



# Appeal Decision

Site visit made on 27 February 2024

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

an Inspector appointed by the Secretary of State

**Decision date: 08 May 2024**

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**Appeal Ref: APP/Y3940/W/23/3327611**

**Former Sewage Works, Church Fields, Upper South Wraxall, Wiltshire BA15 2SB**

- 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 Mrs J. Leggatt against the decision of Wiltshire Council.
  - The application Ref is PL/2023/01565.
  - The development proposed is erection of a dwellinghouse.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment and I have taken the comments received into account. I have had regard to the December 2023 version of the Framework in my decision.

## Main Issues

3. The main issues are:
  - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - whether the site would provide a suitable location for residential development, having particular regard to the settlement strategy for the area and its accessibility by sustainable forms of transport; and
  - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposed development.

## Reasons

### *Whether Inappropriate Development*

4. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate development. There are however a limited number of exceptions to this. The main parties have focussed on paragraph 154 g) of the Framework which relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a

greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.

5. As the proposed development does not relate to affordable housing, the second limb of paragraph 154 g), mentioned above, is not applicable. It is common ground between the main parties that the appeal site constitutes previously developed land. This is consistent with my observations. The first limb of paragraph 154 g) must therefore be considered.
6. The Planning Practice Guidance advises that openness is capable of having both spatial and visual aspects<sup>1</sup>. In relation to this, I observed that whilst remnants of the former sewage works are visible on site, much of the site appeared vacant, with the visible parts of the former circular tank and the area of hardstanding not significantly diminishing the open nature of the site when seen as a whole.
7. The proposed development would introduce a 1 and a half storey new dwelling on site. Although it would be set-back from the carriageway and accordingly would not have a significant impact on the street scene, views of the proposed new dwelling would be possible from the road from which the site is accessed due to its position at the end of a linear accessway.
8. In this location, although it would be seen in the context of the built environment of the village, it would nevertheless obstruct a substantial portion of the partially open view towards the field to the rear of the site, when seen from the carriageway. Additionally, it would be visible from some of the rear garden areas of the dwellings present to the south-west of the site, and from the upper-floor windows of 8 Church Fields. Accordingly, due to its bulk and massing, it would appear as a conspicuous feature and would greatly reduce the open nature of the site in visual terms when seen from these viewpoints available from within nearby residential plots.
9. Although the proposed new dwelling would have a smaller total footprint and would be more contained in one part of the site than the existing structures on site, due to its height and scale it would take up considerably more space above-ground than the existing structures on site. The proposed cycle shed, and the vehicles likely to be occasionally parked on site, would further reduce the openness of the Green Belt in spatial terms.
10. Taking account of the case law referred to<sup>2</sup>, it is clear that the proposed development would have a greater impact on the openness of the Green Belt in both visual and spatial terms than the existing development. Hence, it would not benefit from the exception to inappropriate development found at paragraph 154 g).
11. I note that previously a garage structure was present on site. Nevertheless, this appeal decision is based on the currently prevailing circumstances. As such, this matter does not change my findings above.

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<sup>1</sup> Paragraph 64-001-20190722

<sup>2</sup> *Samuel Smith Old Brewery (Tadcaster) & Oxton Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018] EWCA Civ 489; *Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin)

12. Mention has also been made of paragraph 154 e) of the Framework, which relates to limited infilling in villages. There is however an absence of built development to the east of the site, meaning that the site would not constitute 'infilling'. The proposed development does not therefore benefit from the exception to inappropriate development found at paragraph 154 e).
13. The proposed development would therefore constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

#### *Suitable Location*

14. The site is located outside of the defined limits of development as specified in the development plan. Core Policy 2 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy) provides that, amongst other things, other than in circumstances as permitted by other policies within the Core Strategy, identified in paragraph 4.25 of the Core Strategy, development will not be permitted outside the limits of development.
15. The proposed development would not fall within any of the 'exception policies' referred to at paragraph 4.25 of the Core Strategy (which includes Core Policy 48 of the Core Strategy, which seeks to, amongst other things, support rural life). The proposed development would therefore conflict with Core Policy 2 of the Core Strategy.
16. The appellant has highlighted the key services and facilities available in Upper South Wraxall, which include a public house, a church, a village hall, and an active social club. Considering this very limited range of services and facilities, the future occupiers of the proposed new dwelling would likely be required to travel beyond Upper South Wraxall to reach the services and facilities required to meet their day-to-day needs, including those required for shopping, healthcare, education, and employment.
17. Some of these needs could be met at Bradford-on-Avon. However, the appellant has mentioned that bus service No 96 towards Bradford-on-Avon only runs 4 times per day. In all likelihood, then, there would be a number of journeys required across a typical week for which bus services would not be available for the future occupiers of the proposed new dwelling. The common lack of street lighting and cycle lanes in the vicinity of the site would likely make cycling an unattractive option for travel to Bradford-on-Avon, particularly during the winter.
18. As few details have been provided to illustrate the frequency of services provided or the approximate length of journeys for the train services available from Bradford-on-Avon to larger towns and cities, the extent to which the future occupiers of the proposed new dwelling would be likely to use these train services is unclear. The evidence does not demonstrate that these train services run in the early morning or the evening. This could potentially limit their usage with respect to accessing employment, or entertainment in the evening, for example. It is not my role to speculate on these matters.
19. Hence, whilst I have taken account of the proposed development type and its location, as required by paragraph 114 a) of the Framework, the future occupiers of the proposed new dwelling would likely be reliant on the use of private vehicles to access many of their essential day-to-day needs. The use of

internet shopping, including for groceries, is a matter of personal choice and circumstances and as such is not a factor which changes my findings on this main issue.

