

ATLAS

PLANNING GROUP

PLANNING STATEMENT

Furze Farm

Landford

Sherfield English

SP5 2BD

January 2026

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Appendix A - Appeal Decision 3283827

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INTRODUCTION

- 1.1 This Statement has been produced by Atlas Planning Group in support of an application seeking full planning permission for the change of use and conversion of a rural building to a self-build dwelling with associated landscaping and works at Furze Farm, Landford, Sherfield English, SP5 2BD.
- 1.2 The Statement will assess the development proposal in the context of national and local planning policy found within the National Planning Policy Framework (2024), Wiltshire Council's Core Strategy (2015) and the Wiltshire Design Guide (2024).

SITE DESCRIPTION

- 2.1 The application site relates to a parcel of equestrian land and a stable block adjacent to the residential curtilage of the detached dwelling Furze Farm. The site is situated within the small settlement of Landford and is located 8km south west of Romsey. An established entry point off Sherfield English Road provides vehicle and pedestrian access to the site.
- 2.2 The stable block was erected in 2019 under planning permission 18/11017/FUL. External and internal alterations to the building were completed in 2025 following the Council's approval of a statement of works under planning permission PL/2023/10270. The elevational façade comprises fairfaced blockwork and stained horizontal timber cladding under slate roof tiles.



Figure 1 - Aerial view of application site

RELEVANT PLANNING HISTORY

3.1 The application site has relevant planning history:

FULL PLANNING PERMISSION - 18/11017/FUL

3.2 In November 2018, an application seeking full planning permission for the change of use of land (Agricultural to Equestrian) and the erection of a stable block was submitted to Wiltshire Council. The application was approved in February 2019.

FULL PLANNING PERMISSION - 20/11334/FUL

3.3 In December 2020, an application seeking full planning permission for the conversion of existing stables to tourist accommodation and use of land for agricultural purposes. Planning permission was refused in June 2021.

FULL PLANNING PERMISSION - PL/2021/07390

3.4 In July 2021, an application was submitted to Wiltshire Council seeking full planning permission to regularise the internal and external works to the stable building, use as tourist accommodation and use of land for agricultural purposes. The application was refused in September 2021, and the decision was subsequently appealed.

APPEAL - 3283827

3.5 An appeal in connection with the above application was dismissed in July 2022. Overall, it was considered that the stable on site did not constitute a rural building, and the Inspector identified conflict with Core Policies 1, 2 and 48 of the Wiltshire Core Strategy. It was also concluded that a residential use on the site would be harmful to the rural character of the area.

FULL PLANNING PERMISSION - PL/2023/10270

3.6 In November 2023, an application seeking full planning permission for the retrospective change of use of agricultural land to equestrian and the erection of stable block for use as a Livery was submitted to Wiltshire Council. Planning permission was granted in January 2024.

THE PROPOSAL

4.1 This application seeks full planning permission for the change of use and conversion of a rural building to one (Use Class C3) self-build dwelling with associated landscaping and works.

4.2 The description of development is as follows:

“Change of use and conversion of rural building to one (Use Class C3) self-build dwelling with associated landscaping and works”

4.3 The proposed (Use Class C3) four-bedroom home will be served by a private garden, driveway and three designated on-site parking spaces. Access will continue to be provided via the established entry point off Sherfield English Road. The immediate area around the barn will become residential curtilage associated with the dwelling. Existing trees and hedgerows bounding the site will be retained and unaffected by the proposed development.

4.4 The conversion will require only minimal changes to be made to the existing stable block, with additional walls built to close existing openings, and new fenestration to allow for enhanced views across the private garden grounds. No extensions to the footprint of the building are proposed.

