

Appeal Decision

Site visit made on 19 October 2015

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 December 2015

Appeal Ref: APP/Y3940/W/15/3030962

Land and buildings to the rear of 101 Netherstreet, Bromham, Chippenham, Wiltshire SN15 2DP

- 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 Ms Diane Zeitsen against the decision of Wiltshire Council.
 - The application Ref 15/02088/FUL, dated 25 February 2015, was refused by notice dated 29 April 2015.
 - The development proposed is conversion of existing residential storage building to single dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant's statement of case gives an incorrect appeal reference in relation to this appeal. However, this is clearly a technical drafting error and does not prejudice either party in my consideration of the appeal.

Main Issues

3. The main issues in this appeal are:
 - whether the development proposed would represent sustainable development having regard to the National Planning Policy Framework (the Framework) and the development plan;
 - the effects on the character and appearance of its surroundings; and
 - the effects on highway safety.

Reasons

Sustainability

4. The site lies to the rear of established development in Netherstreet, which is a small linear settlement situated some distance to the east of the main part of Bromham. The appeal proposes the conversion of an existing building to provide a live/work unit. Whilst the building appears to be of some age, it has no particular architectural merit and is not subject to any heritage designations.
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5. Core Policy 1 of the adopted Wiltshire Core Strategy (2015) (CS) identifies the most sustainable locations for growth in the County to be based around principal settlements and market towns with more modest levels of development identified for settlements classed as Local Service Centres. Below this, development within large and small villages will be permitted only where it is necessary to meet local housing needs and to improve employment opportunities. Netherstreet does not fall within any of these categories as it is not identified as a settlement within Core Policy 12. The appeal site therefore lies within the open countryside, wherein CS Core Policy 2 sets out that development will not be permitted unless meeting the terms of other development plan policies.
6. CS Core Policy 48, as does the Framework, aims to support rural life and allows for residential development where this would result in accommodation for workers engaged in agriculture or forestry or other employment essential to the countryside. Whilst the proposal involves the creation of a live/work unit, no evidence has been put forward to demonstrate that it would meet this requirement. However, Core Policy 48 also allows for the re-use of rural buildings for employment, tourism or cultural and community purposes. Where such uses would not be practical, the policy sets out the circumstances against which residential development must be justified including the requirements of Framework paragraph 55.
7. Core Policy 48(i) requires that rural buildings should be structurally sound and capable of conversion without major rebuilding. The report prepared by JDL Consultants Limited (dated 20 April 2015) is clear in its assessment that whilst the building is structurally sound and capable of conversion without the need of demolition, it would be necessary to re-clad it (essentially replacing its external walls), address the sagging pitched roof and provide a new structural framework to support the necessary internal insulation. The proposals also include the replacement of the building's flat roofed element with a pitched roof. Notwithstanding the proposed introduction of additional window and door openings, in my view, the totality of these works amounts to major rebuilding and the proposal therefore conflicts with Core Policy 48(i).
8. It is proposed that the occupier would live and work on site thereby eliminating the need for a daily commute. However, it would not be possible to guarantee that this remained the case in perpetuity and there are no reasonable planning conditions that could address this matter. Notwithstanding this, the need to travel for access to services and facilities would remain. Whilst Bromham provides some of these, including public transport, they are nonetheless limited and its distance from the appeal site means that occupiers of the proposed dwelling would need to travel further afield to access services and facilities.
9. Given the isolated location of the site, its distance from the nearest bus stop and the infrequency of public transport, combined with the lack of footways along poorly lit surrounding roads, this could only practicably be achieved by the use of private motorised transport. Framework and Core Policies 60 and 61 that seek, amongst other things to ensure development is located and designed to reduce the need to travel by private car in favour of sustainable transport alternatives.
10. For the above reasons, a dwelling in the location proposed would not accord with the sustainability objectives of the development plan or national policy.

