



Appeal Decision

Site visit made on 6 September 2022

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/Y3940/W/22/3292266

Land known as The Paddock, Hill Road, Sutton Veny BA12 7AT

- 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 Mr P Griffin against the decision of Wiltshire Council.
 - The application Ref PL/2021/09894, dated 18 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is the erection of a dwelling and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was submitted for outline planning permission, with all matters reserved, and this is the basis upon which the Council considered the proposal. The submitted plans show details that are clearly reserved for future consideration. They depict the access for the proposed dwelling, and also its location and footprint (drawing ref: 10306 P-02). These details have not been marked as illustrative or indicative. For the avoidance of doubt, I am considering the appeal on the basis of the evidence before me, giving consideration to the above referenced plan as forming part of the outline permission.

Main Issue

3. The main issue is whether the location of the site is suitable for residential development.

Reasons

4. Positioned upon a steeply sloping hillside to the western side of Hill Road, the appeal site comprises a plot of land that currently contains an L-shaped stable block and a static home. There is a concrete yard in front of the stables, and a gated access onto the road. The site has been excavated into the hillside, and to the south of the static home is a steep grass bank, which provides access to the paddocks to the rear of the stables. To the northern boundary are the tall trees and hedges of the garden of a detached bungalow, and there is a vehicle repairs

garage near this property. To the south is the garage and row of tall trees along the drive of Woodcombe Cleve, and another bungalow.

5. The dwelling would be some way from Sutton Veny, physically and functionally separated from the village by mostly fields and paddocks. The appeal site is bounded by residential properties to the north and south, but to the west and beyond Hill Road to the east there are paddocks and fields. The loose-knit cluster of a few homes has a sporadic and verdant appearance as the detached dwellings are positioned within large gardens. Whilst the appellant considers the proposal would be residential infill within a small settlement, the dispersed positioning of the homes and the commercial buildings is such that they visually accord more with the countryside, rather than forming a small settlement. Furthermore, some of the buildings are positioned low down upon the hillside whilst others are much higher up, and this vertical separation enhances the scattered relationship of this group of buildings.
6. The three homes and the commercial buildings near to the appeal site have not been identified or defined by the Council as a large or small village in Core Policy 31 of the Wiltshire Core Strategy (2015) (CS). This policy and CS Core Policies 1 and 2 seek to establish a development hierarchy whereby named settlements have been identified as suitable for accommodating sustainable development. Whilst CS Policy 2 makes provision for some limited infill within the existing built area of small villages, the dwelling would be within a loose scatter of three dwellings and a commercial garage. The proposal would not be in a small settlement but would add another dwelling to a group of sporadic buildings that spatially have no defined nucleus.
7. The stables have a modest size and recessive appearance, with a clear legibility as a building that would typically be found in a rural location. The static home has a temporary, transient appearance. Even a single dwelling of a similar sized footprint and position to the stables and static home would erode the open separation that exists between the nearby dwellings, particularly as the provision of gardens, parking and other domestic paraphernalia would accompany the residential use of the site. Nearby trees and hedges could not be relied upon to screen the proposal in perpetuity, particularly so when such landscaping is in the control of others.
8. Access would be via single carriageway width roads, which are neither lit nor have footways or formal passing places. Near to the site Hill Road is tightly constrained by steeply vegetated banks with no verges, and the constricted nature of the road is such that users would have to utilise private accesses to avoid each other. The appellant has referred to there being no accident incidences for the nearby roads and that parts of the village have no footways. Nevertheless, the nature of the road is such that anyone using it, including those that are familiar with it, would

- need to be highly alert at all times to the presence of other users so as to avoid conflict.
9. The static home was not occupied at the time of my visit, and from the evidence before me neither of the main parties has referred to an extant residential use of the site. The existing small-holding use would generate daily journeys, but it is unlikely that the number of trips would be at the same level as the numerous occurrences that would arise from the residential occupancy of the site. The village and its public transport links, services and facilities, may be within walking distance, but it cannot be assumed that all occupiers could or would be able to do the same. Whilst there are some services within the village, the residential development of the site would increase the number of trips as future occupants would need to avail themselves of basic services and facilities on a frequent basis.
 10. The appellant considers the use of a private motor vehicle would be the nature of living in a rural area. However, in this case accessing even those nearby facilities within the village by foot or by bicycle would not be options for some future residents. The propensity to walk and cycle is influenced not only by distance, but also by the quality of the experience. The steep nature of the hillside, along with the unlit, narrow and constrained nature of the roads would not encourage walking or cycling, and particularly so during hours of darkness, and in the winter during adverse weather. Having regard to the particular circumstances of the location of the dwelling, it is likely that future occupants would be reliant on motor vehicles with the consequential environmental harm resulting from increased journeys and associated pollution.
 11. Reference has been made by the appellant to a dwelling consented under a Certificate of Lawful Use in a nearby village. I note the appellant's frustration with regard to this matter, but the considerations for a planning application are very different to those for a Lawful Use case, and consequently this comparison does not form a precedent for approving the appeal scheme.
 12. The National Planning Policy Framework (the Framework) seeks to promote sustainable development in rural areas that maintains or enhances rural communities. The dwelling would provide the appellant with an affordable family home, and there is local support for the proposal, including that it would provide the appellant with an opportunity to be near his place of work. However, the control of development in the countryside is strictly controlled by national and local policy, and the proposal has not been supported with evidence to demonstrate what business requirements of the appellant justify the erection of a dwelling at this particular site. In this case the dwelling would be set apart from any settlement and local support for the proposal does not by itself warrant the provision of a dwelling in a countryside location.

13. Given my findings, the proposed dwelling would not be in a location suitable for residential development, particularly as future occupants would be heavily reliant on the private car. The suggested conditions would not overcome this significant harm, and the proposal would be contrary to the requirements of CS Core Policies 1, 2, 31, 60 and 61. These policies seek, amongst other things, that new development should be sustainably located, reducing the need to travel particularly by private car, thereby reflecting objectives of the Framework that seek to promote sustainable development and transport.

Other Matters

14. The original application described the proposed dwelling as being market housing. During the appeal process the appellant suggested that the proposal could be a dwelling erected under the Self-Build and Custom Housebuilding Act (2015). However, this was not the basis upon which the Council considered the proposal. In the interests of openness and fairness to all parties, it is important that what is considered at the appeal is essentially what was considered by the Council and on which interested people's views were sought. With that in mind, I have not considered the amendment proposed.

15. The appeal site is within the Cranborne Chase Area of Outstanding Natural Beauty (AONB). The appellant considers the proposal would not alter the landscape of the AONB as the dwelling would be of a similar scale and size as the existing single storey building. Notwithstanding this, the Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. For the reasons given above, a dwelling would impact upon the qualities of the AONB as it would substantially change the appearance of the site to one of residential use. The Council have raised no objection with regard to the impact of the proposal upon the AONB, but as I am dismissing the appeal for other reasons I have not pursued this matter further.

16. The site is within the catchment of the internationally protected River Avon Special Area of Conservation. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes. This responsibility falls to me in the context of the appeal with regard to the impact of the proposal on the River Avon, and I will return to this matter below.

17. Concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Planning Balance

18. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. The provision of a single dwelling would contribute towards the supply of housing and this social benefit carries weight. There would also be a small, time-limited economic benefit arising from the construction phase of building an additional home. However, weighing against these benefits would be the significant environmental harms arising from the dwelling. The proposal would deliver a home in an area that would not be suitable for additional residential development, including with regard to increased use of motor vehicles and consequential pollution.
19. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The adverse environmental impacts in this case amount to cumulative environmental harm which carries substantial weight, and this thereby significantly and demonstrably outweighs the economic benefits and even the weight that derives from the social benefits when assessed against the policies in the Framework as a whole. It follows that the presumption in favour of sustainable development does not apply.
20. Returning now to the matter of the protected River Avon, if I had come to a different conclusion upon the appeal it would have been necessary for me to undertake an Appropriate Assessment. In doing so I would have had regard to whether there would be significant effects arising from the proposal, either alone or in combination with other schemes, as I would have to be certain that the integrity of the protected site would not be adversely affected. However, as I am dismissing the appeal for other reasons, this assessment has not been necessary.

Conclusion

21. For the above reasons the proposed dwelling would not be in a location suitable for residential development. The adverse impacts arising from the proposal would significantly and demonstrably outweigh the aforementioned benefits. The proposal would conflict with the development plan taken as a whole, and there are no considerations that outweigh this conflict. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR