Planning Inspectorate

Appeal Decision

Site visit made on 27 November 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal Ref: APP/Y3940/W/24/3339804
Boomerang Stables, Crooked Soley, Chilton Foliat, Wiltshire RG17 0TL

- 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 Mr Adrian Gott of Addington Investments Ltd against the decision of Wiltshire Council.
- The application Ref is PL/2023/05818.
- The development proposed is 1. Re-use of former equestrian barn to create two dwellings, driveways, landscaping and related infrastructure. 2. Erect a stable block within one of the gardens comprising 10 stables, a tack room, store and hay room. Erect a barn and garage within the same curtilage. 3. Erect a garage within the other curtilage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There has been a previous appeal at the site for "redevelopment of equestrian premises for the erection of a detached house, outbuildings, gardens and related infrastructure". The appeal was dismissed in November 2021. I have had regard to the appeal decision insofar as it is relevant to the appeal before me.

3. A signed planning obligation made under section 106 of the Town and Country Planning Act 1990 was submitted as part of the appeal. This has obligations relating to the implementation of the proposed planting scheme.

4. The Council has published a Draft Local Plan under Regulation 19 of the Town and Country Planning (Local Plans) (England) Regulations 2012. However, I am not aware of the extent of unresolved objections or whether its policies will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, in accordance with Framework paragraph 48, I give it limited weight.

Main Issues

5. The main issues are whether the appeal site is a suitable location for dwellings having regard to:

    - development plan policies in respect of the delivery of housing and the conversion and reuse of rural buildings; and
    - its proximity to services and facilities.

Reasons

Suitable location

6. The appeal site comprises a parcel of land which currently contains a large equestrian building, a riding arena and associated structures. The proposal includes the conversion of the existing building into two dwellings.

7. The spatial strategy for housing development in the area is set out in Core Policies (CP) 1 and 2 of the Wiltshire Core Strategy (January 2015) (the WCS). The appeal site is outside of any settlement identified as being suitable for new housing.

8. CP2 of the WCS states that outside the defined limits of development, other than in the circumstances permitted by other policies of the plan, development will not be permitted. Such policies include CP48 which seeks to support the conversion and re-use of rural buildings for employment, tourism, cultural and community uses provided they satisfy several criteria. Where there is clear evidence that these uses are not practical propositions, residential development may be appropriate subject to the same criteria.

9. The building was not in active use at the time of my site visit, however no clear and convincing evidence has been provided which demonstrates that the conversion and re-use of the building for the uses listed in CP48 would not be practical propositions. In any event, criteria iv of CP48 requires that the site has reasonable access to local services. I return to this matter below.

10. The appellant contends that the proposal would be in accordance with paragraph 84 of the Framework. This seeks to avoid the development of isolated homes in the countryside unless one or more stated circumstance applies. However, the parties agree that the appeal site is not 'isolated' for the purposes of the Framework. Consequently, the circumstances outlined at paragraph 84 of the Framework are not applicable to the appeal proposal.

11. The appellant contends that CP48 is not in line with Paragraph 84 of the Framework, however the policy 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.' In referencing national policy, the proposal does not conflict with it.

12. The provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 are also not applicable to the proposal given it would not involve the change of use of an agricultural building. This appeal relates to an application for planning permission, and I am required to consider the proposals against local and national policy.

13. My attention has been drawn to three approved planning applications near to the appeal site. Two of these comprise a dwelling for a rural worker and a farm managers annex. Policy CP48 allows for residential development outside of defined settlements where it meets the accommodation needs required to enable workers to live at or in the vicinity of their place of work in the interest of agriculture or forestry. The third would provide 'ancillary' accommodation to Soley House and therefore would not result in the creation of a separate planning unit. As such these examples are materially different from the appeal scheme.

14. Consequently, I conclude that the appeal site is not a suitable location for dwellings having regard to development plan policies in respect of the delivery of housing and the conversion and reuse of rural buildings. The proposal would therefore conflict with Policies CP1, CP2, CP14 and CP48 of the WCS which seek to direct development towards identified settlements other than in certain specific circumstances.

Access to services and facilities

15. The appeal site is located amongst a loosely arranged cluster of buildings, many of which are in equestrian use. Aside from nearby equestrian facilities which may provide some employment opportunities there are limited other services and facilities in close proximity to the appeal site.

16. Some services and facilities are available in Chilton Foliat and Ramsbury including bus services to higher order settlements. These villages are approximately a 3km and 6km journey from the appeal site respectively, according to the Accessibility Statement[1]. There are employment uses near to Membury Services, approximately 3km from the appeal site.

17. Given the significant distances involved and the lack of lit pavements and cycle paths I am not convinced that the services and facilities at these locations could be easily accessed by foot or bicycle. Whilst the lanes near to the appeal site may be suitable and attractive for recreational walking, cycling and riding for some, this is unlikely to be a realistic proposition for fulfilling day-to-day needs for the majority of future residents.

18. Consequently, it is likely that future occupiers would be reliant on private vehicles. The appellant contends that it is a fact of life that the resident population uses motor vehicles to travel to nearby settlements. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also expects development to prioritise pedestrian and cycle movements. Policies CP60 and CP61 of the WCS seek to locate new development where it would reduce the need to travel by private car.

19. I recognise that societal and technological changes such as working from home, video conferencing, internet shopping and electric cars and e-bikes can reduce the need to travel or make travel less polluting. Nevertheless, the take-up of these measures would be entirely optional and could not be mandated. Therefore, these considerations do not fully overcome my findings in respect of the accessibility of services and facilities.

20. I have been referred to several other cases which the appellant considers to be relevant to the appeal. Betty Barn[2], Teewood Farm Barns[3] and Moor Cock Farm[4] were permitted applications for the conversion of buildings to dwellings in a different local authority area. These were considered under a different local plan policy, a copy of which I have not been provided with, and therefore are of limited relevance to the appeal.

[1] Accessibility Statement by Tetra Tech ref. 784-B026427 Revision 02 May 2022
[2] Planning ref: 3/2019/1036
[3] Planning ref: 3/2019/1034
[4] Planning ref: 3/2019/0261

21. I have also been referred to eight planning appeals for the conversion of buildings to dwellings, all of which are in different local authority areas which the appellant considers are relevant to the appeal.

22. In respect of the appeal at The Retreat[5], the decision does not set out whether the proposal was in conflict with development plan policies in respect of the spatial strategy for the area and therefore I cannot be certain that this appeal is comparable with that which is before me.

23. The Inspector for the Little Choppins Stud[6] appeal found conflict with the development plan in respect of the accessibility of services and facilities, but allowed the appeal in the context that the local authority was unable to demonstrate a five-year housing land supply. In this respect the appeal decision differs from the appeal which is before me.

24. The Fox Farm[7] appeal was found to accord with the development plan policies for the area and with the parts of the Framework which allowed for isolated homes in the countryside where development would re-use redundant or disused buildings and enhance the immediate setting. In this respect this appeal differs from that which is before me which is not in an isolated location.

25. The Six Foxes Farm[8] and 'Chestnut'[9] decisions related to sites which, based on the evidence, are in closer proximity to villages than the appeal site is to the nearest defined settlement. The appeal site in the Asmall House Farm[10] case was found to be near a major market town which had pedestrian access along the length of the route. Elm Farm[11] was found to be near to several facilities including a farm shop and children's nursery and The Lodge[12] site was found to be near to a bus service which would provide an alternative to the private car. Consequently, these sites would have greater access to services and facilities than the appeal site and therefore the circumstances differ from the appeal scheme.

26. Consequently, I conclude that the appeal site is not in an accessible location, having regard to proximity to services and facilities. The proposal would therefore conflict with CP60 and CP61 of the WCS which seek to reduce the need to travel by private car.

Other Matters

27. The appeal site is located in the North Wessex Downs National Landscape (NL). Although the Council considered that the proposals would not cause harm to the special landscape qualities of the NL, I have a duty under Section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the purpose of conserving and enhancing the natural beauty of the area.

28. The area is characterised by a patchwork of fields and woodland interspersed with scattered rural development. The proposals involve the reuse of the existing building and additional single storey outbuildings. Given the land

[5] APP/X1545/W/15/3038219
[6] APP/W3520/W/17/3180310
[7] APP/D3830/W/18/3212378
[8] APP/P2365/W/19/3228538
[9] APP/W1145/W/17/3168734
[10] APP/P2365/W/20/3244675
[11] APP/P2365/W/21/3277552
[12] APP/D0840/W/19/3237217

levels in the immediate context the proposal would not result in significant impacts upon the landscape qualities of the area in wider views. Planting is proposed which would help to integrate the development into its surroundings and in this respect the proposal would contribute to the purposes of conserving and enhancing the natural beauty of the area.

29. I am aware that the appeal site is near to West Soley Farmhouse, a Grade II listed building. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The rural surroundings of West Soley Farmhouse positively contribute to its significance. Nevertheless, given the distance between the listed building and the appeal site and the relatively limited intervisibility, I am satisfied that the proposed development would preserve the setting of this listed building and the contribution it makes to its significance.

30. Because the emerging local plan has reached regulation 19 stage, including a policies map and housing allocations, the Council is required to demonstrate a 4-year housing land supply as a result of the provisions of paragraphs 77 and 226 of the Framework. The Council state that it can demonstrate a housing land supply of around 4.6 years and the appellant has provided no evidence to the contrary. Consequently, paragraph 11d) of the Framework is not engaged.

31. Nevertheless, the Framework is a material consideration. It seeks to significantly boost the supply of homes and make efficient use of under-utilised land and buildings. The provision of two new dwellings which could be built out quickly would be a benefit of the scheme, along with the contribution new residents would make to the local community. The proposal would also result in minor economic benefits through local expenditure and employment associated with the maintenance and servicing of the dwellings.

32. I acknowledge that the proposal was found to have an acceptable effect on the character and appearance of the area including the NL. The proposed landscaping scheme would result in additional planting in the immediate area which would result in a minor enhancement to the site which is a small benefit of the scheme. I also note that the proposal has some support locally.

33. Overall, I attach moderate weight to the benefits of the proposal. However, I attach significant weight to the conflict with the development plan. Consequently, the benefits of the proposal do not outweigh the harm I have identified.

Conclusion

34. The proposal conflicts with the development plan when read as a whole and the material considerations, including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR