



# The Planning Inspectorate

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Your Ref:  
Our Ref: APP/Y3940/W/17/3167856

Wiltshire Council  
Planning Appeals  
Monkton Park Office  
Chippenham  
Wiltshire  
SN5 1ER

03 November 2017

Dear Sir/Madam,

Town and Country Planning Act 1990  
Appeal by Mr & Mrs M Avelilno  
Site Address: Woodpeckers, Whiteparish, SP5 2QG

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

[https://www.surveymonkey.co.uk/r/Planning\\_inspectorate\\_customer\\_survey](https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey)

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

***Sean Ernsting***

Sean Ernsting

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*



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## Appeal Decision

Site visit made on 12 September 2017

**by Mrs J Wilson BA BTP MRTPI DMS**

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

**Decision date: 3<sup>rd</sup> November 2017**

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**Appeal Ref: APP/Y3940/W/17/3167856**

**Woodpeckers, Brickworth Road, Whiteparish SP5 2QG**

- 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 and Mrs Mike Avelilno against the decision of Wiltshire Council.
  - The application Ref 16/11152/FUL, dated 16 November 2016, was refused by notice dated 6 January 2017.
  - The development proposed is the conversion of a stable block into a dwelling for family use only and the conversion of a garage block to function/playrooms.
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### Decision

1. The appeal is dismissed insofar as it relates to the conversion of a stable block into a dwelling for family use. The appeal is allowed insofar as it relates to the garage block and planning permission is granted for the conversion of a garage block to function/playrooms at Woodpeckers, Brickworth Road, Whiteparish SP5 2QG in accordance with the terms of the application, Ref 16/11152/FUL, dated 16 November 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the attached schedule.

### Procedural matters

2. The Council have confirmed that the use of the garage as a function/playroom is acceptable to them on the basis that the accommodation is used for private and domestic purposes associated only with the main dwelling and not for any business purposes. They confirm that this would not conflict with the conditions attached to the permission by which the building was initially granted. From the evidence before me there is no reason to reach a different conclusion. On this basis and subject to the imposition of conditions recommended by the Council this part of the appeal succeeds as set out above.
3. The submitted plans show the existing use of the garage block as garaging/car port with a playroom and studio above. However the proposed ground floor plan is annotated to indicate that the space is in temporary use as accommodation for the appellants' son and family. I saw that to be the case on my visit, though this use does not form part of this appeal.

## **Main Issues**

4. The main issues in respect of the proposed conversion of the stable block to a dwelling for family use are:
  - whether the development would comprise accommodation for dependant persons or an independent dwelling. If the latter, whether the location is appropriate for a new dwelling in the context of local and national planning policy;
  - the suitability of the access to serve the proposed development having regard to accessibility and highway safety.

## **Reasons**

### *Policy*

5. The appellants wish to provide living accommodation for their son and his family by converting a former stable building currently used for storage and as a gym. Accommodation would comprise four double bedrooms, with three bathrooms, two living rooms, kitchen, dining room, study, gym and garage. For the most part existing openings would be utilised though a small number of additional openings are proposed. Externally there would be little change to the appearance of the building.
6. The accommodation would be substantial and even though intended for occupation by family members would be capable of operating entirely independently of the existing dwelling. The Council contend that the provision does not appear to relate to a dependant person so is outside the scope of the relevant development plan policy for such accommodation.
7. The appellants state their son and his family are financially dependent upon them and the accommodation is required for a temporary period, although no indication of a timescale is given. Furthermore a draft legal agreement was submitted to the Council to ensure that the annexe would remain: ancillary to the main house; occupied by dependents of the appellants; and not let or sold separately.
8. Accommodation for a dependant person or persons is normally associated with shared facilities of some kind. In this case access to the site would be shared and there would be no separate garden to serve the proposed dwelling. Nonetheless, the substantial size of the proposed accommodation would be not far short of that in the main dwelling. It would provide for completely separate and independent living some distance from the main house, and on this basis it would effectively be a separate planning unit.
9. In these circumstances it would be inappropriate to restrict the occupancy of a conversion of this size by a condition or a legal agreement as this would not meet required tests of precision, reasonableness or enforceability. The Council have highlighted in their evidence a similar situation where an appeal<sup>1</sup> for the removal of a planning obligation was allowed because the accommodation was capable of functioning as a separate unit, as is the case here.
10. Equally it would not be appropriate to consider the accommodation for a temporary period particularly given the level of investment needed to achieve a

