



Appeal Decision

Site visit made on 31 October 2023

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

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/Y3940/W/23/3321990

Upper Haugh Farm, Haugh, Winsley, Wiltshire BA15 2JE

- 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 Luana Edge against the decision of Wiltshire Council.
 - The application Ref PL/2022/09742, dated 20 December 2022, was refused by notice dated 28 March 2023.
 - The development proposed is conversion of former squash court building to provide 1 No one bedroomed new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site falls within a consultation zone for the Bath and Bradford-on-Avon Bath Special Area of Conservation (SAC). I will return to this matter below.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy.

Reasons

4. The appeal site comprises a squash court located within an existing detached outbuilding that is ancillary to the main dwelling forming Upper Haugh Farm. The appeal site benefits from a secondary access to Upper Haugh Farm and is set back from the road frontage adjacent to other ancillary outbuildings.
5. 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) (CS). Core Policy 1 identifies four tiers of settlements where sustainable development will take place (Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages). Whilst Core Policy 7 of the CS identifies Winsley as a Large Village within the Bradford on Avon Community Area, the site lies a considerable distance outside of Winsley and other settlements. Core Policy 2 of the CS states that outside the defined limits of development, other than the circumstances permitted by other policies in the plan, identified in paragraph 4.25, development will not be permitted. Paragraph 4.25 includes proposals that support rural life under CS Core Policy 48.
6. CS Core Policy 48 supports proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses, subject to the site having reasonable access to local services and subject to a number of other criteria.

7. CS Core Policy 48 further states that where there is clear evidence that these uses are not practical propositions, residential development may be appropriate where it meets the stated criteria. The policy further states that in isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances in line with national policy.
8. I acknowledge that Core Policy 48 of the CS allows an exception to locating development within the identified settlements, that the conversion of buildings in the countryside will by their nature necessitate some reliance on the use of the car, and that the area is used by dog walkers. Paragraph 105 of the National Planning Policy Framework (the Framework) acknowledges the requirement to take into account that transport solutions will vary between urban and rural areas. However, the site is located a considerable distance from the nearest services and facilities accessed via narrow unlit country lanes without footpaths and necessitating the crossing of the B3108 to access Winsley. Access to Bradford-on-Avon is a considerable distance further. Moreover, the closest bus stop is on the B3108. As a result, and even acknowledging the services and facilities available at Hartley Farm, such journeys other than by the motor car, particularly in the darker and colder months, by future occupants of the development would be unattractive. Future occupiers would therefore be highly reliant on the motor car to access the majority of local services including places of work, social, leisure, health and a range of retail facilities.
9. The criterion relating to reasonable access under CS Core Policy 48 applies to proposals to convert the building to employment, tourism, cultural and community uses. If these uses are not practical propositions, then it applies to residential development. The building has not been marketed for alternative uses. Whilst I note the location of the building adjoining residential development making noisy employment or community uses impractical, I do not have clear and convincing evidence demonstrating why the size of the building would not make it suitable for a small holiday let. Nonetheless, even if I were to determine that there is clear evidence that these non-residential uses are not practical, the appeal site does not benefit from reasonable access to local services as required by Core Policy 48 to justify the residential development.
10. With regard to the other criteria to CS Core Policy 48, from my site visit and the evidence before me, I have no reason to believe that the appeal building is not structurally sound or capable of conversion. The site benefits from adequate access and infrastructure. In light of the minimal and sensitive nature of the external changes proposed, and its location set back from the road, it would not detract from the character or appearance of the area or be detrimental to the living conditions of nearby occupiers and is not a heritage asset. However, these matters do not address or overcome the conflict with CS Core Policy 48 with regard to the location of the site not benefitting from reasonable access to services.
11. I now turn to CS Core Policy 48 where it states that the re-use of redundant or disused buildings for residential purposes may be supported where justified by special circumstances, in line with national policy. Paragraphs 80(c) and (d) of the Framework allow isolated homes in the countryside where it would re-use

- redundant or disused buildings and enhance its immediate setting, and where development would involve the sub-division of an existing residential building.
12. There is no dispute between the parties that the appeal site is isolated, and I have no reason to disagree. With regard to paragraph 80(c) of the Framework, given that the appeal proposal comprises a squash court ancillary to the main house, housing gym equipment at the time of my site visit, I have limited evidence to demonstrate that the building is redundant or disused. Even if I were to conclude that it was redundant or disused, and whilst the external alterations proposed to the building have been sensitively designed, these have a neutral impact upon the immediate setting. As a result, the proposal would not enhance its immediate setting as required by paragraph 80(c).
 13. With regard to paragraph 80(d) of the Framework, the appeal proposal involves the conversion of an outbuilding. The judgement in *Wiltshire Council v SSHCLG & Mr W. House* [202] EWHC 954 (Admin) established that the subdivision of an existing residential dwelling within paragraph 80(d) should be taken to mean the dwelling as one physical building rather than a wider residential unit encompassing other buildings. The judgement established that the sub-division of residential units by allowing separate buildings to become separate dwellings is beyond the limited exception allowed for in national policy. The change to the wording of paragraph 80(d) from 'residential dwelling' to 'residential building' after the judgement does not change the situation or considerations. To my mind this simply reflects the wording used in the judgement and as a result, paragraph 80(d) does not include the sub-division of separated detached outbuildings.
 14. I acknowledge that the General Permitted Development Order includes some Classes that allow the change of use of rural buildings to residential use in the countryside. I further acknowledge that this can result in residential uses a significant distance from services and facilities and demonstrates a commitment to boost the supply of housing. However, this appeal relates to an application for planning permission and as a result I am required to consider the proposal against local and national planning policy.
 15. In light of the above, I conclude that the appeal site is not an appropriate location for housing, with particular regard to the local development strategy. As such, the proposal conflicts with the requirements of Core Policies 1, 2, 7, 48 of the CS and the Framework. I note reference to an appeal¹ decision that states that Core Policies 60 and 61 of the CS underline the spatial strategy and do not seek to thwart the exception policies of the CS. Whilst I have no reason to disagree, the appeal proposal does not comply with Core Policy 48 of the CS due to the reliance upon the use of the car. As a result, the proposal is also contrary to Core Policies 60 and 61 that seek to reduce the need to travel by car and locate new development to reduce the need to travel.

Other Matters

16. The site lies within the Bath and Bristol Green Belt. However, both parties consider that the proposal falls under paragraph 150 (d) of the Framework as it comprises the re-use of a building of permanent and substantial construction with no conflict with the purposes of including land within the Green Belt. I

¹ 3284520

concur with this and as a result the proposal does not represent inappropriate development in the Green Belt.

17. I acknowledge that the proposal would not result in any harm to the living conditions of nearby occupiers, the character and appearance of the area, openness of the Green Belt, drainage or biodiversity, and would benefit from a suitable access and car parking and not cause harm to highway safety. However, as these are requirements of local or national planning policy, they are neutral in my consideration.
18. The development would be contrary to the local development strategy. The relevant policies are largely consistent with the Framework where it states that planning decisions should guide development towards sustainable solutions. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
19. The Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii. of the Framework should be applied. The appeal proposal would provide a number of benefits, including providing much needed housing and social benefit which would contribute towards the supply and mix of housing in the area. It would also result in some short-term benefits to the construction industry. However, given the scale and nature of the development, the benefits would be limited. In contrast, I have found that the appeal proposal would result in significant harm contrary to the local development strategy. Accordingly, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
20. The appellant has drawn my attention to two other appeal decisions² and other decisions from the Council³ in the area. However, I have limited details in relation to these appeals and applications and each application and appeal must be determined on its own merits. Furthermore, in relation to the first appeal, the different conclusion reached by the Inspector in weighing the adverse effects against the benefits involved the exercising of planning judgement, which is what I have done in this case.
21. The appeal site falls within the Bat Consultation Zone for the Bath and Bradford-on-Avon Bats Special Area of Conservation. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

22. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR

² 3261091 and 3286853

³ 18/10255/FUL, 16/12385/FUL and 17/12521/FUL