



Appeal Decision

Site visit made on 3 October 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/Y3940/W/22/3310947

Land Adjacent to 6 Guinea Cottage, Forest Road, Melksham SN12 7RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Richard Bourne against the decision of Wiltshire Council.
 - The application Ref PL/2022/02675, dated 2 March 2022, was refused by notice dated 15 July 2022.
 - The development proposed is described as “a residential house at which applicant can live in order to attend to livestock and other farming duties”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above address is taken from the decision notice as it is more comprehensive.
3. The application has been submitted in outline with all matters reserved.
4. Since the Council made its decision, on 5 September 2023, a revised version of the National Planning Policy Framework (the Framework) has been issued. However, the only substantive revisions relate to national policy for onshore wind development in England, and I am satisfied that the changes to national planning policy do not materially affect this appeal. I have taken the Framework into account in reaching my decision.

Main Issues

5. The main issues are:
 - Whether there is an essential functional need for a new dwelling in this location;
 - Whether the proposal would comply with national and local planning policy which seeks to reduce the need to travel, particularly by vehicles; and,
 - The suitability of the location for a dwelling bearing in mind that the site is within Environment Agency Flood Zone 3.

Reasons

Need

6. The development proposes a new dwelling in a remote location, some distance away from the nearest settlement. As such, the appeal scheme would clearly

represent an isolated home in the countryside. Core Policy 48 of the Wiltshire Core Strategy Adopted January 2015 (the WCS) states that outside the defined limits of settlements, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interest of agriculture or forestry or other employment essential to the countryside. It further states that such proposals should be supported by functional and financial evidence.

7. The policy approach is consistent with paragraph 80 of the Framework, which states that planning decisions should avoid the development of isolated homes in the countryside unless one of a number of specific circumstances apply. One such circumstance is where there is an essential need for a rural worker to live permanently at or near their place of work.
8. In this regard, whilst I acknowledge a farmhouse was sold, there is only limited information before me about the extent and nature of the farming business, or how long it has operated for. Whilst the appellant has referred to the management and welfare of livestock, there is little detail of any livestock numbers or a farming business, including financial evidence. Moreover, little justification has been submitted to explain why a dwelling on the site is necessary in relation to welfare of livestock, including what, if any, negative effects arise from the current situation. Accordingly, there is little compelling evidence to demonstrate that a new permanent dwelling would be justified on livestock management and welfare grounds.
9. I note it is asserted the proposed development is necessary in the interests of security. However, only limited details have been provided in this regard and the evidence before me does not demonstrate that alternative security methods, such as CCTV or alarm systems, have been fully explored and discounted by the appellant. Accordingly, there is little substantive evidence to demonstrate that a new dwelling would be justified on security grounds.
10. Overall, in conclusion on this main issue, there is insufficient evidence to demonstrate that there is an essential functional need for a new dwelling in this location. Consequently, the proposed development would be contrary to the provisions of Core Policy 48 of the WCS.
11. Chapter 6 of the Framework refers to building a strong, competitive economy. Whilst the Council has referred to this in their reason for refusal, I find no conflict with this Chapter of the Framework.

Travel

12. Core Policies 60 and 61 of the WCS seek to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. Whilst there is a range of services and facilities within Melksham, access from the site would be via a long and rural stretch of narrow, unlit and unpaved road. This would be uninviting for pedestrians or cyclists to have to navigate particularly in the dark or during inclement weather conditions. Therefore, future occupants would likely be largely dependent on private vehicles for access to facilities and services to meet their day-to-day needs.
13. Vehicle trips would be generated by the existing use of the site, and I note that the appellant currently travels to the site each day to attend to livestock.

However, future occupiers of the proposed dwelling would be likely to generate movements via private motor vehicles, for example, via trips to access essential services and facilities, deliveries and visiting friends or family.

14. As such, it is likely that future occupiers of the proposed development would be reliant on the use of the private car to make most of their journeys for local services and facilities. Consequently, the proposed development would be contrary to the provisions of Core Policies 60 and 61 of the WCS. It would also be contrary to chapter 9 of the Framework where it seeks to promote sustainable transport.

Flooding

15. There is no dispute between the parties that the site lies within Flood Zone 3. Planning Policy Guidance (PPG)¹ and the Framework² aim to steer development to areas with the lowest probability of flooding through a sequential test. The Framework, under footnote 55, states that a site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3.
16. Core Policy 67 of the WCS requires that development proposed within Flood Zones 2 and 3 will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority. This is in order to apply the sequential test in line with the requirements of national policy and established best practice.
17. Whilst the appellant has spoken with the Environment Agency, no FRA has been provided and no sequential test has been carried out. Consequently, there is insufficient information regarding the risks and effects of flooding at the site and elsewhere, or the availability of alternative sites. As such, on the basis of the information before me, it has not been satisfactorily demonstrated that the principle of development at this site is acceptable.
18. For these reasons, the proposal would be contrary to Policy 67 of the WCS. It would also be contrary to the principles within Chapter 14 of the Framework, which seek to steer development to areas with the lowest risk of flooding and where it requires FRAs and a sequential test to be provided for schemes in Flood Zone 3.

Planning Balance

19. I have found there is insufficient evidence to demonstrate that there is an essential functional need for a new dwelling in this location and it is likely that future occupiers of the proposed development would be reliant on the use of the private car to make most of their journeys for local services and facilities, and there is insufficient information regarding the risks and effects of flooding at the site and elsewhere or the availability of alternative sites. These are matters of considerable weight respectively.
20. The proposal would conflict with the development plan as a whole and there are no other considerations identified, including the provisions of the Framework, which justify a decision otherwise than in accordance with the development plan.

¹ Paragraph: 023 Reference ID: 7-023-20220825

² Paragraph 162

Conclusion

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

J White

INSPECTOR