



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: 05 June 2024

Appeal Ref: APP/Y3940/W/23/3328768

Land West of 1 Box Hill, Box Hill, Wiltshire SN13 8HW

- 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 Ms Amanda Tunbridge against the decision of Wiltshire Council.
 - The application Ref is PL/2022/09302.
 - The development proposed is change of use and conversion of existing three garages into one new 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.
4. The appeal site is within the Zone of Influence (ZOI) of the Bath and Bradford on Avon Bats Special Area of Conservation. I return to this matter later in my decision.
5. The Council have referenced an appeal decision dating from 2003 relating to the development of two earth shelter dwellings at the site. Whilst I have had regard to this decision, I note that the earlier scheme was materially different to that which is before me, and I have determined the appeal on the submitted plans and documents.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,

- whether the appeal site is an appropriate location for a dwelling, having particular regard to the local development plan;
- the effect of the development on the character and appearance of the area and the Cotswolds National Landscape.

Reasons

Whether inappropriate development

7. The Framework at para 142 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state at para 152 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are, however, not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that they are of permanent and substantial construction.
8. The proposal involves the conversion of three existing adjoined garages to a dwelling and therefore constitutes the re-use of a building. The building has solid block walls and the pitched roof elements are tiled and are in good condition. I am therefore satisfied that the building is of permanent and substantial construction. In this respect the main considerations are whether the proposal would preserve the openness of the Green Belt and whether it conflicts with the purposes of including land within it.
9. The proposal does not result in an increase in the volume of the building however it would bring the areas to the front and rear into domestic use. It is proposed to formalise the provision of two parking spaces on the area of hard standing to the front of the buildings and to provide a bin store. The area to the rear of the building would be used as a residential garden.
10. Even if I were to impose a condition controlling permitted development rights relating to the erection of buildings and structures, the residential use of the area is likely to attract paraphernalia which would not necessarily constitute development such as garden furniture and children's play equipment.
11. However, the garden would be modest in scale and located between existing garden areas. As such the quantum of any potential paraphernalia would be limited and would be seen in the context of adjacent domestic activity. Furthermore, the parking area to the front does not project forward of the adjacent dwelling and any parked cars would be seen against a backdrop of buildings. Therefore, the effect of the development on the openness of the Green Belt would be negligible and consequently, the openness would be preserved. Because of the visual and spatial containment of the site, the proposal would not result in encroachment upon the countryside and therefore, the development would not conflict with the purposes of including the land in the Green Belt.
12. Consequently, the appeal proposal would not be inappropriate development in the Green Belt. It therefore accords with paragraphs 143 and 155 of the Framework.

Whether appropriate location

13. 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 located in the countryside, outside of any settlement identified as being suitable for new housing.
14. 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.
15. The policy does not provide a definition of a 'rural building'. However, even if I were to accept that the building is 'rural', there is no clear and convincing evidence before me that the uses listed in CP48 are not practical propositions. I therefore find conflict with this policy.
16. 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. At my site visit I saw that the building was being used for the storage of household items and therefore I am not convinced that it is redundant or disused. In any event, the proposal would not enhance the immediate setting of the building which would be mostly unchanged. Consequently, the circumstances listed at paragraph 84(c) of the Framework do not apply.
17. The appellant contends that the appeal site is in a suitable location for a dwelling due to its proximity to the villages of Box and Rudloe. However, I am not convinced that the services and facilities of these villages could be accessed easily by foot or bicycle, given the distances involved, the topography of the area and the lack of lit pavements and cycle paths. As such it is likely that future occupiers would be reliant on private vehicles to meet most of their daily needs.
18. 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 conflict with CP1, CP2 and CP48 of the CS and relevant paragraphs of the Framework which collectively seek to direct development to sustainable locations.

Character and appearance

19. The appeal site is located within the Cotswolds National Landscape, the special qualities of which include elevated arable landscapes and river valleys with grasslands and woodlands. These features 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 National Landscape.

20. The appeal building is part of sporadic development in the area which is located amongst a patchwork of fields and woodland which slopes up steeply from London Road (the A4). Other buildings front the lane to either side of the appeal site, but the surrounding area primarily comprises open countryside. Therefore, the overall character of the area is distinctly rural and the buildings which exist nearby sit comfortably in this context.
21. The appeal building is located within a gap between two dwellings and has a secondary, utilitarian appearance, commensurate with its original function as garaging. The adjacent houses are traditional in appearance and proportions with two storey front elevations and casement windows.
22. The proposal would involve the replacement of a garage door with a large area of glazing which would be open to the road, the installation of windows and timber in-fill cladding and solar panels on the front elevation. These domestic features would be at odds with the utilitarian form of the building and would appear incongruous in this rural setting, adjacent to traditional buildings.
23. Given the relatively modest scale of the site and the presence of nearby dwellings, the proposal would not have a significant impact upon the wider landscape. However, in more localised views the proposal would result in a building which would relate poorly to its rural context and to the character of development in the locality.
24. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area and the Cotswolds National Landscape. It would therefore conflict with CP51 and CP57 and relevant paragraphs of the Framework which seek to ensure that development achieves a high standard of design and relates positively to its landscape setting and character.

Other Matters

25. The proposal would be contrary to the development plan as a whole and would be harmful to the National Landscape. I attach significant weight to these harms.
26. 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. In this respect the circumstances differ from those pertaining to the Foxhill House appeal¹ I have been referred to.
27. Nevertheless, the Framework seeks to significantly boost the supply of homes and the provision of a new dwelling which makes use of an existing building would be a benefit of the scheme. 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 proposal do not outweigh the harm I have identified.

¹ APP/Y3940/W/21/3266427

28. The appellant has drawn my attention to an application² which was allowed at The Lodge, Box Hill for the conversion of a workshop building to a dwelling. Based on the evidence before me I acknowledge that there are some similarities between the appeal site and The Lodge, although the size of the curtilage and the nature of the building and its conversion differs between the two schemes. In any event, I have applied the relevant policies to the case which is now before me, and I am not bound by previous decisions of the Council on other sites.
29. I am aware that the site is near to a Grade II listed building, Hilden. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The verdant backdrop of Hilden, of which the appeal site forms part, contributes positively to its significance. Nevertheless, given the location and extent of the proposed development, it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.
30. The appeal site is within the ZOI of the Bath and Bradford on Avon Bats Special Area of Conservation. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

31. The proposal would not constitute inappropriate development in the Green Belt. However, this is a neutral factor in the appeal.
32. Overall, for the reasons given above, the proposal would not accord with the development plan and there are no material considerations to outweigh that finding. Consequently, for the reasons given the appeal is dismissed.

E Pickernell

INSPECTOR

² 20/01072/FUL