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<sup>1</sup> APP/Y3940/Q/16/3160184

conversion of this scale. In effect a new dwelling would be created in the open countryside where restrictive policies apply to residential development.

11. Paragraph 55 of the National Planning Policy Framework (the Framework) advocates that local planning authorities should avoid isolated new homes in the countryside unless certain special circumstances are met; none of which apply here. Saved Policy H31 of the Salisbury District Local Plan (2003) (Local Plan) permits extensions to existing dwellings in the countryside where, amongst other things, it would not create, or be capable of creating, a separate dwelling. Saved Policy H33 sets out criteria for proposals to create separate units of accommodation for dependent persons. From the evidence before me, the dependence referred to is solely a financial one, and though I understand the appellants' desire to make independent provision for their son and his family this is a personal circumstance which will change over time, whereas the accommodation would be permanent. As such, it does not outweigh the policy objections identified.
12. Taking the above into account, I conclude that the proposal would represent a new dwelling in the open countryside for which insufficient justification has been demonstrated. It is therefore in conflict with Policies H31 and H33 of the Local Plan; Core Policies 1, 2, 48 and 57 of the Wiltshire Core Strategy (2015) and the aims of the Framework. Amongst other things these policies seek to control development in the open countryside where there is no special justification.

#### *Accessibility and highway safety*

13. The appeal site is outside the village of Whiteparish which is about a mile to the east. Whilst it is located on the A27 close to the junction of the main A36, and there is a bus stop nearby, the closest centres which provide a reasonable range of services and facilities are Salisbury and Romsey, both around 13km from the site. This limits accessibility and means that occupants of the proposed accommodation would be largely reliant on the private car to reach these settlements. I consider it unlikely that car-sharing by the occupiers of the two properties would be a frequent practice.
14. The vehicular access to the site has restricted visibility and improvements could not be secured within land owned by the appellants. The increased traffic which would be likely to result from a four bedroomed family dwelling of this size would increase the use of this substandard access. The appellants submit that there would be no increase in people living on the site as their son and family already live there. However, for the reasons set out above the proposal would result in the creation of a unit capable of independent occupation. I have to consider the current and future users of this site and find that the additional unit of accommodation served from the existing substandard access would increase the risks associated with its use which would be prejudicial to highway safety.
15. The proposal would conflict with the principles of sustainable development and be prejudicial to highway safety as it would result in new housing in the countryside in an inaccessible location which would be reliant on a substandard access. It would thus be in conflict with Policies 60 and 61 of the Core Strategy and the aims of the Framework which seek to reduce dependency on the private car, focus new development in sustainable locations and ensure safe access to the highway network.

**Conditions**

16. In addition to the statutory time limit condition, the Council have suggested two additional conditions in respect of the garage conversion. I shall impose a condition specifying the relevant drawings as this provides certainty. I shall also restrict the garage to ancillary domestic use and preclude commercial use given the free standing nature and size of the building.

**Conclusion**

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed only in part but otherwise dismissed.

*Janet Wilson*

INSPECTOR

### Schedule of Conditions

#### Conversion of the garage block to function/play rooms.

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with Drg. No. Wood002/Rev A (Change of use Garage to Function Room).
- 3) The function/playrooms hereby permitted shall only be used for private ancillary purposes to Woodpeckers and shall at no time be used for any commercial purpose whatsoever.

[End of Schedule]