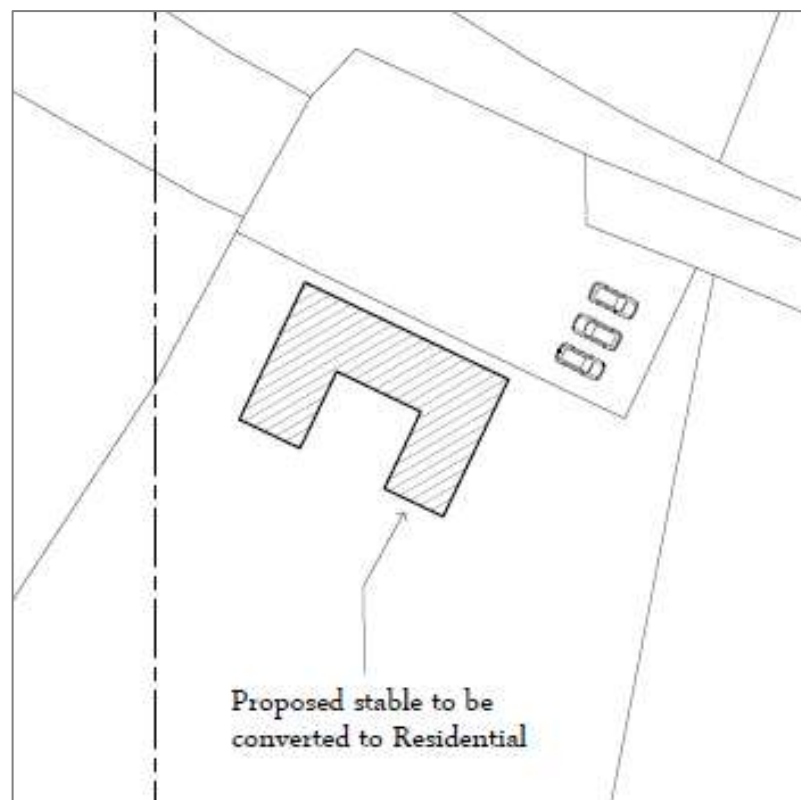


Figure 2 - Proposed site plan

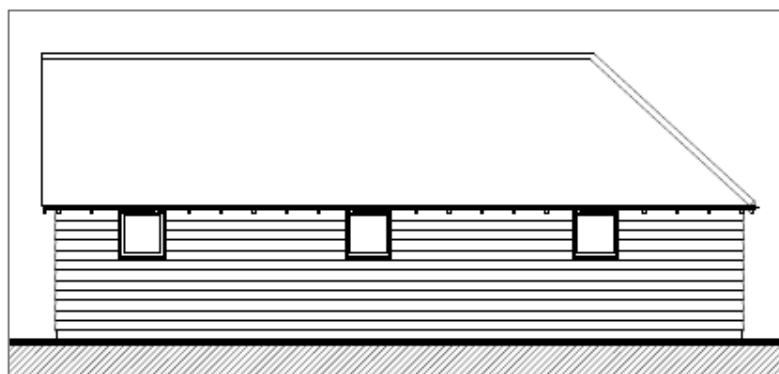


Figure 3 - Proposed south east elevation

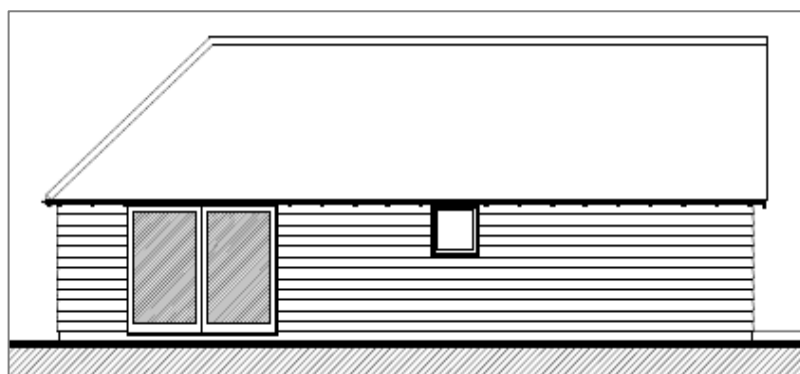


Figure 4 - Proposed north west elevation

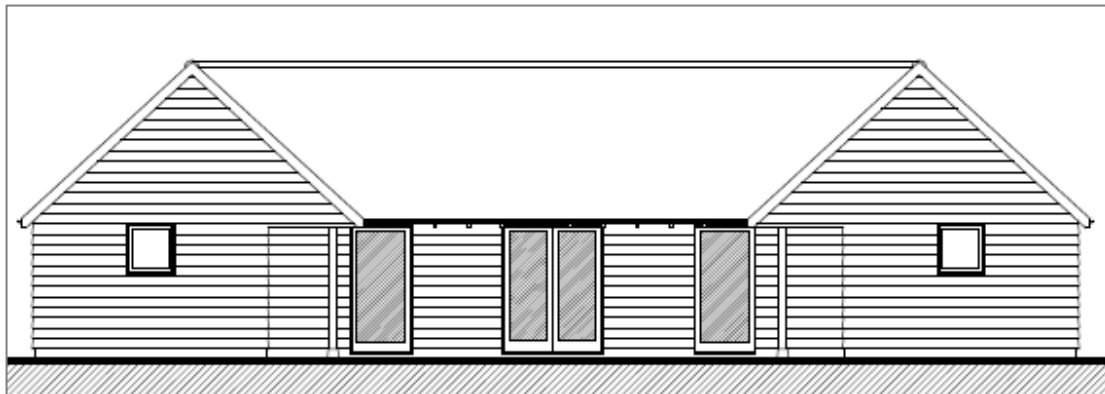


Figure 5 - Proposed south west elevation

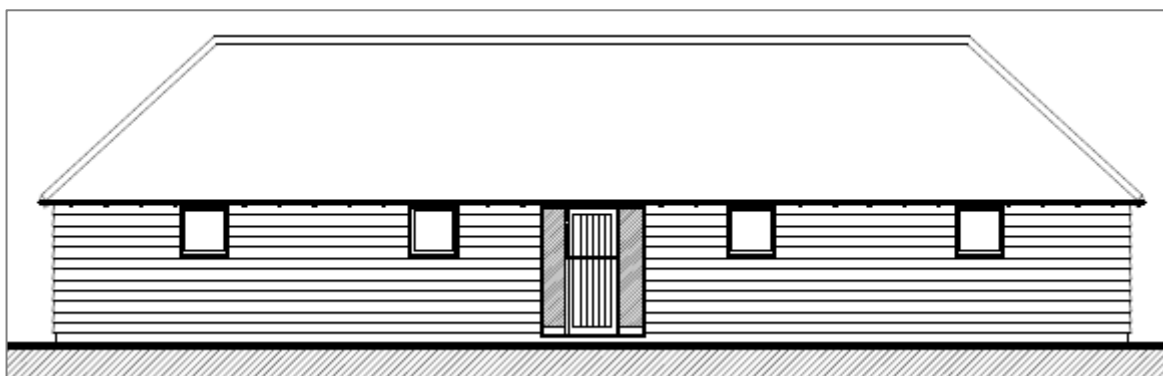


Figure 6 - Proposed north east elevation

PLANNING CONSIDERATIONS

- 5.1 Wiltshire Council's Core Strategy (2015) is the Council's primary Development Plan Document and the starting point for determining planning decisions within the Borough. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The National Planning Policy Framework (NPPF) (2024) provides a national tier of policy and decision-making guidance for the planning system and forms a material consideration for all planning decisions.
- 5.3 The policies and guidance contained within the statutory DPD and all other relevant material considerations have been reviewed to ensure the current proposal is an appropriate form of development for the application site.

PRINCIPLE OF DEVELOPMENT

- 5.4 Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.
- 5.5 Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.
- 5.6 The proposals seek to convert the rural building to one Use Class C3 self-build dwelling. The site is situated within Landford which lies outside of any defined settlement boundary.
- 5.7 Whilst residential development in the open countryside is not generally supported by the settlement and delivery strategies of the Wiltshire Core Strategy, the application site relates to an existing rural building.
- 5.8 Core Policy 48 allows for the conversion and re-use of rural buildings for employment, tourism, cultural and community uses provided certain criteria are satisfied. The policy states, inter alia, that "*where there is clear evidence that the above uses are not practical propositions **residential development may be appropriate where it meets the above criteria.** In isolated locations, the re-use of redundant or*

disused buildings for residential purposes may be permitted where justified by special circumstance, in line with national policy”.

- 5.9 It is accepted that a marketing exercise would usually be required to demonstrate the impracticality of an employment, tourism, cultural and community use on the application site under Core Policy 48.
- 5.10 However, the NPPF requires each Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirement.
- 5.11 Footnote 8 of the Framework confirms that for applications involving the provision of housing, policies should be considered out of date where *“the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78)”*.
- 5.12 A Briefing Note (25 – 04) published by Wiltshire Council on the 18th June confirms that the Council cannot demonstrate the required five-year housing land supply and can only demonstrate a **2.42 years supply**. This means the presumption in favour of sustainable development as set out at Paragraph 11 d) of the NPPF is engaged.
- 5.13 On this basis, it is considered that the cascade approach to decision making for proposals seeking the re-use and conversion of buildings in the countryside should be streamlined, and overall, the principle of converting the building to a Use Class C3 dwelling should be deemed acceptable.
- 5.14 Two similar proposals for the conversion of rural buildings in Wiltshire were approved in January and March 2023 respectively (Application reference numbers: PL/2021/08337 and 21/01894/FUL). No evidence was submitted to demonstrate that employment, tourism, cultural and community uses were unviable at the site. The Council’s Officers determined that the buildings were unsuitable for these purposes due their size, locations and designs, and both applications for the change of use to residential were assessed as being compliant with CP48.
- 5.15 Additionally, an application seeking the part retrospective change of use of a rural building to a single dwelling, situated between the settlement boundaries of Potterne and Devizes, was approved in August 2025 (Application reference: PL/2025/04855). Although marketing evidence was not submitted in support of the application, the Case Officer stated in her report:

“The proposal is in conflict with Core Policies 1 and 2 of the adopted Wiltshire Core Strategy, as the site lies outside the defined limits of development, and no relevant exception policies apply. However, the

site is located between the settlements of Potterne and Devizes, within an established cluster of dwellings, and is considered to be in a reasonably sustainable location. As such, the conflict with the development plan is afforded moderate weight.

The provision of a single dwelling would make a modest contribution toward addressing the significant housing land supply shortfall and is therefore given moderate weight in the planning balance. Moderate weight is also attributed to the associated economic benefit through future Council Tax revenue.

No adverse impacts have been identified in relation to visual amenity, residential amenity, or highway safety.

*Having regard to the relevant policies of the Wiltshire Core Strategy and the NPPF, it is considered that the identified conflict with the development plan does not significantly and demonstrably outweigh the benefits of the proposal. In accordance with paragraph 11(d)(ii) of the NPPF, the application is therefore recommended for approval.” (Officer Report included at **Appendix B**)*

- 5.16 After all, the application site is well related to the Landford where there is a shop, primary school and public house. Two bus stops are located within 400 metres of the site where the X7 service provides direct and frequent connections to Salisbury and Southampton. Paragraph 11dii) states that planning applications for housing should be granted in stances where housing policies are out-of-date “*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”.
- 5.17 There is no dispute that the proposal would result in a degree of dependence on private cars. However, paragraph 110 of the NPPF sets out that travel by private vehicles is likely in rural areas such as this. The addition of just a single dwelling on the site would therefore not significantly add to the journeys that already occur from surrounding dwellings, and Romsey is not such a distance that long journeys would frequently occur.
- 5.18 Moreover, it is relevant to note the emerging Wiltshire Local Plan, currently at examination, particularly in relation to WLP Policy 82 ‘Housing in the Countryside’ which will replace Core Policy 48 should the Inspector find the local plan to be sound.
- 5.19 WLP Policy 82 removes the current cascade approach to decision making for residential development in the countryside and sets out the approach to support development in rural areas outside of the defined settlement boundaries.

5.20 The emerging policy states that proposals for:

“housing development outside of the defined settlement boundaries and outside of the built areas of Small Villages, on land that is not allocated in the development plan or subject to an exceptions policy will not be supported, unless it meets one of the following criteria:

- 1. The proposal would deliver onsite housing to accommodate employees that are essential for the viable operation of a rural business. In such circumstances, applicants will be expected to submit clear evidence to show:*
 - i. the functional need for permanent onsite accommodation, including an assessment of alternative options at nearby settlements and/or as part of existing onsite accommodation; and*
 - ii. that the enterprise will remain financially viable for the foreseeable future, to justify the development of permanent accommodation.*
- 2. The proposal would enable a viable and sensitive alternative use of a heritage asset in a manner which secures its protection and longevity, and retains the characteristics for which it is valued as a heritage asset.*
- 3. **The proposal is for the conversion or re-use of a disused building in the countryside. In such circumstances, evidence will be required to show that the building is structurally sound and capable of conversion without major rebuilding, and that the development would enhance the character of the original building and its setting.***
- 4. When the development would entail the replacement or subdivision of an existing residential dwelling, provided that the scale and design”.*

5.21 It is therefore important to note that the current cascade approach to decision making for residential development in the countryside does not reflect the Council’s future intentions, and Criterion 3 of emerging Policy 82 would be applicable to the current application.

