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Your Ref: PL/2023/06416
Our Ref: APP/Y3940/W/24/3337656

Wiltshire Council
Planning Appeals
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

18 July 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Bola Adebanjo
Site Address: The Old Vicarage Dursley Road, Heywood, Westbury, Wiltshire, BA13 4LG

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:

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

Yours faithfully,

Jasmine Rogers
Jasmine Rogers

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The Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/Y3940/W/24/3337656
The Old Vicarage, Dursley Road, Heywood, Wiltshire BA13 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Bola Adebanjo against the decision of Wiltshire Council.
- The application Ref is PL/2023/06416.
- The development proposed is the demolition of dis-used Holy Trinity Church Room, for proposed detached 3 bed dwelling with parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form indicates that the appeal is made against the Council's failure to determine the application within the prescribed period. However, the appeal was lodged after the planning application was refused by the Council on 23 January 2024. I have therefore determined the appeal on the basis that the Council refused planning permission for the development.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, with regard to accessibility to services, facilities, and public transport.

Reasons

Location

4. The appeal site comprises a vacant church room within the grounds of the Old Vicarage. It lies beyond a defined settlement boundary and is therefore in an area of open countryside for planning policy purposes.

5. Core Policy 1 of the Wiltshire Core Strategy adopted January 2015 (WCS) sets out the settlement strategy for the area and includes a hierarchy of settlements to which sustainable development will be directed. Core Policy 2 of the WCS states that, outside the defined limits of development, development will not be permitted unless for one of the circumstances set out in paragraph 4.25 of the WCS. The proposal does not fall within the exceptions listed. Core Policies 60 and 61 of the WCS require development to be located to reduce the need to travel, particularly by private car, and to encourage the use of sustainable transport alternatives.

6. Given the lack of services and facilities in Heywood, which are limited to the village Hall and green, future occupiers of the proposed dwelling would need to

travel to larger settlements further afield to access day to day facilities including schools, employment, and retail facilities.

7. The appellant indicates that the site is a mile from the market town of Westbury, where there are a range of services. There are also employment opportunities at Westbury Trading Estate, which is a similar distance from the site. The proposed development would be within a reasonable cycling distance of these locations. Nonetheless, due to the distance, combined with the lack of street lighting and absence of a pavement for a significant part of the routes, it would be unlikely that journeys between the site and these locations would be undertaken by foot, particularly in the dark or during inclement weather.

8. The appellant contends that the site would be suitably located to enable occupiers of the dwelling to use local public transport to access the trading estate or nearby settlements of Trowbridge or Westbury. However, I have not been provided with details of the frequency of bus services or the specific destinations they provide connections to. Consequently, based on the evidence before me, it is highly likely that a significant proportion of trips made by the future occupiers of the proposed dwelling, to access services and facilities in the wider area, would be made by the private car.

9. Even if the proposed dwelling was of a modern, sustainable construction, this would not overcome the harm I have identified in relation to the location of the development. Furthermore, it was evident at my site visit that the site is not particularly unsightly, therefore any perceived benefits with regards to the appearance of the land would be of very limited weight.

10. I therefore conclude that the proposal, for new residential development in an area of countryside beyond the development limits, would not be in a suitable location, having regard to accessibility to services, facilities, and public transport. In that regard it would fail to accord with Core Policies 1, 2, 60 and 61 of the WCS and the aims of the National Planning Policy Framework with regards to achieving sustainable development.

Other Matters

11. The proposed development is located within a consultation zone for Bechstein's bat associated with the Bath & Bradford on Avon Special Area of Conservation (SAC). Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would be likely to have significant effects on the integrity of the European Site. However, as I am dismissing the appeal, my decision would not result in any adverse impacts in that regard.

12. The absence of objection by consultees would itself not render the scheme acceptable. Moreover, the actions of the Council during the determination of the planning application is beyond the scope of this appeal.

Conclusion

13. For the foregoing reasons, having considered the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be dismissed.

E Worley INSPECTOR