The Planning Inspectorate

Appeal Decision

Site visit made on 18 July 2018

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2018

Appeal Ref: APP/Y3940/W/18/3200095
6 Halfway Firs, Bath Road, Corsham, SN13 0PJ

- 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 Williamson against the decision of Wiltshire Council.
- The application Ref 18/00691/FUL, dated 10 September 2017, was refused by notice dated 12 March 2018.
- The development proposed is the demolition of an existing barn and erection of a family dwelling and associated works.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing barn and erection of a family dwelling and associated works at 6 Halfway Firs, Bath Road, Corsham, SN13 0PJ in accordance with the terms of the application, Ref 18/00691/FUL, dated 10 September 2017, subject to the conditions in the attached schedule.

Preliminary Matter

2. The revised National Planning Policy Framework was published during the appeal. Both parties were given the opportunity to comment on the relevance of this to their cases.

Main Issue

3. The main issue is whether the site is a suitable location for a new dwelling having regard to local planning policy, accessibility, and the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises a barn in a grassed area which sits to rear of residential properties fronting onto the A4. In terms of the development plan the site falls outside of the defined limits of development. Core Policies 1 and 2 of the Wiltshire Core Strategy (2015) (CS) specifically seek to direct new development to within the defined limits of development. Outside of these limits new development will be restricted, other than in certain circumstances, none of which apply in this case (Policy H4 of the North Wiltshire Plan refers).

5. Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Clearly the proposed demolition of the barn and erection of a family dwelling at the appeal site would conflict with the

development plan. However, prior approval was recently granted for the conversion of the barn into a residential dwelling (16/10905/PNCOU refers which was later renewed with minor alterations to the access under 18/01181/PNCOU).

6. This provides a 'fallback position' at the appeal site which is a material consideration. Any harm, therefore, in terms of a policy conflict with Core Policies 1 and 2 of the CS would be reduced by the fact that permission for a dwelling on the site of the barn already exists. I note that Core Policy 60 of the CS seeks to reduce the need to travel and that the site is not particularly accessible by alternative modes of transport to the private car as it is located in-between Corsham and Rudloe. However, again the proposed dwelling would be in the same location as the 'fallback position' therefore any harm in this regard would also be diminished.

7. The barn in question is open on all sides comprising only a series of concrete posts with a sheet corrugated roof on top. It therefore has a very functional form and in no way has a domestic or residential appearance. I have not been provided with any detail as to the design of the dwelling granted under prior approval. However, it would be reasonable to assume that the conversion of the barn would dramatically change its appearance. In fact, it is likely that the existing structure would be unrecognisable as it would need to be largely enclosed with various windows and doors inserted.

8. The dwelling before me would similarly dramatically change the appearance of the site from that of an open barn structure to a residential dwelling. However, it would follow the same footprint and dimensions of the existing barn, with the exception of an additional rear wing which would be discreetly sited and largely screened from public view. Therefore it would, for the most part, appear as a dwelling of similar dimensions to the 'fallback position'. Furthermore, its overall proportions would be 'barn-like' and its use of large areas of glazing and ad hoc window placement would further add to this impression which would loosely reference the agricultural origins of the site.

9. I note that the curtilage associated with the 'fallback position' is smaller than that proposed. However, in both cases residential dwellings are to be created which will each come with domestic paraphernalia. Furthermore, items such as outdoor dining furniture and washing lines tend to be located within close proximity of a property and, in any event, are of a temporary nature. In respect of boundary treatments, these can be controlled by condition. I therefore find no harm to the character and appearance of the area as a result of the proposal and consequently no conflict with Core Policies 51 and 57 of the CS which require a high standard of design and the protection and conservation of landscape character.

Conclusion and conditions

10. I have found that the effect of the development would be similar to that of the 'fallback position'. There is also a greater than theoretical possibility that the 'fallback position' would be implemented as like the proposal before me it is for a detached dwelling, and I note the Council agree that there is a real prospect the prior approval scheme will be implemented. I therefore give this 'fallback position' significant weight and as such it outweighs the conflict I have found with the development plan in terms of the location and accessibility of the

proposed dwelling. Having regard to the 'fallback position' I also find no harm to the character or appearance of the surrounding area.

11. In addition to the standard time limit condition I have included a plans condition as this provides certainty. To ensure a satisfactory appearance I have included a condition relating to materials but it is not necessary for this to be pre-commencement. For the same reason I have included a condition in respect of boundary treatments. To ensure a satisfactory form of development I have also included conditions with respect to foul and surface water drainage and finally a condition with respect to potential site contamination. However, as there is an existing highway access to the site and more than sufficient space to park and turn it is not necessary to attach a condition requiring the implementation of the approved parking and turning areas prior to the occupation of the dwelling.

12. For the reasons given, and having had regard to all matters raised, including the two appeal decisions referred to by the Council, the appeal is allowed.

Hayley Butcher

INSPECTOR

SCHEDULE OF CONDITIONS

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 the following approved plans: P1, P2, P3, P4.

3) No above ground development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4) Prior to occupation of the dwelling hereby approved details of all boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority and erected on site in accordance with the approved details.

5) Prior to the occupation of the dwelling hereby approved schemes for the discharge of foul water and surface water from the site shall have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved schemes.

6) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority.