



Appeal Decision

Site visit made on 10 December 2024

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Appeal Ref: APP/Y3940/W/24/3343695

North Lower Park Farm, Whistley Road, Potterne, Wiltshire SN10 5TB

- 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 Mr Nigel Grist of Grist Environmental Ltd, against the decision of Wiltshire Council.
 - The application Ref is PL/2023/02789.
 - The development proposed is creation of a community farm (including farmhouse), farm track and rural employment units and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would comply with the spatial strategy of the Development Plan.

Reasons

Character and Appearance

4. The site and its surroundings consist of fields and a collection of buildings in the countryside. The site is within the Bristol Avon Clay Character Area of the East Wiltshire Landscape Character Assessment (EWLCA), 1998, one of several such assessments. Amongst other things, the EWLCA identifies that the area has a gently undulating, farmland character. Large areas of the fields around the existing buildings are used for the open storage of disused vehicles, materials and similar items. Despite this, and the presence of Devizes and the A361 nearby, the site has a broadly agricultural character.

5. Parts of the site (within the 'Park Pale') were historically used as a medieval park for deer hunting associated with the nearby Devizes Castle. Some modern housing, leisure and utility development has been approved within this area, albeit generally adjoining the built-up edge of the town or within a valley. However, the largely undeveloped nature of the lowland fields has an historic significance sufficient to constitute a non-designated heritage asset.
6. The proposal seeks to construct new employment units. Also proposed is the creation of a community farm, including a new teaching and farm building, and polytunnels. An existing building would be used as a dwelling to serve these uses. New permissive paths would link the site to existing footpaths and to the edge of Devizes. An all-weather track for farm workers would be provided along some of the permissive paths. The proposal includes semi-natural habitats, ponds, an orchard, and trees and hedging.
7. Subject to its details, the Council does not object to the community farm building itself, and I see no reason to disagree. The proposed new employment units would have a courtyard arrangement, being relatively close to existing buildings and having a low profile. Nevertheless, they would represent a large amount of new built form that would extend and intrude into the open countryside.
8. As such, the buildings would not amount to the small-scale development referred to by the EWLCA which may be accommodated without adverse impacts on the landscape. Together with the parking areas, human activity and lighting associated with these uses, the proposal would significantly urbanise the site and its surroundings, conflicting with its rural character.
9. The all-weather track would provide an improved access to some of the fields, including for the management of livestock, particularly given recent wetter weather. Some lengths would follow existing farm tracks. However, other sections would cut across the fields for a significant distance, appearing as a harmful, scarring feature in the landscape. Despite the replanting of historic boundaries, these effects would similarly undermine the historic significance of the former deer park. I see little reason why the existing track nearer to Avon Road could not be upgraded to provide suitable access to the fields without the same degree of harm.
10. There is no dispute that the building proposed to be used as a dwelling requires planning permission for its retention. Despite its history, no fallback position in respect of the previous dwelling on the site has been made out. The existing building is tall and has a large footprint. Its retention and use as a dwelling would add permanently to the amount of built form on the site, further domesticating and eroding the historic and rural landscape. For the reasons given above, I conclude that the proposal as a whole would adversely affect the character of the landscape hereabouts.
11. In terms of visual impacts, a Public Right of Way (DEVI13) runs through the site of the existing farmstead. From points along this footpath, such as Landscape and Visual Appraisal (LVA) Viewpoints 3 and 4, the adverse effects of the proposal would be readily apparent. There would be less significant, but still harmful, distant views of it from additional Viewpoints, such as from Whistley Road and other footpaths.

12. The proposed permissive paths would open up new views of the countryside. However, no legal mechanism is before me to ensure the availability of the paths to the public in the long term, limiting the weight I can give to this benefit. Moreover, the track including its consolidated surfacing and fencing would add to the adverse visual effects of the proposal, for example from Addendum LVA Viewpoints 1 and 3.
13. Existing and proposed landscaping would help to ameliorate the visual impacts of the proposal. However, such screening cannot be relied upon, particularly in winter months when foliage is reduced. Nor can its survival in the long term be guaranteed. Removal of the open storage would undoubtedly have landscape and visual benefits. That said, no substantive evidence is before me to demonstrate that the storage is immune from enforcement action. Indeed, the Council states that such action is ongoing. Accordingly, the removal of the storage provides little additional justification for the proposal.
14. For the reasons given above, the proposal would harm the character and appearance of the area. As a result, it would be contrary to Core Policies 51, 52, 57 and 58 of the Wiltshire Core Strategy (WCS), adopted January 2015, and policies H1 and ESD1 of the Devizes Neighbourhood Plan (NP), made December 2015. Amongst other things, these seek to conserve the natural and landscape setting of the area and to protect non-designated heritage assets. I give this conflict very substantial negative weight in the planning balance.