20. I therefore find that the site would not provide a suitable location for residential development, having particular regard to the settlement strategy for the area and its accessibility by sustainable forms of transport. The proposed development would conflict with Core Policy 2 of the Core Strategy, which has been summarised above, and with Core Policy 1 of the Core Strategy, which, amongst other things, identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire, and by extension with Core Policy 7 of the Core Strategy which provides that, amongst other things, development in the Bradford-on-Avon Community Area should be in accordance with the settlement strategy set out in Core Policy 1 of the Core Strategy.
21. The proposed development would also conflict with chapter 9 of the Framework which seeks to, amongst other things, promote sustainable transport.

#### *Other Considerations*

22. The Framework makes it clear at paragraph 153 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. The proposed development would support the Government's objective of significantly boosting the supply of homes (mentioned at paragraph 60 of the Framework) and would in principle make an effective use of previously developed land, via the provision of one new dwelling on site. In this regard, I am mindful of paragraph 70 of the Framework which provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
24. As the site would not provide a suitable location for residential development, paragraphs 70 d) and 124 c) of the Framework, which refer to the development of suitable windfall / brownfield sites, do not provide support for the proposed development. The proposed development would however promote and support the development of under-utilised land (mentioned at paragraph 124 d) of the Framework).
25. The proposed development would provide work for construction professionals. The future occupiers of the proposed new dwelling would likely provide economic contributions to local services and facilities, and to the Council's revenue via the payment of Council Tax. The future occupiers would also be likely to contribute towards the community life of the area, including potentially to The South Wraxall Club.
26. The proposed development would utilise renewable energy, in the form of a ground source heat pump. Although biodiversity enhancement measures are specified in the submitted Preliminary Ecological Appraisal and Extended Protected Species Surveys report, it does not indicate that the proposed

development would result in a biodiversity net gain of any significance. I have not been provided with technical evidence which indicates otherwise.

27. The above-mentioned benefits of the proposed development, including its contribution to the vitality of rural communities and nearby villages (mentioned at paragraph 83 of the Framework) would be constrained by the very limited quantum of development proposed, of one new dwelling only. Moreover, the Council is currently meeting the Framework's requirements with respect to the supply of deliverable housing sites and the latest Housing Delivery Test results record the Council as being in the 'no consequences' category. Little weight is therefore given to the other considerations in support of the proposed development.
28. I have had regard to appeal decision Ref APP/Y3940/W/22/3298668. The Inspector's observation in that appeal decision that the provision of 5 dwellings would provide a limited contribution to housing supply is not a matter which alters my findings above.

### **Other Matters**

29. The site is situated within the South/Lower South Wraxall 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.
30. The significance of the conservation area, as a whole, as a designated heritage asset is derived predominantly from its historic village character, which includes numerous historic buildings, including St James' Church and The Longs Arms public house, which exhibit traditional materials and architectural designs which are in-keeping with the conservation area's rural setting. The conservation area includes large areas of undeveloped land, including the field to the rear of the site, which also contributes to its rural character which forms part of the significance of the conservation area.
31. The site is located outside of the historic core of the village, and its contribution to the significance of the conservation area derives in part from its mostly undeveloped character which adds to the sense of spaciousness and rural ambience found within the conservation area as a whole.
32. The design of the proposed new dwelling would be in-keeping with the traditional designs found elsewhere in the conservation area, and the chosen materials would be appropriate in their context. However, the introduction of a single new dwelling on this small site in an edge-of-settlement location would have a very limited impact on the character and appearance of the conservation area as a whole.
33. Consequently, although the currently neglected site would be developed, the proposed development would merely preserve the character and appearance of the conservation area. The lack of adverse impacts on its significance as a designated heritage asset is a neutral factor, which does not weigh in favour of the proposed development.
34. The proposed development would formalise the site, which is currently rather unkempt in appearance. Nevertheless, as the proposed new dwelling would be

set-back some distance from the carriageway at the end of an access drive, its impact on the appearance of street scene would be slight. As the proposed development would merely maintain the character and appearance of the area, this is a neutral factor.

35. As mentioned on the second main issue above, the proposed development would not fall within any of the development types listed in Core Policy 48 of the Core Strategy, which seeks to, amongst other things, support rural life. As this policy does not support the proposed development, this is also a neutral factor.
36. The site is located close to residential development on Church Fields. As the site is not in an isolated location, the 5 exceptions listed under paragraph 84 of the Framework are not applicable to the proposed development, and they do not provide support for it.
37. The Council has an emerging local plan that has passed Regulation 19 stage. As such, paragraph 77 of the Framework is applicable, which requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 4 years' worth of housing. As the Council is meeting this requirement, paragraph 11 d) of the Framework, which relates to circumstances where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, is not engaged.

#### *Balancing of Considerations*

38. The proposed development would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters attract substantial weight. Additionally, the site would not provide a suitable location for residential development, in the terms described above, which considering the limited quantum of development proposed, is a matter to which I accord no more than moderate weight.
39. The other considerations, summarised above, amount to little weight in support of the proposed development. They do not clearly outweigh the harms identified. Thus, the very special circumstances required to justify the proposed development do not exist.
40. The proposed development's conflict with the relevant paragraphs of the Framework relating to the protection of Green Belt land means that the proposed development would undermine the purpose of the Green Belt in terms of its assistance in safeguarding the countryside from encroachment, in conflict with paragraph 143 c) of the Framework.
41. As mentioned on the second main issue above, the proposed development would conflict with Core Policies 1, 2, and 7 of the Core Strategy which collectively set out the settlement strategy for the area. The other considerations in this case, which include the provisions of the Framework, do not indicate that the appeal must be determined otherwise than in accordance with the development plan.

**Conclusion**

42. 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