



## Appeal Decision

Site visit made on 6 February 2025

by **Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

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**Appeal Ref: APP/Y3940/W/24/3346470**

**Land off Church Road, Luckington, Wiltshire SN14 6PD**

- 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 Nic Johnson-Greening against the decision of Wiltshire Council.
  - The application Ref is PL/2024/00802.
  - The development proposed is Replacement of Commercial Outbuilding and Land (Class B8, with ancillary workshop) to Accommodate New Detached Dwelling and Car Port.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the appeal site is a suitable location for the proposed development, having particular regard to the spatial strategy in the development plan and the accessibility of services and facilities; and
  - whether the proposed development would preserve or enhance the character or appearance of the Luckington Conservation Area.

### Reasons

#### *Location*

3. The appeal site comprises a narrow strip of land located to the north of Church Road in Luckington, opposite the junction with Avon Rise. The site is in a residential part of the village. It contains a number of structures, including several corrugated metal-clad buildings.
4. Core Policy 13 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy) sets out the spatial strategy for the Malmesbury Community Area, and defines Luckington as a Small Village. Core Policy 13 states that development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 of the Core Strategy. Core Policy 1 provides that, amongst other things, Small Villages have a low level of services and facilities, and few employment opportunities, and that development at Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.
5. Paragraph 4.16 of the Core Strategy provides that, amongst other things, some very modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities, and that any

development at Small Villages will be carefully managed by Core Policy 2 and the other relevant policies of the Core Strategy.

6. The site is part of the village's built-up area. In such areas, Core Policy 2 of the Core Strategy sets out the delivery strategy to deliver development in Wiltshire and provides that, amongst other things, at the Small Villages development will be limited to infill within the existing built area. Paragraph 4.34 of the Core Strategy clarifies that for the purposes of Core Policy 2, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.
7. The site is clearly separated from the residential development present opposite the site by the adjacent highway. As shown on the submitted Location Plan, no built form is present to the eastern or northern boundaries of the site. As such, the proposed development would not constitute the filling of a small gap within the village. It would conflict with Core Policy 2 in this respect.
8. The northern side of Church Road in the vicinity of the site is devoid of residential development. To the north of the site is agricultural grazing land (part of the Luckington Court estate), beyond which lie fields. The proposed development would introduce one new dwelling beyond the existing residential envelope on Church Road, thereby extending the residential footprint of the village, albeit not by a significant margin. Nevertheless, the site has a Certificate of Lawfulness for a commercial use, and as buildings are already present within the site, the proposed development would not elongate the village any further than at present.
9. Nevertheless, the reference to elongating the village found at part ii) of Core Policy 2 to relates to infill development, which the proposed development would not comprise. Moreover, considering my findings on the 2<sup>nd</sup> main issue below that harm would be caused to the significance of the conservation area, the proposed development would not fall within the remit of part i) of Core Policy 2, which requires development to respect the existing character and form of the settlement. Therefore, the conflict identified with Core Policy 2 would remain.
10. The Officer's Report for a planning application<sup>1</sup> relating to the Former Methodist Chapel, The Green, Luckington, mentioned that the village benefits from a public house, The Old Ship, a village school, and a village hall. It therefore appears that Luckington has a very limited range of services and facilities, especially relating to shopping and employment. The future occupiers of the proposed new dwelling would accordingly be required to travel beyond Luckington to access the vast majority of services and facilities required for day-to-day living.
11. The site is within walking distance of bus stops on the B4040. Although mention has been made of bus services Nos. 41, 62, and X79, few details have been provided to illustrate the frequency or duration of these services to larger settlements, such as Malmesbury. On this basis, it has not been shown that these bus services would offer convenient and regular access to the necessary services and facilities required by the future occupiers of the proposed new dwelling.
12. Paragraph 110 of the National Planning Policy Framework (the Framework) provides that, amongst other things, opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, in this case,

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<sup>1</sup> PL/2024/02835

it has not been demonstrated that the future occupiers of the proposed new dwelling would not be heavily reliant on the use of private vehicles to access necessary services and facilities on a daily basis. Thus, the evidence indicates that the proposed development would not promote sustainable transport.

13. I have not been provided with information which demonstrates that the proposed development would generate less vehicle movements than the existing commercial use, which would cease. The residential development on Church Road is pre-existing, whereas I am required to assess the proposed development for new residential development against currently-prevailing planning policies. The site is not remote from residential development, meaning that it is not isolated in the terms of paragraph 84 of the Framework. However, the absence of conflict with paragraph 84 of the Framework is not a matter which is capable of overcoming the proposed development's conflict with Core Policy 2. Therefore, none of these matters changes my findings above.
14. I therefore find that the site is not a suitable location for the proposed development, having particular regard to the spatial strategy in the development plan and the accessibility of services and facilities. It would conflict with Core Policies 1, 2, and 13 of the Core Strategy which collectively set out the spatial strategy for the Malmesbury Community Area. The proposed development would conflict with Policy H4 of the North Wiltshire Local Plan 2011 (adopted 2006) which provides that, amongst other things, new dwellings in the countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that it is in connection with the essential needs of agriculture or forestry or other rural based enterprise, or it is a replacement for an existing dwelling.
15. The proposed development would conflict with part i. of Core Policy 60 of the Core Strategy which provides that, amongst other things, the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire by planning developments in accessible locations, and with Core Policy 61 of the Core Strategy which provides that, amongst other things, new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.
16. The proposed development would also conflict with chapter 9 of the Framework, which seeks to promote sustainable transport.

#### *Conservation area*

17. The site is situated within the Luckington Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
18. The conservation area includes the central zone of Luckington, areas peripheral to the village, and part of the surrounding countryside. Luckington has a rural aesthetic and in this context the significance of the conservation area derives in part from its architectural and historic interest reminiscent of a small countryside village, which includes its public spaces, watercourses, cottages, farmhouses, and traditionally-styled houses which are often clustered together. Stone walls, and the

use of rubble stone, stone slate roofs, and casement windows, are common within the conservation area.

19. The site comprises a linear plot with an established commercial use (principally for storage use). Although the buildings within the site are of a utilitarian character, these buildings are mostly low-rise in nature and have the appearance of agricultural / storage buildings, which are commonly seen in rural areas. They do not dominate the street scene. The commercial use of the site is indicative of economic uses which are part-and-parcel of the variety of use types which make up the rural character of the village.
20. As the site is set-apart from nearby dwellings on Church Road and shares a strong visual connection with the estate land found to the north of the site, the commercial nature of the site and the buildings within it do not significantly detract from the rural aesthetic of the area. The buildings also appear visually congruent with the workshop / garage structures found to the immediate west of the site.
21. The proposed new dwelling would be sited on a narrow elongated plot, and set apart from nearby residential development. It would accordingly appear as a stand-alone structure which would not be well-integrated with nearby dwellings, and at 2 levels in height with a wide principal elevation it would appear overly-dominant in the street scene. Whilst its design would echo that at the nearby group of dwellings on the southern side of Chapel Row, as it would be set apart from those dwellings and the historic core of the village, its attempt to mimic their design would appear contrived.
22. The proposed new dwelling would be situated in close proximity to the existing commercial use to the west of the site, which would continue. It would unduly contrast with the non-domestic appearance of the structures on that adjacent site, resulting in a jarring appearance in the street scene. The combination of the above-mentioned factors would undermine the architectural and historic interest of the conservation area, thereby harming its significance.
23. The harm caused to the character and appearance of the conservation area would be localised, meaning that the harm caused to its significance would be less than substantial. This harm must be weighed against the public benefits of the proposed development. The proposed new dwelling would make a very limited contribution to the Government's objective of significantly boosting the supply of homes, and towards housing choice and mix in the local area, in the context of the Council's lack of a forward supply of housing sites as required by the Framework. The future occupiers of the proposed new dwelling would likely provide a very limited contribution towards the local economy.
24. As the combination of these public benefits would be very modest, little weight has been given to them. These public benefits would not outweigh the harm that would be caused to the significance of the conservation area, which must be given considerable importance and weight, with great weight being given to the conservation of the designated heritage asset.
25. The proposed development would remove the buildings on site which have a utilitarian appearance, but it has not been demonstrated that a less harmful scheme (which would not introduce development on site which would adversely impact the character and appearance of the conservation area) could not achieve the same aims. This is not a matter which changes my findings on this main issue.

26. I therefore find that the proposed development would not preserve or enhance the character or appearance of the conservation area. It would conflict with part i. of Core Policy 57 of the Core Strategy which provides that, amongst other things, applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through enhancing local distinctiveness by responding to the value of the natural and historic environment, and with part iv. of Core Policy 58 of the Core Strategy which provides that, amongst other things, designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including the special character or appearance of conservation areas.
27. The proposed development would also conflict with chapter 16 of the Framework, which seeks to conserve and enhance the historic environment.

### **Other Matters**

28. The site is within the Cotswolds National Landscape<sup>2</sup>. As per paragraph 189 of the Framework, I have given great weight to conserving and enhancing the landscape and its scenic beauty. As the impacts of the proposed development would be localised, the proposed development would not be harmful to the wider landscape. The proposed development would therefore have a neutral effect on the landscape and in conserving it, would not conflict with the Framework in this respect. This is a neutral matter, which does not weigh in favour of the proposed development. In reaching this finding, I have had regard to s85(A1) of the Countryside and Rights of Way Act 2000 (as amended), which provides that, amongst other things, a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.
29. It is common ground between the main parties that the proposed development would not affect the setting or significance of 5 Chapel Row, a Grade II listed building. The evidence before me does not point to a different conclusion.

### **Other Considerations and Planning Balance**

30. The proposed development would provide one new dwelling in an established residential area. It would contribute towards addressing the Council's lack of the necessary housing land supply as required by the Framework, the shortfall for which is significant. However, its contribution in this regard would be slight, resulting in little weight in favour of the proposed development.
31. I note the mention of the proposed new dwelling being a self-build project (which is supported by the Framework), but in this instance no mechanism is before me to secure this aspect of the scheme. Consequently, little weight is given to this matter in support of the proposed development.
32. The proposed development would provide work for construction professionals, but this would be confined to the construction phase only. The spending from the future occupiers of the proposed new dwelling on local services and facilities would not likely be significant. As only one new dwelling is proposed, their contribution to the vitality of the village would also be minimal. Little weight has been given to these matters in support of the proposed development.

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<sup>2</sup> Since 22 November 2023, Areas of Outstanding Natural Beauty are known as National Landscapes.

33. The submitted Preliminary Ecological Appraisal demonstrates that the proposed development would result in an approximately 10.98% net gain in biodiversity. The enhancements specified could be secured via a planning condition. This uplift is however in the context of the existing biodiversity value of the site, which is low, with much of the site consisting of gravel and bare ground. Therefore, little weight has been given to this matter in support of the proposed development.
34. The above-mentioned benefits would be in compliance with a number of policies in both the development plan and the Framework, and in this regard it is relevant that paragraph 3.8 of the Core Strategy provides that, amongst other things, the reuse of Wiltshire's limited amount of previously developed land should be maximised. Nevertheless, due to the very limited quantum of development proposed the benefits in total would not be significant. No more than moderate weight has been given to these benefits in support of the proposed development.
35. It follows that these benefits would not outweigh the great weight which has been given to the proposed development's conflict with the relevant policies of the development plan, which include the harm caused to the significance of the conservation area and its failure to promote sustainable transport. The proposed development would conflict with the development plan when considered as a whole. This is a matter which weighs strongly against the proposed development.
36. Due to the unambiguous adverse impacts which would be caused to the conservation area identified above, in conflict with the policies of the Framework which seek to protect designated heritage assets, the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Hence, paragraph 11 d) i. of the Framework is applicable. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.
37. Taking account of my findings on the first main issue above, that the site is not a suitable location for the proposed development, the site would not be a suitable site for the purposes of paragraph 73 d) of the Framework, which relates to the development of suitable windfall sites within existing settlements for homes, and similarly the site would not be a suitable site for the purposes of paragraph 125 c) of the Framework, which relates to using suitable brownfield land within settlements for homes and other identified needs.
38. As mentioned on the 2<sup>nd</sup> main issue above, the site is part-and-parcel of the variety of use types which make up the rural character of the village; the site is not a non-conforming use in the context of the village as a whole. Paragraph 8 a) of the Framework highlights the need to ensure that the right type of land is available in the right places, however following my finding on the first main issue above that the site is not a suitable location for the proposed development, the proposed development would not support this aspiration. Accordingly, the proposed development's contribution towards the utilisation of previously developed land, which is supported by the Framework, merits little weight in favour of the proposed development.
39. The proposed development would develop under-utilised land and buildings, which is supported by paragraph 125 d) of the Framework. Taking account of the modest size of the site and the very limited quantum of development proposed, the

benefits in this respect would not be significant. Little weight has been given to this matter in support of the proposed development, as a result.

40. Overall, none of the other considerations material to the proposed development are of sufficient weight to indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

### **Conclusion**

41. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Alexander O'Doherty*

INSPECTOR