5.22 In any case, the proposal accords with the specific criteria for allowing the conversion of buildings in the countryside for residential purposes under Core Policy 48:

- I. The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.*

5.23 The elevational façade of the existing stable building comprises blockwork walls and black horizontal timber cladding under slate roof tiles. Although the application is not accompanied by a structural note, a visual inspection indicates that the existing principal structural elements are in satisfactory condition to allow the conversion. The existing materials will be retained, repaired and painted where necessary.

5.24 There is no doubt that the building would be structurally sound given how recently it has been built, and an Inspector agreed with this position when assessing appeal 3283827 (Decision included at **Appendix A**). The proposals seek the insertion of composite doors to allow adequate levels of natural light into the dwelling, but overall, the original character will be preserved in accordance with criterion (i) of CP48

II. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.

5.25 As aforementioned, the proposed conversion will preserve the materiality and colour palette of the existing building meaning the timber cladding will retain the relationship with the natural materials of the landscape. The nearest neighbours are the detached dwellings of Furze Farm and Copper Beaches, located more than 60 metres to the south east.

5.26 Whilst the existing access off Sherfield English Road will be shared, owing to the separation distance, low number of occupants and low anticipated vehicle movements, there will be negligible risk of adverse impact on neighbouring amenities.

5.27 The domestication of the site and levels of activity would be comparable to the tourist accommodation assessed at Appeal (3283827), and the Inspector concluded that the conversion of the building “*would not cause any harm to neighbouring amenity*”.

III. The building can be served by adequate access and infrastructure.

IV. The site has reasonable access to local services.

5.28 The converted stable will be served by an established access and track off Sherfield English Road which has been routinely used for equestrian purposes. This access arrangement has previously been considered acceptable by the Local Highway Authority for tourist accommodation (Application reference: PL/2021/07390). Since vehicle movements in connection with a four bedroom dwelling

would be similar, and there has been no significant change in circumstance or policy, there should now be no reason to deviate from that view.

- 5.29 While the site does not lie within any defined settlement boundary, the building is near other residential dwellings in the rural area surrounding the villages of Landford, Sherfield English, the Wellows and is located approximately 8km south west from the centre of Romsey where there are a range of services and facilities. The proposal would therefore not be any less practical than the numerous dwellings already located in the rural setting.

V. *The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.*

- 5.30 The application building is not listed or within a conservation area.

- 5.31 Overall, the proposals are compliant with Policy CP48 which seeks to consider the development of residential dwellings within the countryside through the re-use of existing buildings. This establishes the principle of development at the site.

- 5.32 Whilst the benefit would be modest, the addition of even a single dwelling would be helpful to the Council's housing land supply position, and any adverse impacts would be very small.

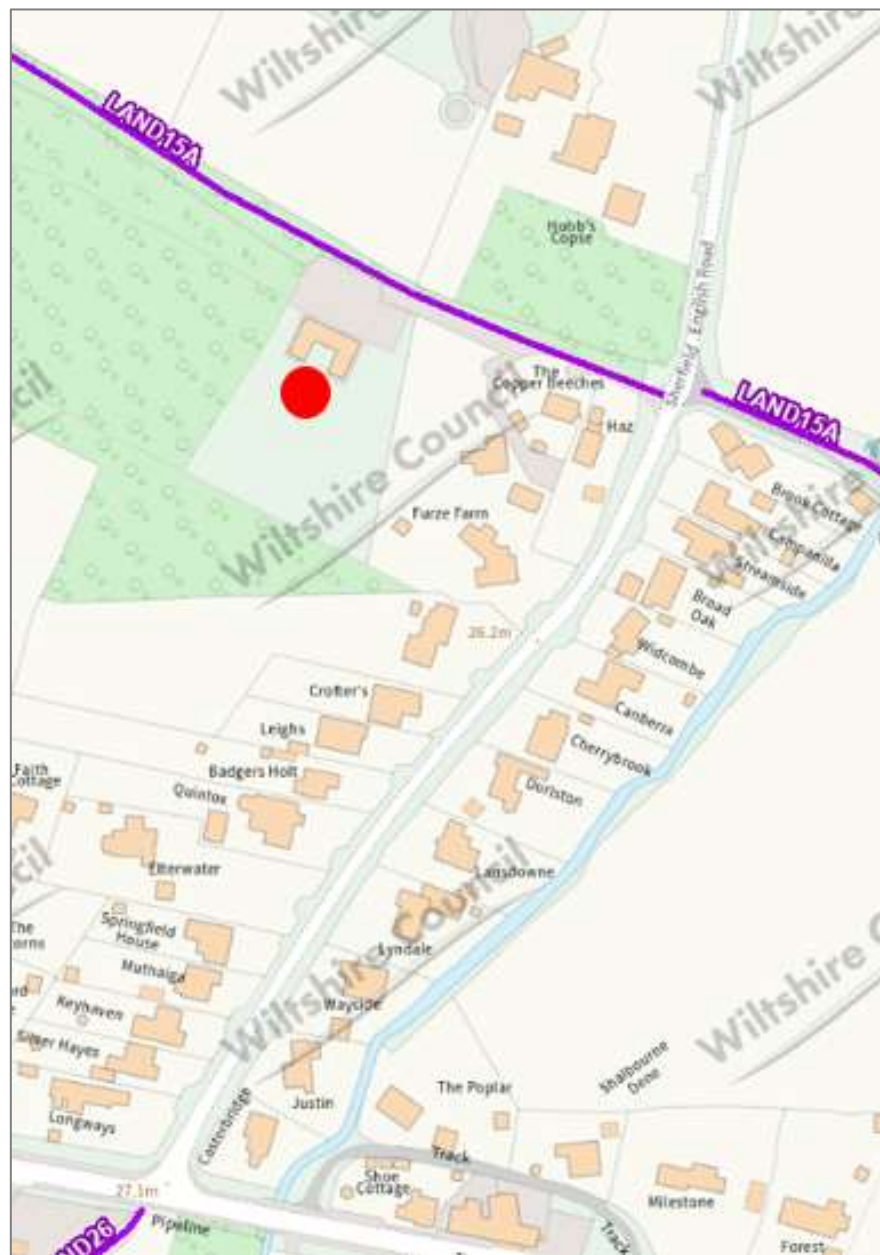
- 5.33 For the reasons above, the principle of development should be deemed acceptable despite the technical conflict with Core Policy 1 and 2 of the Development Plan.

IMPACT ON LANDSCAPE CHARACTER AND APPEARANCE OF THE AREA

- 5.34 Core Policy 51 requires development to protect, conserve and where possible enhance landscape character and must not result in any harmful impact. It also requires proposals to demonstrate that landscape character is conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures.

- 5.35 Core Policy 57 requires a high standard of design for all new developments. Amongst other criteria, new developments must show that they enhance local distinctiveness; respond positively to the existing townscape; be sympathetic to and conserve historic buildings; and have regard to the impact on amenities of existing occupiers.

5.36 The application site lies within a rural landscape set back and to the west of Sherfield English Road. Residential properties set in spacious plots line the road, with one or two properties set a little further back. Trees bound the site to the north, west and south.



- 5.38 Even if views from the wider landscape were achievable, the proposed conversion will retain the agrarian character of the existing building, utilising existing materials such as blockwork walls, timber cladding and slate roof tiles. Therefore, a residential dwelling in this location, which has been designed in agrarian style appropriate for its rural setting, would not appear incongruous.
- 5.39 The proposal seeks to provide a highly quality family dwelling at the site, utilising the existing building with minimal changes to the external appearance, and no extension to the built footprint. The proposal ensures that the existing tree cover will be retained to ensure that the existing screening around the site remains the same. There are also no changes proposed to the site access arrangements, ensuring that these also remain the same.
- 5.40 Should the Council require further comfort, the Applicant has confirmed agreement to the imposition of a pre-commencement condition requiring the submission and approval of a Landscape Plan which will help to further assimilate the home into the open countryside. A planning condition can also be imposed to prevent the installation of any external lighting unless full details are approved by the LPA.
- 5.41 As such, it is considered that the scheme accords with Core Policy 51 and 57 of the Wiltshire Core Strategy and NPPF.



Figure 8 - Existing south elevation



Figure 9 - Existing east elevation and established boundary screening

RESIDENTIAL AMENITY

- 5.42 Paragraph 124 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.43 Moreover, decisions should ensure that developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development, and create places which promote health and well-being, with a high standard of amenity for existing and future users (Paragraph 135 of the NPPF).
- 5.44 Core Strategy Policy 57 'Ensuring High Quality Design & Space Shaping' requires development to ensure the impact on the amenities of existing occupants/neighbours is acceptable and also ensure that appropriate levels of amenity are achievable within the development itself.
- 5.45 The proposed development makes effective use of land by providing a high standard of living accommodation and amenity space. Future occupants will be able to enjoy high levels of sunlight, daylight and privacy. The family home will exceed the Nationally Described Space Standards in accordance with the Wiltshire Design Guide (2024).
- 5.46 In terms of neighbouring amenities, Furze Farm and Copper Beaches are nearest residential properties located more than 60 metres to the south east. This separation distance ensures that the neighbouring amenities will be preserved.
- 5.47 On this basis, the proposal accords with Core Policy 57, the Wiltshire Design Guide and NPPF Para 135.

HIGHWAYS AND PARKING

- 5.48 NPPF paragraph 110 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 5.49 Paragraph 116 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, **would be severe**, taking into account all reasonable future scenarios"*

- 5.50 Wiltshire Council's Car Parking Strategy (2011) stipulates a minimum of 3 car parking spaces for dwellings of 4 bedrooms. The proposed development provides ample space for car parking and manoeuvring space for cars to turn to allow entry from and exit to the private driveway and public highway in a forward gear.
- 5.51 The site will continue to utilise the established access off Sherfield English Road. This C-Road has a 30mph speed limit. Given vehicle trip numbers are expected to be low, and the proposal will offer a reduction in large vehicle movements associated with the equestrian use, it is considered that a satisfactory level of visibility is provided.
- 5.52 As such, the proposal is considered acceptable in highway terms.

ECOLOGY

- 5.53 Paragraph 180 of the NPPF requires decisions to contribute to and enhance the natural and local environment. Core Strategy Policy 50 'Biodiversity and Geodiversity' requires proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. The policy also requires all proposals to incorporate appropriate mitigation measures to avoid and reduce disturbance of sensitive wildlife species and habitats. All development should seek opportunities to enhance biodiversity.
- 5.54 As set out at NPPF Paragraph 193d), opportunities to improve biodiversity in and around developments should be integrated into part of the design. biodiversity enhancements have been incorporated into the design which include 1 x Woodstone bird box and 1 x Harlech bat box. These enhancement measures can be secured by planning condition.
- 5.55 Since early 2024 there has been a national requirement for developments to provide a 10% biodiversity net gain (BNG). However, there are certain exceptions to this requirement including householder developments, developments achieved through permitted development, and self-build houses on sites under 0.5ha in size.
- 5.56 The proposed development is a self-build house to be occupied by the Applicant. It is therefore exempt from the 10% BNG requirements.
- 5.57 In addition, the site is within the catchment of the Solent Special Protection Area (SPA). SPAs are protected under the Conservation of Habitats and Species (Amendment) Regulations 2019. These are a

network of sites designated for supporting habitats or species of high nature conservation importance in the European context.

- 5.58 Any activity that has a detrimental effect on these European sites is made an offence under the Regulations. As this site falls within the catchment of the Solent SPA, the proposal has the potential to cause adverse effects alone or in combination with other developments through the discharge of nitrogen in wastewater. The application is therefore accompanied by a nutrient budget calculator to determine the number of credits required
- 5.59 As such, ecology on site would be enhanced and the proposed dwelling will not place any undue harm on protected species, meaning the development is in full accordance with Core Policy 50 and the wider objectives of the NPPF to conserve and enhance the natural environment.

PLANNING BALANCE AND CONCLUSIONS

- 6.1 The current application seeks full planning permission for the conversion of the rural building to a self-build residential dwelling.
- 6.2 Notwithstanding the fact that the local planning authority seeks to resist new dwellings in the open countryside, Policy CP48 of the Wiltshire Core Strategy allows for the re-use and conversion of rural buildings in the countryside.
- 6.3 In this circumstance, there is no doubt that the building is structurally sound given how recently it has been built. The proposed conversion will also preserve the materiality and colour palette of the existing building meaning the timber cladding will retain the relationship with the natural materials of the landscape.
- 6.4 Wiltshire Council cannot currently demonstrate the required 5-year housing land supply meaning the policies of the local plan are out of date and the presumption in favour of sustainable development set out at Paragraph 11d of the National Planning Policy Framework is engaged.
- 6.5 There is no dispute that the proposal would result in a degree of dependence on private cars. However, paragraph 110 of the NPPF sets out that travel by private vehicles is likely in rural areas such as this, and services within Landford, Wellow and Romsey are not such a distance that long journeys would frequently occur. As such, the principle of development should be considered acceptable.
- 6.6 Owing to the extensive tree cover around the site, which are to be retained, and the limited amount of development proposed, it is not anticipated that the proposed home will have any impact on landscape. Even if longer distance views of the site were achievable, the proposed conversion will retain the agrarian character of the existing building and would not appear incongruous.
- 6.7 Given conformity with the relevant policies of the NPPF and the Wiltshire Core Strategy, and the noted benefits in terms of all three dimensions of sustainable development with no materially adverse impacts, we respectfully ask that this application be approved without delay.

A



The Planning Inspectorate

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Your Ref: PL/2021/07390

Our Ref: APP/Y3940/W/21/3283827

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

04 July 2022

Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by Mr M Lucas

Site Address: Furze Farm Sherfield English Road, Landford, SALISBURY, SP5 2BD

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you wish to learn more about how an appeal decision or related cost decision may be challenged, or to give feedback or raise complaint about the way we handled the appeal(s), you may wish to visit our "Feedback & Complaints" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access you may write to the Customer Quality Unit at the address above. Alternatively, 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.

The Planning Inspectorate is not the administering body for High Court challenges and cannot change or revoke the outcome of an appeal decision. If you feel there are grounds for challenging the decision you may consider obtaining legal advice as only the High Court can quash the decision. If you would like more information on the strictly enforced deadlines and grounds for challenge, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Guidance on Awards of costs, including how the amount of costs can be settled, can be located following the Planning Practice Guidance.

<http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/>

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:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

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

Yours faithfully,

Jessica Lumber

Jessica Lumber

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Site visit made on 22 June 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/Y3940/W/21/3283827

Furze Farm, Sherfield English Road, Landford SP5 2BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr M Lucas against Wiltshire Council.
 - The application Ref PL/2021/07390, is dated 26 July 2021.
 - The development proposed is retention of internal and external works to former stable building, use as tourist accommodation and use of land for agricultural purposes.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M Lucas against Wiltshire Council. This is the subject of a separate decision.

Preliminary Matters

3. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council's appeal statement included a decision notice, dated 29 September 2021, which post-dated the submission of the appeal. This indicated that the Council would have refused the application on the grounds that the proposal relates to the use of an unauthorised building for residential purposes within the open countryside and close to the New Forest National Park (NFNP) where new residential accommodation is strictly limited. It also would have refused the scheme due to its effect on protected habitats sites.
4. The appellant has submitted a draft agreement under section 106 of the Town and Country Planning Act 1990 (as amended) (the s106 agreement). This is not signed or dated. This makes provisions to address nitrogen neutrality in respect of habitats sites. I discuss this later in my decision.

Background and Main Issues

5. Planning permission¹ was granted for change of use of land (agricultural to equestrian) and the erection of a stable block. A further application was made to vary a condition to enable amendments to the approved elevations and materials of the stable block. This was approved² in February 2020. As constructed the appeal building includes internal and external changes that are

¹ Council Ref: 18/11017/FUL

² Council Ref: 19/11984/VAR

not in accordance with either the original permission or the approved variation of condition. This includes the addition of a brick plinth and French doors. The appellant no longer intends to use the building as a stable and is seeking planning permission to retain the alterations and for the use of the building as two units of holiday accommodation.

6. The main issues are therefore:

- the effect of the proposed development on the character and appearance of the area;
- whether or not the building is suitable for conversion to tourist accommodation; and
- the effect of the proposed development on protected habitats sites.

Reasons

Character and appearance

7. The appeal site lies within a rural landscape set some distance back and to the west of Sherfield English Road. There is linear residential development along the road, with one or two properties set a little further back. The site is on the edge of a large area of open land forming part of the larger landholding associated with Furze Farm. The site is fenced and gated to its northern boundary. Beyond this there is a public footpath and vehicular access to the site. A belt of trees extends along this side of the site.
8. The permitted stable is a large building set significantly further back from Sherfield English Road than existing development. The construction of this building has extended built development into the countryside. However, as a stable, the building has a rural character and the activity associated with it would be compatible with the landscape in which it is located.
9. The overall size of the building would not be altered by the proposal. However, the addition of the brick plinth and several sets of French doors gives the building a more domestic appearance. Coupled with parking and other domestic paraphernalia, this would appear incongruous, resulting in an encroachment of residential development away from the road into the rural landscape. Despite the presence of trees, this would be visible from public viewpoints along the footpath. This would be harmful to the rural character of the area.
10. There is evidence that the materials used on the external walls have changed over the period since the building was constructed. At the time of my site visit, the walls were entirely timber clad although the drawings indicate a combination of cladding and render. The use of full timber cladding would help to give the building a more rustic appearance. However, it would not overcome the harm from the introduction of a residential use away from established development in this location.
11. The appeal site is in close proximity to the NFNP, which is indicated to be some 250m to 300m away. The proposal would be within its setting. The National Planning Policy Framework (the Framework) sets out at paragraph 176 that development within the setting of National Parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

As the proposal would harmfully encroach into the rural landscape, it would not be sensitively located and would not enhance the character or appearance of the setting of the NFNP.

12. I conclude that the proposed development would adversely affect the character and appearance of the area. It would therefore conflict with Core Policies 24, 39, 48, 51 and 57 of the Wiltshire Core Strategy 2015 (the CS) and Policy C6 of the Salisbury District Local Plan 2003. These policies together require development to be a high quality design that enhances local distinctiveness, to be sympathetic to the landscape, to protect landscape character and to not negatively impact the NFNP.

Suitable for conversion to tourist accommodation

13. The appeal site is located in Landford, a small settlement which is not identified in the settlement hierarchy as set out under Core Policy 1 of the CS. The site is therefore considered to lie in the open countryside for planning purposes. Core Policy 2 seeks to restrict development outside the defined limits of development unless permitted by other plan policies.
14. The proposal is for tourist accommodation. The scheme would be considered under Core Policy 39 of the CS which is concerned with tourist development. This states that in exceptional cases development may be supported outside the settlement hierarchy where it can be demonstrated that all of a number of criteria can be met. These are i) there is evidence that the facilities are in conjunction with a particular countryside attraction; ii) no suitable alternative existing buildings or sites exist which are available for re-use; iii) the scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; iv) the building is served by adequate access and infrastructure; and v) the site has reasonable access to local services and a local employment base.
15. In terms of criterion i), the building is close to the NFNP and Paultons Park theme park, both of which are large tourist attractions, and could be visited by people staying in the proposed accommodation. However, there is no evidence that the proposed development would be provided in conjunction with these countryside attractions. This criterion is not therefore met.
16. I recognise that there are no other buildings on site for the proposal. However, the suitability of the appeal building for the conversion is a matter of dispute since it is considered to be an unauthorised development. I return to this later in my reasoning.
17. Due to its distance from neighbouring properties, the proposal would not cause any undue harm to neighbouring amenity. Nevertheless, due to the harm to the character and appearance of the area that I have already found, criterion iii) would not be met.
18. The appeal site is served by an adequate access off Sherfield English Road. In this regard, I note the highway authority has not objected to the scheme. The appellant has also advised that the building can be connected to existing infrastructure for water and electricity. I have no reason to disagree with this. I therefore consider the proposal meets this criterion of the policy.

19. The site is located close to a convenience store, petrol filling station and public house on the A36. There is also a bus stop on the A36 providing services to nearby larger settlements. However, I have no information as to the frequency of these services. Nevertheless, occupants of the accommodation would not be solely reliant on the private car to access services and facilities. Given the scale and nature of the proposed use the proposal would not generate significant employment and its location within close proximity to the small settlement would be satisfactory in this regard. I therefore conclude that criterion v) is met.
20. In terms of Core Policy 39, the proposal would only meet two of the criteria. It would therefore not comply with the requirements of this policy in relation to tourist development outside of the settlement hierarchy.
21. Core Policy 48 of the CS explains that proposals to convert or re-use rural buildings for tourism uses will be supported where it satisfies a number of criteria. The Council disputes that the appeal building can be considered to meet the requirement of this policy in terms of it being the conversion or re-use of a rural building. This is due to the building that has been constructed not being a stable.
22. The appellant has stated that the approved stable building was substantially completed in Summer 2020. The brick plinth, which he considers would be a non-material amendment, was installed in October 2019 due to a concern about water ingress although it is stated that the floor level itself was not raised. This was prior to the application to vary the condition and would have been in place at the time the Council undertook its site visit. The Council's report in relation to the variation of condition does not refer to the plinth.
23. Irrespective of the timings as to when the plinth was installed, the building as constructed neither accords with the original permission nor with the amended drawings approved through the variation of condition. It does not therefore benefit from planning permission.
24. The building as originally approved was for a stable building, with level floor access, no plinth and stable doors. The appellant has stated that the building has never been used as a stable due to a change in his circumstances and the impact of Covid-19. Notwithstanding this, between Summer 2020 and April 2021, he asserts the stables were complete and capable of being used for stabling of horses. In support of this, he has advised that some of the changes were made after he had decided to convert the building to holiday lets. This included internal works and the addition of French doors.
25. At my site visit, I observed that the brick plinth creates a substantial step into the building. It therefore makes the use of the building as a stable less practical. Whilst the higher roof may provide space to accommodate the height of a horse, the plinth would make it awkward to access the stables either by horses or by those looking after them, for example, in barrowing in hay or for mucking out. I acknowledge that ramps could be used to provide access but this would be an impractical solution in the long term.
26. Furthermore, the submitted drawings indicate that it was intended that the western 'wing' of the building would also be used for vehicle storage. Whilst the floor within this part of the building has not been raised, the presence of the brick plinth makes this impossible for the storage of vehicles.

27. The building has never been used as a stable and, in its built form, is not practical to be used for these purposes. I conclude that on balance the building as built is not a rural building but is an unauthorised building, tantamount to a dwelling, in the countryside. For this reason, it would not be a rural building in terms of Core Policy 48.
28. Even if I am wrong and the building could be considered a rural building, there is limited evidence before me as to why the building is redundant. I appreciate that the appellant's circumstances may have changed although few details have been provided in support of this. Furthermore, it is not clear why this would prevent the use of the building for the purposes for which it was granted planning permission by someone else.
29. In any event, the policy sets out a number of criteria of which numbers ii), iii) and iv) in relation to character and appearance, access and infrastructure and reasonable access to local services are the same or similar to criteria iii), iv) and v) of Core Policy 39. As I have already found that there would be harm to character and appearance from the proposal, the scheme would not meet criterion ii) of Core Policy 48.
30. In addition to these, there is a criterion as to whether the building is structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building. Given how recently built the building is, it would be structurally sound. However, as I have already set out, the character of the building would be altered as a consequence of the proposals. A further requirement relates to the conversion of heritage assets and would not apply here.
31. Core Policy 48 sets out that in isolated locations conversion to residential will only be considered in special circumstances. The appeal property is not isolated as it is close to other residential development. This would not apply here. For the same reason, paragraph 80 of the Framework, cited within the Council's reason for refusal, which relates to development of isolated homes in the countryside would also not apply.
32. The appellant considers there is a fallback position in that he could use the building as a stable for a period after which if it were to be found that the stable was no longer needed then the current situation would exist. I appreciate that such a scenario could arise in the future and a view on the acceptability of the proposal would need to be taken should that occur. However, at this time, I do not consider the building on site is a stable as I have set out. I therefore give this fallback position very limited weight.
33. I conclude that the proposed development would not be suitable for conversion to tourist accommodation. It would therefore conflict with Core Policies 1, 2, 39 and 48 of the CS as referred to above. I have not found conflict with paragraph 80 of the Framework for reasons set out above.

Habitats sites

34. The appeal site lies within the catchment of the River Test which is identified as a Special Area of Conservation (SAC). The site is also within an 8km buffer around the New Forest Special Protection Area (SPA). These sites are protected as European Sites of Nature Conservation Importance and are subject to

statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.

