. Consequently, for the reasons given the appeal is dismissed.

E Pickernell

INSPECTOR