11. The appellant has provided a viability report (prepared by Kilpatrick and Co, dated March 2015) that assesses the potential of the building, once converted, to provide office accommodation or a holiday let. The figures within the report indicate that the costs of conversion for either use would be prohibitive when assessed against the likely returns. I have no reason to dispute this substantial evidence and therefore accept its findings. Whilst, alternatively, the building could be put to some form of community use, its limited size and external space count against its suitability in this regard. However, the lack of a viable alternative use does not outweigh the harm arising from a residential development in an unsustainable location.
12. Whilst I note that the Government sees self-building as part of the solution to the delivery of new homes, this does not outweigh the overall sustainability principles of the Framework when its policies are taken as a whole. Furthermore, the appeal scheme would not represent a self-build as it is clear from the evidence that it would be offered for sale on the open market.
13. I note the arguments put forward by the appellant relating to the various policies within the Framework. However, the Framework is clear that the starting point for decision making is the development plan. The CS has very recently been adopted and has therefore been examined and found sound. Accordingly, I have no reason to doubt that the sustainable development policies of the CS, including those related to rural areas are in alignment with the Government's objectives for sustainable economic growth.
14. Furthermore, no evidence has been put forward which leads me to conclude that the Council cannot demonstrate a 5 year supply of deliverable housing sites. Consequently, the housing policies in the CS are up-to-date for the purposes of Framework paragraph 49 and the development is not required to meet any identified housing shortfall. As a result, Framework paragraph 14 is not engaged.
15. In conclusion, the proposed development's isolated location would not be justified by meeting any other special circumstances. Because of this, the proposal would not represent sustainable development for the purposes of Core Policy 2 or the Framework.

Character and appearance

16. Framework paragraph 55 provides for new isolated homes in the countryside where this involves the re-use of redundant or disused buildings and enhances their immediate setting. At my site visit, I observed that the building is dilapidated and appears to be disused.
17. However, the simple, low-key design of the existing building and its immediate surroundings give the appeal site a rural appearance that relates more to the wider countryside than to the built up area of Netherstreet. Despite the proposed planting, the introduction of hard surfaces, parked vehicles and other domestic paraphernalia within the site's curtilage would have a diminishing effect on the setting of the building to the detriment of the area's character and appearance. Whilst I have given consideration to whether these matters could be overcome by the imposition of planning conditions, in the case of the latter, this would be extremely difficult to frame to cover all likely scenarios, notwithstanding that it would be unlikely to pass the test of reasonableness set out in the Framework and Planning Practice Guidance.

18. Notwithstanding that the proposed development would be relatively well-screened in public views, for the above reasons, it would nevertheless run counter to Framework paragraph 55 and with CS Core Policy 57 that, amongst other things, require development to relate positively to its immediate setting and its surroundings.
19. The proposal would result in a dwelling located to the rear of the established linear form of the built up area of Netherstreet and I note that there are examples of other such development nearby. However the appeal site's relationship to the development pattern does not outweigh the above identified harm to the character and appearance of the area.

Highway safety

20. In response to the Council's arguments relating to visibility splays, the appellant refers to Manual for Streets (MfS), which provides technical advice on stopping sight distances and visibility requirements. In 30mph zones such as Netherstreet, MfS suggests an appropriate stopping site distance would be 43m when adjusted for bonnet length. The stopping sight distance also determines the length of visibility splays in both directions, the 'Y distance', which in this case is 43m.
21. In most built up situations, the visibility splay should be measured 2.4m back from the carriageway, the 'X' distance. This represents a reasonable maximum distance between the front of the car and the driver's eye. The 'X' distance can be reduced to 2m in very lightly trafficked and low speed areas.
22. The road through Netherstreet is relatively narrow and there is a slight bend a short distance to the south which, in combination with front garden vegetation near to the bend, limits forward visibility on the approach to the appeal site from this direction. The distance of Netherstreet from local services and facilities places a clear reliance on the use of motor vehicles by residents and at my site visit, I observed a number of private and commercial vehicles pass along the road such that it cannot be considered 'very lightly trafficked'. Consequently, the combination of these factors leads me to the conclusion that a reduction in the 'X' distance would not be appropriate in this case.
23. The appellant has provided a visibility analysis drawing showing the 'X' distance to be 2.4m with 'Y' distances to the north and south of 87m and 43m respectively. However, the bend in the road and existing vegetation prevent the southern 'Y' distance from being achieved. Furthermore, the laurel hedge fronting the property next door (No 105) restricts visibility to the north. Notwithstanding this, even if technically possible, provision of the visibility splays could not be ensured in perpetuity due to the reliance on third party land in both directions. This could not be satisfactorily overcome by means of condition as it would not meet the tests set out in paragraph 206 of the National Planning Policy Framework (the Framework) and Planning Practice Guidance.
24. From my site visit, the access track appeared little used given the extent of grass and other plant growth and no evidence has been provided to show that the building is currently in use and that vehicle movements already take place to and from the appeal site. Therefore, the proposed development would lead to an increase in vehicle movements which adds to the need to provide for adequate visibility. Furthermore, the need for delivery vehicles to serve the

business could not be ruled out and given the restricted access width, would result in detrimental effects on the safety of the highway from parking and manoeuvring.

25. Cumulatively, the effects of the development on highway safety would be severe, bringing the appeal scheme into conflict with the Framework and CS Core Policies 48(iii) and 61 that require development to provide for adequate and safe access to the highway network.

Conclusions

26. For the reasons given above and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector