The Planning Inspectorate

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Your Ref: PL/2023/07494
Our Ref: APP/Y3940/W/23/3332589

17 October 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Nessa Flower
Site Address: The Old Bakery, 57 East Hatch, Tisbury, Wiltshire, SP3 6PH

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 sincerely,

Jasmine Rogers
Jasmine Rogers

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The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/Y3940/W/23/3332589
The Old Bakery, 57 East Hatch, Tisbury, Wiltshire SP3 6PH

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr & Mrs A Flower against the decision of Wiltshire Council.
- The application Ref PL/2023/07494 was approved on 25 October 2023 and planning permission was granted subject to conditions.
- The development permitted is Barn/store with adjacent hardstanding.
- The condition in dispute is No 5 which states that: The barn hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 57 East Hatch (The Old Bakery) and it shall remain within the same planning unit as the main dwelling.
- The reason given for the condition is: The additional building is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

Decision

1. The appeal is allowed and the planning permission Ref PL/2023/07494 for barn/store with adjacent hardstanding at The Old Bakery, 57 East Hatch, Tisbury, Wiltshire SP3 6PH granted on 25 October 2023 by Wiltshire Council, is varied by deleting condition 5.

Background and Main Issue

2. Planning permission has been granted for a barn/store with adjacent hardstanding. The appeal seeks to remove condition 5 which requires that the barn shall not be occupied other than for purposes ancillary to the residential use of The Old Bakery, and to remain within the same planning unit as the main dwelling.

3. The reason given for the condition is that the building is in a position where the Council would not permit a separate dwelling, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area.

4. The main issue therefore is whether the condition is reasonable and necessary having regard to the living conditions of the occupiers of neighbouring properties and future occupiers, access and the spatial strategy for the area.

Reasons

5. The approved barn would be located to the southeast of The Old Bakery and accessed from the south. Development in the area is loose-knit and further properties exist to the northwest side of the lane. There is a generous distance

between the location of the barn and the nearest properties with mature landscaping and the lane interceding. Given the degree of separation the residential use of the building would not result in any loss of light or privacy. Any noise which would occur as a result of any residential use of the barn would not harm the living conditions of neighbouring properties to a significant degree.

6. In the absence of a proposal for the conversion of the barn to a residential dwelling, it is not possible to conclude that any such proposal would provide acceptable living conditions for future occupiers with respect to light, amenity space and internal space provision.

7. The access to the barn would be via an established access off the lane. The Highway Authority did not object to the proposal, however I recognise that its consideration was based on the use applied for and therefore might not be applicable to any residential use of the barn. Consequently, it is reasonable for the Council to seek to retain control over the use of the barn in this respect.

8. The spatial strategy for the area is set out in Core Policies 1 and 2 of the Wiltshire Core Strategy. Together these policies seek to focus development in areas with good access to services and facilities and to limit development outside the defined limits of development to that specifically permitted by the policies of the plan. The appeal site is outside of any defined settlement boundary. Therefore, in the absence of any detailed scheme, the provision of a dwelling in the location of the barn would conflict with the spatial strategy of the area.

9. Whilst the reasons for wishing to indicate that a dwelling in this location might not be appropriate are understood, neither the description of development nor the approved plans give an indication that a residential use for the building is proposed. In any event the conversion of the barn to a dwelling would require approval. As such further controls to prevent a residential use occurring are not necessary.

10. Furthermore condition 7, which is not in dispute states: "*The barn permitted shall remain as an agricultural barn and be used only for purposes ancillary to the maintenance of land of the associated dwelling and not any other business or commercial use.*" This condition ensures that the barn could not be used as a dwelling without recourse to the Council. Therefore, removing condition 5 would not have any effect on the acceptability of the original development.

11. Interested parties have raised concerns in respect of the sensitivity of the site given its location in the Cranborne Chase National Landscape (NL). However, for the reasons outlined above, the disputed condition is not necessary to prevent the use of the building as a dwelling, regardless of its position in the NL. Condition 7 provides adequate control of the use to ensure that the barn would not be used for commercial purposes. The need or otherwise, for the barn is not a matter which is before me. The ownership of land is not relevant to the reasons given for the disputed condition which relate solely to the desire to avoid the creation of a separate dwelling.

12. Accordingly, I find that the disputed condition is not reasonable or necessary, having regard to the living conditions of occupiers of neighbouring properties and future occupiers, access and the spatial strategy for the area.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

E Pickernell

INSPECTOR