Nutrient impacts

35. The River Test drains into the Solent Catchment which Natural England (NE) has advised is in an unfavourable condition due to excessive nutrients. The sources of these nutrient inputs are from wastewater from existing housing and agriculture. NE has advised that there is the potential for future housing development across the region, including overnight accommodation for visitors, to increase nutrient inputs into the Solent Catchment.
36. NE advises that the nutrient impacts of any new plans and projects, including new development proposals, on habitats sites should be considered. This should assess whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.
37. The appellant is willing to provide mitigation to achieve nutrient neutrality. He originally proposed a combination of a package treatment plant (PTP) and planting of a wildflower meadow in order to address the concerns about nitrates entering the SAC. Concerns about the effectiveness of a wildflower meadow were raised by NE resulting in the scheme being amended during the course of the appeal to provide tree planting instead of the meadow.
38. The PTP would be capable of reducing the amount of discharge of nitrates into the SAC and the Solent catchment although based on the appellant's submitted calculations, even with the PTP, there would be some increase in nitrogen load arising from the proposal. The proposed tree planting is intended to mitigate this.
39. The effectiveness of the PTP is reliant on ongoing monitoring and maintenance. The submissions indicate what will be required, including for the system to be replaced if required to maintain treatment efficiency. The draft s106 agreement would appear to secure this.
40. An area of 0.35 hectares would be planted to deciduous trees and fenced from use. There is sufficient land in the appellant's ownership to accommodate this. It is proposed to secure this tree planting through a planning condition although I note that the previous proposal sought to secure this through a planning obligation. It is not clear why this change was made and whether a planning condition would secure the use of this land in perpetuity.
41. The proposal additionally includes an area of land to be returned to agricultural use from equestrian use. The appellant's Nutrient Neutrality Assessment and mitigation report, dated 30 March 2021, explains that the land is in grass and indicates that by removing the land from use by livestock or for the purposes of growing hay or silage there would be a predicted reduction in nitrogen. However, I have no firm evidence of how this land would be used in the event the change of use were to be allowed. Given that agriculture has been identified as a contributor to nutrient inputs, I would require further information.

42. Had I been minded to allow the appeal, I would have sought clarification on both the land use and the use of a planning condition to secure tree planting in perpetuity. However, as I am dismissing for other reasons I do not need to pursue this matter further.
43. I recognise that the earlier scheme for the conversion of the building to tourist accommodation which was refused did not seek nitrate neutrality. However, I have no information about the guidance in place at that time. In any event, I must base my decision on evidence before me which I have done.

Recreational pressures

44. The appeal site is located within approximately 300m from the New Forest protected sites. It has been established that new dwellings and visitor accommodation are likely to increase visitor numbers to the protected sites, therefore causing harmful effects, particularly to ground nesting birds. These recreational pressures would harm the integrity of the sites unless satisfactory mitigation is put in place.
45. The Council is developing a generic mitigation strategy for the New Forest but has advised this has not yet been finalised. In the absence of this, it has advised that it would be difficult to justify a refusal on the basis of harm to the New Forest SPA. Whilst this position is noted, for the purposes of this appeal, I am the competent authority. I must be satisfied that there is no reasonable scientific doubt as to the effects of the proposal.
46. I have been provided with no details of mitigation in respect of recreational pressures on the New Forest protected sites. Had the appeal proposal been acceptable in all other respects, I would have sought additional information on this to enable me to carry out an appropriate assessment. However, as there are other reasons for dismissing the appeal, I do not need to pursue this matter further.

Other Matters

47. The proposed development would provide overnight accommodation, this would contribute to increased expenditure in the local area by visitors to the area. This would deliver some modest economic benefits. Whilst the accommodation may be high quality, it seems to me that these would be private benefits for occupiers of the proposed development. I therefore give this benefit very limited weight.

Conclusion

48. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR



Costs Decision

Site visit made on 22 June 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Costs application in relation to Appeal Ref: APP/Y3940/W/21/3283827 Furze Farm, Sherfield English Road, Landford SP5 2BD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr M Lucas for a full award of costs against Wiltshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for retention of internal and external works to former stable building, use as tourist accommodation and use of land for agricultural purposes.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant has applied for an award of costs on the basis that the Council refused the application even though the applicant had already submitted his appeal. This resulted in a second statement of case having to be prepared. The Council issued a decision notice after the appeal was lodged. However, jurisdiction for the determination of the application passed to the Planning Inspectorate once that appeal had been lodged.
4. Given the appeal had been lodged, the applicant was under no obligation to prepare a second statement of case in response to this decision notice. He could have waited until he received the Council's statement of case. However, he chose to submit a further statement instead. In any case, it is common in non-determination appeals for the Council to set out its putative reasons for refusal. The applicant would have had to respond to those matters and therefore I do not consider the applicant has been put to unnecessary or wasted expense due to the behaviour of the Council in this regard.
5. The applicant asserts that had the planning officer visited the site between Summer 2020 and April 2021, it would have been evident that the stable was capable of accommodating horses. From what I have read, it is clear that the Council found the existence of the plinth made the building unsuitable for use

- as a stable and its external appearance made it appear as a domestic building rather than a stable.
6. The submitted photos did not show the interior of the building and the existing floorplans did not provide evidence of how the building would be laid out to accommodate horses. Had the Council visited the site, it may have been possible to confirm this. In any event, the applicant would have been well aware of the Council's concerns given this formed part of the Council's reason for refusal for an earlier, almost identical scheme¹ for the conversion of the stable building to holiday accommodation. In view of this, the applicant could have provided photographic evidence or detailed plans to demonstrate that the building was capable of being used as a stable.
 7. In addition, the applicant contends that the Council gave no indication that it was considering a refusal of the scheme as the planning officer continued to negotiate on the scheme. The Council has provided a copy of an email exchange following the refusal of a previous scheme, almost identical to the appeal scheme, for the conversion of the building to holiday accommodation. The Council's email of 5 July 2021 is clear that a further application for a holiday let would not be supported. This advice was provided to the applicant before he submitted the application that is the subject of this appeal who would have been aware of the Council's position.
 8. The Council did continue to negotiate on the scheme to reduce the number of reasons for refusal. However, such an approach is encouraged by the Government and the Planning Inspectorate in order to narrow the issues on appeal. The Council has not therefore behaved unreasonably in taking this approach.
 9. The applicant considers that the Council's principal concern relates to the building being not in accordance with the plans but the only thing not in accordance with the plans at the time of the application was the unfinished cladding. He therefore considers that the proposal accords with Core Policies 39 and 48 of the Wiltshire Core Strategy 2015. Whether or not a proposal accords with policy is a matter for the decision-maker when assessing the issues and merits of the case. It will be seen from my decision that I have concluded the proposal would not accord with these policies, it therefore follows that I do not find the Council has behaved unreasonably in reaching this conclusion.
 10. The applicant also states that nitrates were not raised as an issue at the time of the first refused application for the conversion of the building. Also, that Natural England (NE) changed its mind about the provision of a wildflower meadow as mitigation in terms of nutrient neutrality resulting in the applicant having to prepare a further nitrates report.
 11. I do not have the full details of the proposed mitigation to deal with an excess load in nitrogen within the Solent catchment associated with the first scheme for conversion. However, from the submissions it is evident that there was some change in the mitigation strategy proposed between the first and second schemes and queries about the change of use of land.
 12. It appears that NE objected to the adjusted mitigation strategy and therefore it formed a reason for refusal. The Council would not have known about this prior

¹ Council Ref: 20/11334/FUL

to the appeal being submitted as the applicant lodged the appeal before NE's response was received by the Council. Given that the proposed mitigation differed between the two schemes, there was nothing unreasonable in objecting to the second scheme if the mitigation was inadequate.

Conclusion

13. In light of the above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. An award of costs is therefore not justified.

Rachael Pipkin

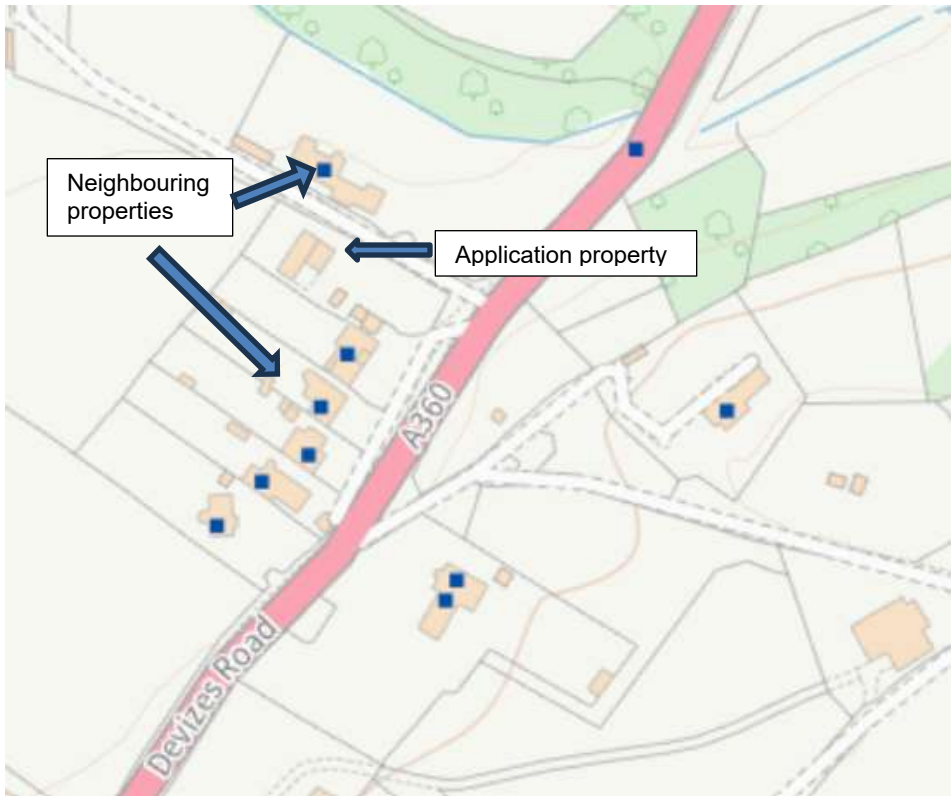
INSPECTOR

DELEGATED REPORT

Application Reference:	PL/2025/04855
Application Type:	Full Planning Permission
Site Address:	Building to the west of A360 Devizes Road, Potterne, Devizes, Wiltshire, SN10 5LW
Proposal:	Proposed change of use and conversion of a rural building to a single dwelling (partly retrospective)
Recommendation:	Permission be GRANTED subject to conditions

SITE DESCRIPTION AND PROPOSAL

The application site comprises a former redundant rural building located on the western side of the A360 Devizes Road as identified on the Location Plan below. The site lies within a row of residential properties located between Devizes and Pottterne.



Map showing application property and neighbouring properties

This application seeks full planning permission, partly retrospective, to convert the existing barn to a single dwelling. The existing and proposed elevation and floor plans are shown below:



Existing and proposed elevations (extracted from submitted plans)



Existing and proposed ground floor plans (extracted from submitted plans)

The proposal development will provide a three bedroom dwelling. As stated in the submitted Planning Statement *“The change of use and conversion of the building has been achieved without the need to extend or alter the overall character and appearance of the building as shown on the extract from the existing and proposed elevation plans above.”*

RELEVANT PLANNING HISTORY

- Prior Approval Application 21/01500/PNCOU – Application under Class Q to Determine if Prior Approval is Required for a Proposed Change of Use and Conversion of an Agricultural Building to a Residential Dwelling – Prior Approval Refused – 18 May 2021. - Appeal dismissed on the 23 December 2021.
- Prior Approval Application 20/09673/PNCOU – Application under Class Q to Determine if Prior Approval is Required for a Proposed Application Building A350 Devizes Road Residential Properties LPC.6111 Planning Statement 5 Rural Building, Devizes Road, Potterne May 2025 Change of Use and Conversion of an Agricultural Building to a Residential Dwelling – Prior Approval Refused – 12 December 2020.

The first Prior Approval application involved the conversion of the building as a whole, and the second application related to the proposed conversion of the more enclosed section of the building alongside the retention of the storage barn.

POLICIES

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development Plan

At the current time, the relevant statutory development plan documents in respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015) The Potterne Neighbourhood Plan and the 'saved' policies of the Kennet District Local Plan (KDLP) (adopted April 2004) if applicable.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy (WCS) – adopted January 2015:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 12: Spatial Strategy for the Devizes Community Area
- Core Policy 45: Meeting Wiltshire's Housing Needs
- Core Policy 48: Supporting rural life
- Core Policy 50: Biodiversity and geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring high-quality design and place shaping
- Core Policy 60: Sustainable Transport
- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management

Saved policies of the Kennet District Local Plan (KDLP)

N/A

National Planning Policy

- National Planning Policy Framework (NPPF) 2024
- Planning Practice Guidance (PPG)
- National Design Guide

Supplementary Planning Documents

- Waste Storage and Collection: Guidance for Developers
- Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)
- Wiltshire Local Transport Plan 2011 – 2026: Car Park Strategy
- Wiltshire Council Design Guide (2024)

Neighbourhood Plan

- The Potterne Neighbourhood Plan, made January 2017

ISSUES

The main issues in the consideration of this application are:

- Principle of development
- Design and visual impact
- Impact upon residential amenity
- Highway safety and parking provision
- Biodiversity Net Gain (BNG)

CONSULTATIONS

Responses received have been summarised by the case officer as follows (full comments available on the council's website):

Potterne Parish Council: objects, commenting as follows:

"1. The development is contrary to the Potterne Neighbourhood Plan, a major priority of which is to ensure that a green corridor remains between the Settlement Boundaries of Potterne and Devizes (NDP para 4.1.1) - the property lies at the edge of this strategic gap and falls outside the Settlement Boundary.

2. It does not comply with planning legislation. A previous application (No 21/01500) ("the 2021 Application") to convert the property was made by a Mr R Drake, who the current Applicant told us is her relative - indeed exactly the same Structural Report (Andrew Waring Associates Ltd Project 11437 dated April 2021) has been filed for both the 2021 Application and the current application. The 2021 Application was refused and an appeal against its refusal was dismissed. However, para 2.4 of the Planning Statement filed in respect of the current application states that the Applicant purchased the barn etc in 2003. Given such ownership and the relationship to Mr Drake it is not unreasonable to assume that the Applicant would, and certainly should, have been aware of the planning history of the barn, yet its unlawful conversion was carried out nonetheless. In order to ensure due compliance with planning legislation the Parish Council has consistently opposed any application within the Parish that breaches such legislation, and we see no reason to make this current application an exception."

Wiltshire Council Highways Officer: no objection subject to conditions (Refer to 'Highway safety and parking provision' section below for full comments).

REPRESENTATIONS

Six representations were received in support of the application. A summary of the comments received is as follows (full comments available on the council website):

- Infill development between current residential dwellings;
- Will cause no local difficulty;
- Good bus service to Devizes and application is sustainable;

- Would allow the occupant, a rural worker, to continue to work locally in her community;
- Reuses an existing rural building;
- Building and site are already in good order, would not require major rebuilding;
- Would not detract from the character or appearance of the landscape or settlement;
- Would not be detrimental to the amenities of the residential area;
- Site can be served by adequate access and infrastructure;
- Site has access to local transport services;
- Conversion of the building is supported by the local planning policy and is the only alternative;
- Lack of local housing land supply;
- Barn is no longer used as a storage barn therefore the conversion into a residential dwelling makes perfect sense and can only improve what could become another dilapidated farm building; and
- Not a new build so we do not see any good reason why this development should be refused, and, bear in mind that another barn conversion on the other side of the A360 has recently been approved and is within three to four hundred yards from this application.

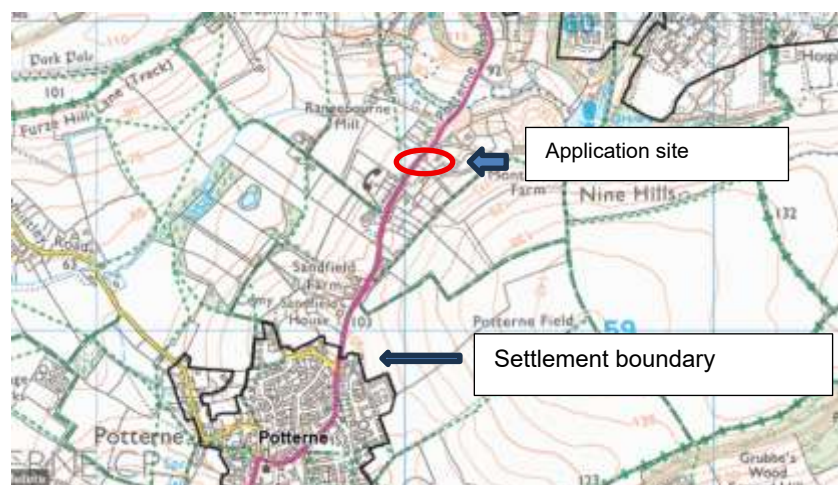
ASSESSMENT

Principle of development:

Core Policy 1 of the WCS, the Settlement Strategy, identifies the settlements where sustainable development will take place. Starting with Principal Settlements, Market Towns, Local Service Centres, through to Large and Small Villages.

Core Policy 2 of the WCS states that *"Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages."*

Potterne is a Large Village as set out in Core Policy 12 of the WCS. The application site lies outside of the limits of development for Potterne and therefore for the purposes of assessing the proposals, the application site lies in open countryside. The map below shows the application site in context with the limits of development, with Potterne to the south and Devizes to the north:



Map showing application site in context with limit of development (settlement boundary)

The WCS 'exception policies' that permit new development within the countryside, in line with the delivery strategy outlined in Core Policy 2, are listed within paragraph 4.25 and includes Core Policy 48 'Supporting Rural Life'. The policy permits dwellings within the countryside or the creation of new dwellings through the conversion of existing buildings, subject to meeting certain criteria.

Core Policy 48 states "*Outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.*"

Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where they satisfy the following criteria:

- i. The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.
- ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.
- iii. The building can be served by adequate access and infrastructure.
- iv. The site has reasonable access to local services.
- v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria.

The application lacks sufficient evidence to justify why the building cannot be used for employment, tourism, cultural and community uses. As there is a lack of evidence that the above uses are not practical propositions, the proposal fails to demonstrate compliance with Core Policy 48. In addition, no functional and financial evidence has been provided to support the claim that the proposed accommodation would meet the needs of employment essential to the countryside.

In conclusion, the proposed development conflicts with Core Policies 1 & 2 of the adopted Wiltshire Core Strategy as the site is outside of the limits of development and none of the exception policies under paragraph 4.25 apply in this instance.

Therefore, the principle of development to convert an existing agricultural barn to residential use is not acceptable.

The objections raised by the Parish Council concerning the development being contrary to The Potterne Neighbourhood Plan and in relation to the unlawful conversion of the building has been duly noted.

The application relates to the conversion of an existing building set within a cluster of existing residential properties, and as such it is considered that the proposed development does not impact on the neighbourhood plan objective to maintain a green corridor.

In respect of the development being unlawful and part retrospective, each planning application is assessed on their own individual merit against current national and local planning policies.

Design and visual impact:

Core Policy 57 of the Wiltshire Core Strategy states that *"A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality."* Proposals should seek to enhance local distinctiveness and have regard to existing townscapes, patterns of development and the historic environment and landscape setting.

This application is seeking planning permission (part retrospective) for the conversion of an existing agricultural barn requiring minor alterations. The images below extracted from the submitted Planning Statement show the pre and post conversion of the building:



As can be seen in the images above, the building will retain its agrarian character and only minor works are required to convert it to a residential dwelling. The building is also set back from the highway by at least 50m behind a gate and therefore it is not readily visible from public vantage points.

Furthermore, the building is located between existing residential properties and would be seen in the context of the existing built form.

Given the above, it is considered that the proposed development would not cause harm to visual amenity or detract from the character and appearance of the area. The proposal is therefore considered acceptable and complies with Core Policy 57 of the adopted WCS.

Impact upon residential amenity:

The adopted Wiltshire Core Strategy CP 57 (vii) requires development proposals to have 'regard to the compatibility of adjoining buildings and uses, the impact on the amenities of the existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the

consideration of privacy, overshadowing; vibration, and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)'.

The building is located approximately 20m from the neighbouring property No.71 Devizes Road located to the south-east, and approximately 15m from the neighbouring property (The Willows) located to the north on the opposite side of a track.

Given the single-storey nature of the building and the separation distances that exist, it is considered that the proposed development would not materially impact upon the reasonable living conditions of the neighbouring occupants as a consequence of overbearing impact, overshadowing or loss of privacy.

In terms of the amenity of the occupiers of the proposed dwelling, the submitted Planning Statement states *"the building is already occupied alongside the management and care of the horses on the land as part of the applicant's business. It is recognised that a retention of part of the application building for agricultural purposes alongside a residential use has previously been raised as a concern. As such, the remaining section of the building is proposed to be used for domestic/residential storage only. This section of the building will remain as existing and no operational development is proposed, but it is already enclosed and water tight and therefore suitable for storage purposes in association with the occupation of the dwellinghouse."*

The proposal also involves inserting window openings, as shown on the proposed plans, to ensure habitable rooms benefit from an appropriate level of daylight.

It is considered reasonable and necessary in the interests of residential amenity of future occupiers of the dwelling and occupants of neighbouring properties that a condition is imposed on any approval, restricting the use of the adjoining building for storage purposes in association with the occupation of the dwellinghouse.

Highway safety and parking provision:

The application site lies to the west of the A360, accessed via a gate onto a private driveway. The building is at least 50m from the edge of the highway.

In consideration of the proposals, the council's Highways Officer commented as follows:

"I have considered the proposal of a new dwelling on this plot. The dwelling will use an existing junction/access . Though the access is not standard I am happy that the vehicle movements associated with a single dwelling are not likely to lead to a significant detrimental effect on the users of the highway .

The plot should be provided with adequate EV provision, bin storage and cycle parking. As such I am minded to offer no highway objection subject to the following conditions:

The dwelling shall not be occupied until enough space for the parking/turning of TWO vehicles together (with at least 1 EV enabled space) cycle storage, bin storage and collection point thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety."

Given that the Highways Officer has raised no objection subject to the aforementioned condition, and with no reason to disagree with this assessment, the proposed development is considered acceptable in terms of highway safety and parking provision.

Biodiversity Net Gain (BNG):

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. In this instance, officers are satisfied that the proposed development is exempt from providing 10% BNG as the proposed development would be subject to the 'de minimis' exemption (development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, and 5 metres of linear habitats such as hedgerows).

Five Year Housing Land Supply:

The National Planning Policy Framework (NPPF) was revised in December 2024, reinstating the requirement for local planning authorities to maintain a minimum five-year supply of deliverable housing sites. This includes the application of a buffer to the five-year housing requirement in all circumstances and a revised methodology for calculating Local Housing Need. These changes have significantly increased the housing requirement compared to previous assessments.

When the updated requirement is measured against the deliverable housing land supply, the recalculated position reveals a marked shortfall. The Council can currently demonstrate only a 2.42-year supply of housing land at the unitary authority level, which constitutes a substantial deficit.

The absence of a five-year housing land supply is a material consideration in the determination of this application. In accordance with Paragraphs 78 and 11(d) of the NPPF, where there is a shortfall in deliverable housing sites, the most important policies for determining the application are considered out-of-date. This triggers the "tilted balance" in favour of sustainable development, subject to the constraints outlined in Paragraph 11(d)(ii) and Footnote 9.

PLANNING BALANCE & CONCLUSION

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

At the time of appraising this application, the Council can currently demonstrate only a 2.42-year supply of housing land at the unitary authority level. This represents a significant shortfall, and accordingly, the presumption in favour of sustainable development, as set out in paragraph 11(d)(ii) of the National Planning Policy Framework (NPPF), is engaged. This requires that permission be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

The proposal is in conflict with Core Policies 1 and 2 of the adopted Wiltshire Core Strategy, as the site lies outside the defined limits of development, and no relevant exception policies apply. However, the site is

located between the settlements of Potterne and Devizes, within an established cluster of dwellings, and is considered to be in a reasonably sustainable location. As such, the conflict with the development plan is afforded moderate weight.

The provision of a single dwelling would make a modest contribution toward addressing the significant housing land supply shortfall and is therefore given moderate weight in the planning balance. Moderate weight is also attributed to the associated economic benefit through future Council Tax revenue.

No adverse impacts have been identified in relation to visual amenity, residential amenity, or highway safety.

Having regard to the relevant policies of the Wiltshire Core Strategy and the NPPF, it is considered that the identified conflict with the development plan does not significantly and demonstrably outweigh the benefits of the proposal. In accordance with paragraph 11(d)(ii) of the NPPF, the application is therefore recommended for approval.