Settlement Strategy

15. WCS Core Policies 1, 2 and 12 provide the Council's strategy for development, including in the Devizes area, which it seeks to focus on settlements within defined boundaries. This is to provide for the most sustainable pattern of development, by reducing the need to travel. Outside of these locations, such as the appeal site, development is strictly controlled. Core Policy 34 permits some additional employment land in specific circumstances, but both main parties accept that the proposal would not meet its criteria.
16. The NP identifies that Devizes generally attracts lower-paid jobs, with significant out-commuting, for example to Bath and Swindon, for higher-paid employment. This may be partly due to a lack of good-quality space for small and medium sized enterprises in Devizes, as shown by the marketing evidence submitted. The proposal would help to meet demand and the need for higher-paid jobs, including the provision of units of varying and flexible floorspace.
17. However, whilst recognising this need, neither the NP nor the WCS encourage employment uses in locations such as the appeal site. Instead, they are directed to allocated sites, including in the Devizes area, or to other places supported by Core Policy 34.
18. Moreover, non-vehicular access to the proposal would require the use of footpaths or the permissive paths, which would be lengthy and unlit, and with sections consisting only of grass. Access to the bus stops on the A361 would necessitate using a section of Whistley Road that is also unlit and has no footway. As such, neither option would provide an attractive alternative to private vehicles, particularly at night, in inclement weather or to those of restricted mobility. Consequently, the proposal would not result in a sustainable pattern of development.

19. Framework Paragraph 89 advises that to meet local business and community needs in rural areas, sites may have to be found that are adjacent to or beyond existing settlements, or where they are not well-served by public transport. The proposal seeks to make its location more sustainable. However, the needs met by the proposed business units are not necessarily rural, being those of Devizes town. In any case, Framework Paragraph 89 emphasises that such proposals should be sensitive to their surroundings. For the reasons I have already given, the proposal would not achieve this. Framework Paragraph 89 does not therefore provide support for the proposal.
20. New residential development in rural locations is permitted by WCS Core Policy 48, but only where demonstrably necessary for employment that is essential to the countryside, including agriculture. Occupiers of the proposed dwelling would work in the community farm and the main farm, which has a fairly large number of pigs, sheep and cattle. A worker is said to be required to care for the animals, to deal with regular visitors and to assist in the management of the farms. The worker would also provide maintenance, caretaking and security for the employment units.
21. Nevertheless, notwithstanding the appellant's background, I have few substantive details of any essential functional requirement for an on-site presence for the proposal. This is particularly necessary given the existence of dwellings already associated with the farm. Nor do I have any clear evidence that it has been planned on a sound long term financial basis, especially given that a permanent dwelling is sought. It follows that the proposal would not comply with WCS Core Policy 48.
22. For the reasons given above, the proposal would not accord with the settlement strategy of the Development Plan, having regard to access to services and facilities. It would therefore be contrary to WCS Core Policies 1, 2, 12, 34 and 48. This conflict attracts very substantial weight in the planning balance.

Other Considerations

23. I give significant positive weight to the benefits of the proposal in respect of economic growth and productivity, as required by the Framework. I do not doubt the societal benefits of both the proposed community farm and the intended relocation of the Men's Shed group to a larger, dedicated unit at the site. Their benefits attract additional moderate positive weight. The proposal would enhance biodiversity and local habitat connectivity, including along the proposed boundary habitats of the application site. I give this further limited positive weight.
24. There is no dispute that the Council cannot demonstrate an adequate supply of housing land. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in Paragraph 11 of the Framework.
25. I have found conflict with WCS Core policies 1, 2, 12, 34, 48, 51, 52, 57 and 58 and NP policies H1 and ESD1, which are broadly consistent with the Framework. Against that, the proposal would make a positive contribution to

the supply of housing. However, being for only a single dwelling, this benefit would be relatively small and so I give it limited positive weight.

Planning Balance and Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For the reasons given, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
27. I have found conflict with the Development Plan, read in the round. The material considerations in this case do not indicate a decision other than in accordance with it. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR