



Appeal Decision

Site visit made on 6 June 2005

by **A J A Ritchie MA (Oxon) LARTPI Solicitor**

an Inspector appointed by the First Secretary of State

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Date

- 1 JUL 2005

Appeal Ref: APP/J3910/A/05/1176868

The Stables adjacent to The Orchard, Wood Street, Clyffe Pypard, Swindon, Wiltshire

- 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 Mrs R Tate against the decision of North Wiltshire District Council.
- The application Ref 04/02805/COU, dated 24 September 2004, was refused by notice dated 22 November 2004.
- The development proposed is conversion of barn to residential accommodation..

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider that there are 3 main issues. The first is the implications of the proposal for the character and appearance of the existing building and of the area, with particular regard to policies relating to the conversion of buildings to residential accommodation in the countryside. The second is the extent of dependence on the private car and the third is the effect of the proposed development on highway safety.

Planning Policy

2. The development plan includes the Wiltshire County Structure Plan 2011 and the North Wiltshire Local Plan 2001. Policy DP15 of the Structure Plan permits the conversion of suitable existing buildings, but with the emphasis on new uses that diversify the local economy and provide jobs. Policy RH12 of the Local Plan permits residential conversions in the countryside where the form, bulk and general design of the existing building are in keeping with the surroundings. Conversions should meet various criteria, including that they should respect the rural character and appearance of the surroundings and the character and setting of the existing building. In particular, the third criterion requires that the conversion should not require extensive alteration, rebuilding and/or extension and the seventh criterion provides that the access and parking arrangements should be adequate and not compromise highway safety.
 3. Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) advises that the Government's policy is to support the re-use of appropriately located and suitably constructed buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be appropriate that are adjacent or closely related to towns and villages.
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Reasons

Character and Appearance

4. The existing building has a pleasant rustic appearance which, according to the Council, has been achieved at least in part by recent work carried out to its exterior. The appellant asserts that this was maintenance work not requiring planning permission. The building is in keeping with the rural surroundings and the proposal would retain some of the existing features of the building that achieve this, including timber cladding and the low pitched roof. The proposal would not extend the footprint or height of the existing building and the appellant is willing to submit to a condition that would remove permitted development rights to construct outbuildings. In my view, the conversion would respect the rural character of the surroundings and setting of the existing building.
5. The building is of some age and was originally constructed as an agricultural building. An engineer's report obtained by the appellant indicates that the basic structure, particularly the timber framing, is sound. It appeared to me, however, that substantial works would be required before the building could be rendered fit for human habitation. Some of these works, for example new floor structure and insulation, lowering of external ground levels and replacement of small sections of timber framing are suggested by the engineer's report and by the appellant in her statement. The report however advises that specialist opinions on damp proofing and timber treatment should be obtained; the works recommended by such specialists could have substantial consequences for the conversion process.
6. The report does not list the nature and extent of all of the works that would be needed to convert the building for residential use and the works referred to appear to me to be examples of the main measures needed. The third criterion of Policy RH12 of the Local Plan requires me to be satisfied that the conversion could be undertaken without extensive alteration or rebuilding. In my view, the engineer's report, since it does not specifically address the totality of the works that would be needed to achieve residential conversion, does not contain enough information for me to be convinced that the proposal would meet this policy test.
7. It is possible that with such an old building of which essentially only the framework remains that the works required could be extensive; they could result in the appearance of the building being significantly changed and this would be harmful to the character and appearance of the area and would be the type of outcome that the reasoned justification to Policy RH12 seeks to avoid. The appellant suggested that any doubts that the original structure of the building can be properly converted could be resolved by the imposition of a condition requiring a full schedule of repair and conversion works to be approved by the local planning authority before works commence. However, in my view, this would pre-empt the question of whether the application scheme meets the third criterion of Policy RH12.
8. I therefore conclude on the main issue that, on the basis of the information presented to me, I am not satisfied that the proposal would not have significant implications for the character and appearance of the existing building and of the area. Therefore, the scheme would not meet the requirements of Policy RH12 of the Local Plan.

Extent of dependence on Car

9. The appeal property is remote from services and employment and the public transport available in the locality is extremely limited. Although the number of people occupying the dwelling that would result from the scheme would be relatively few, since the dwelling would be modest in size, having only 2 bedrooms, these occupiers would be in my view be almost completely dependent on the private car. The Council did not refer me to any development plan policy supporting their refusal of the proposal on these grounds, but it is well established in national planning policy, in particular by Planning Policy Guidance Notes 3 and 13: *Housing* and *Transport*, that in order to promote more sustainable patterns of development and to reduce the need to travel, especially by car, the focus for additional housing should be existing towns and cities. This emphasis on sustainability has more recently been reinforced by PPS7. I therefore consider that the withholding of planning permission on this ground is justified.

Highway Safety

10. The proposal was also refused on highway grounds on account of the unsatisfactory access that would be created onto Wood Street, a road which is generally not wide enough to allow 2 cars to pass. From my observation, the level of traffic on Wood Street is very light and whilst I agree that it would be generally right to carefully control access onto it, in this case the additional traffic that would be generated by the modest dwelling proposed would not in my view be so great as to cause a significantly increased risk to the safety of highway users. My view in this matter is reinforced by the fact that the highway authority raised no objection to the earlier application for conversion on highway grounds.
11. I agree, however, with the highway authority that the proposed access shown on the application plans would not have adequate visibility and that with this proposed access, it is unlikely to be possible to create an adequate visibility splay within land in the curtilage of the appeal property, particularly to the north of the proposed access. Adequate visibility might, however, be achieved if the access was to be sited elsewhere, for example in the approximate position of the existing access where the hedge to the east of the access is set back from the highway edge and there would also be greater visibility to the west. The appellant suggested that this could be dealt with by the imposition of a condition, but in view of my findings on the first and second main issues, it is not necessary for me to consider this. As it stands, the scheme would, in my view, compromise highway safety and does not meet the requirements of the seventh criterion of Policy RH12 of the Local Plan.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

13. I dismiss the appeal.



INSPECTOR

