



## Appeal Decision

Site visit made on 18 December 2023

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 January 2024**

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**Appeal Ref: APP/Y3940/W/23/3324448**

**Mobile Home at Three Pieces, Hoggington Lane, Southwick BA14 9NR**

- 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 Mr. T. York against the decision of Wiltshire Council.
  - The application Ref PL/2021/10755, dated 15 November 2021, was refused by notice dated 22 December 2022.
  - The development proposed is described as 'Proposed change of use and conversion of stables/animal pens into a holiday let. Re-application following Refusal of 20/07707/FUL on 19.11.2020'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal is in a suitable location for a holiday let, with particular regard to the local development strategy.

### Reasons

3. The appeal site forms part of a residential garden and is located off a narrow access road serving a sporadic group of residential and agricultural buildings. The building on the site is small in scale with an open frontage historically forming animal pens.
4. The spatial strategy for the location of housing in the area is outlined in Core Policies 1 and 2 of the Wiltshire Core Strategy (January 2015) (WCS). Core Policies 1 and 2 of the WCS have a presumption against development outside of the limits of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The policies seek to direct development to locations with a range of services and facilities to reduce the need to travel.
5. Although the site does not fall within, and is located away from, one of the defined settlements, the spatial strategy allows for some development outside of these settlements including proposals that comply with Core Policies 39 and 48 of the WCS.
6. Core Policy 39 of the WCS states that in exceptional cases development may be supported away from the Principal Settlements, Market Towns, Local Service Centres and Large Villages. This is subject to the proposal meeting five criteria including there being evidence that the facilities are in conjunction with a particular countryside attraction and that no alternative suitable buildings or sites exist.

7. While I recognise that the site is located within 3 miles of Trowbridge and 12 miles of Bath, these are settlements and not countryside attractions. Moreover, the appeal is accompanied by insufficient evidence to demonstrate that the proposal is in conjunction with a particular countryside attraction with little evidence in relation to the existence of alternative suitable buildings. The lack of other buildings within the appellants ownership does not adequately demonstrate that there are no other suitable buildings or sites available elsewhere in alternative ownership. As a result, the proposal is contrary to WCS Core Policy 39.
8. Turning to WCS Core Policy 48, this supports the conversion and re-use of rural buildings. It states that proposals to convert and re-use rural buildings for tourism uses will be supported where it satisfies five criteria. These criteria include criteria i. that states that the building(s) is / are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.
9. From the evidence before me, a building has been present on the appeal site for a number of years. It is clear however that in more recent years works have been carried out to the building that include the re-building of sections of walls and part of the roof. The appellant advises that these works were required to repair areas of defective and dangerous walling and roof in danger of collapse to make the building safe.
10. Although the replacement walling recently carried out comprised approximately 100 concrete blocks covering approximately 10 square metres where the living room is proposed, the works also necessitated and comprised the part replacement of the roof. Section 55 of the Town and Country Planning Act 1990 (the Act) states that development includes building operations. The Planning Practice Guidance (PPG)<sup>1</sup> states that building operations include structural alterations, construction, rebuilding and most demolition. Section 55(2) of the Act further states that categories of work that do not amount to development include building operations which 'do not materially affect the external appearance of a building.'
11. By reason of the extent of demolition and re-build, combined with the change to the external appearance of the left-hand frontage of the building comprising a different form and shape of openings, the works carried out to the building to my mind comprise building operations and major re-building. This is the case regardless of the lack of new foundations, floor area or increased height. As Core Policy 48 of the WCS only permits proposal for conversion and re-use, and the building has undergone major re-building, the proposal is contrary to this policy.
12. Even if I were to conclude that the works comprised repair and replacement, from my site visit the remaining walls to the part of the building that would form a bedroom and kitchen were single skin and in a poor condition. These walls comprised gaps between the concrete blocks with a number of the blocks misaligned. In light of this, the proposal including an extension to the height of the building to the rear, and in the absence of a structural survey or similar evidence demonstrating otherwise, I cannot conclude that the building is structurally sound and capable of conversion. Given the condition of the building and absence of suitable evidence to demonstrate that it is structurally

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<sup>1</sup> Paragraph: 001 Reference ID: 13-001-20140306

sound, even if the works already carried out comprised repair and replacement, the proposal would be contrary to criteria i. to WCS Policy 48.

13. In light of the above, I conclude that the appeal site is not a suitable location for a holiday let, with particular regard to the local development strategy. As such, the proposal conflicts with the requirements of Core Policies 39 and 48 of the WCS.

### **Other Matters**

14. I have had regard to the lack of harm to the character and appearance of the area, highway safety, ecology and living conditions of nearby occupiers. I have also had regard to the provision of suitable access and car parking. However, as these are requirements of local and national planning policies, they are neutral in my consideration.
15. My attention has been drawn to other decisions by the Council, including The Lodge, but I have no detailed plans or information before me in relation to these. As a result, I cannot be sure that they are directly relevant to the current proposal. In any case, I am required to consider the current appeal on its merits.
16. The appellant raises concerns regarding the conduct of the Council during their consideration of the planning application. However, this is not a matter which is for consideration in this appeal.

### **Conclusion**

17. For the reasons given above I conclude that the appeal should be dismissed.

*C Rose*

INSPECTOR