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APPEAL STATEMENT

SITE: THE STABLES, DOCTORS HILL, ASHLEY, BOX, SN13 8AT

APPEAL AGAINST REFUSAL OF: RETROSPECTIVE PERMISSION FOR CHANGE OF USE OF PART OF AN EXISTING BARN FOR RESIDENTIAL PURPOSES

LOCAL AUTHORITY: WILTSHIRE COUNCIL

PLANNING APPLICATION NUMBER: PL/2025/09732

APPELLANT: MS MARILYN HARFORD

Introduction

This appeal is against a refusal by Wiltshire Council of an application for 'retrospective permission for change of use of part of an existing barn for residential purposes' at The Stables, Doctors Hill, Ashley, Box, SN13 8AT.

The appeal is submitted pursuant to s.78 of the Town and Country Planning Act 1990 (As Amended), on behalf of the Appellant.

The appeal site comprises a barn and menage, with planning permission for the keeping of up to 8 horses, located on the south side of Doctors Hill on the outskirts of the village of Ashley.

The proposal seeks retrospective consent for the change of use of part of the existing barn (approximately 1/3), for residential purposes. The change of use does not increase the buildings footprint nor extend existing built form. The barn has not been externally altered to facilitate the use and as such, appears externally unchanged following the works.

The residential use is required in relation to animal husbandry, for ensuring the welfare of the horses on site. The development achieves one-bedroom, basic accommodation for the Appellant in order that they can reduce the multiple vehicular movements otherwise required in attending to the horses.

The Appellant considers it would be appropriate to amend the description, at the Inspector's discretion, to limit the use as 'temporary'. This is on the basis that the Appellant is now in their seventies and as such, does not intent to continue with the keeping of horses at the site indefinitely. Accordingly, it is considered that a temporary 3-year consent would be appropriate.

The appeal site is bound to the north by Doctors Hill road, to the west by residential garden land and to the south, and east by green field. The site is well screened by mature, dense planting and vegetation to the north and eastern boundaries along the highway, such that the site is extremely well screened from the public realm.

The site is located in the Green Belt (GB), the Cotswolds National Landscape (CNL) (Enclosed Limestone Valley designation) and open countryside, in policy terms. The location of the site in respect of its surroundings is identified below, along with the extent of the development sought.



Planning history

- *“Erection of American barn, creation of a menage, associated works and change of use of the land for the keeping of horses.”* Granted 2020 – 19/11042/FUL (**Appendix 1**).

The development was completed in 2021 following gaining consent.

The approval included the following conditions:

“There shall be no more than 8 horses kept at the site at any one time, including foals at foot.

REASON: To prevent overgrazing of the land to the detriment of the landscape quality of the AONB.

The development hereby permitted shall only be used for the private stabling and exercising of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

There shall be no external/outdoor storage of any kind at the site and there shall be no portable buildings or structures, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their

publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed. There shall be no lighting of the riding arena.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site."

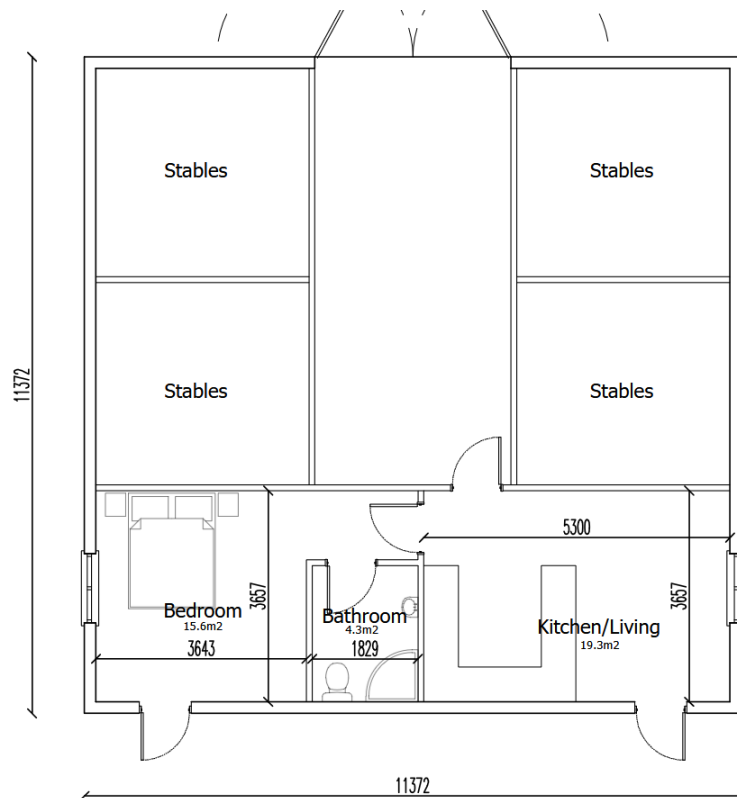
- PL/2025/09919 - Retention of existing 'summerhouse'. Refused 2026.

Proposal justification

The proposal is intended to provide the Appellant, who is aged 76, with accommodation in connection with the keeping of the horses at the site. The accommodation is comprised of a bedroom, bathroom and kitchen/sitting space, identified on the below images.



The accommodation is sufficient for the Appellant alone to have the necessary overnight facilities for as and when required and has been designed to enable the Appellant to have immediate access from the accommodation into the stabling area, as the appended floor plan demonstrates. **(Appendix 1)**, also shown below for ease of reference.



The Officer's Report to the application identifies the accommodation as 'ad hoc'. The Appellant resides with their daughter elsewhere when not utilising the accommodation on site.

Prior to the implementation of the accommodation on site, the Appellant has previously been unable to attend to the horses at times of emergency, with tragic consequences. In 2023, a mare lost her foal due to birthing complications as the Appellant was unable to be immediately on hand. Another incident also involved an unwell mare suffering from colic, an extremely serious illness in horses. Had the Appellant been able to reside on site to monitor the mare, the Appellant would have been on hand when her health deteriorated extremely rapidly overnight. By the time the Appellant was able to attend site, the mare was extremely unwell and required life saving surgery.

Enabling the Appellant to utilise this accommodation for as little or regularly as required, will ensure the safeguarding of the horses. Therefore, having the ability to be on-hand is important for the welfare of the horses and forms a material consideration in favour of this appeal.

Refusal reason

The Decision Notice was dated 23rd July 2025 and contained the following reasons for refusal:

- 1. The retrospective residential use of part of the barn, together with associated domestic paraphernalia including a summerhouse, outdoor seating, clothes airers, potted plants, delivery boxes, and private vehicles, constitutes inappropriate development within the Green Belt. The development has resulted in a material loss of openness and conflicts with the purposes of the Green Belt. Substantial weight is afforded to this harm. The proposal is therefore contrary to Chapter 13 of the National Planning Policy Framework (NPPF) and Core Policies 1 and 2 of the Wiltshire Core Strategy (WCS).*
- 2. The proposal is located in an open countryside location where new dwellings are only allowed based on established policy exemptions. The proposal does not involve a replacement dwelling and no substantive evidence has been provided to demonstrate that permanent residential accommodation is essential in connection with the employment needs of rural areas. The development is therefore contrary to paragraph 84 of the National Planning Policy Framework and saved Policy H4 of the North Wiltshire Local Plan and Core Policies 1, 2, 11 and 48 of the WCS, which only permit new dwellings in the open countryside where an essential functional need is demonstrated.*
- 3. The residential occupation of the barn and the proliferation of domestic paraphernalia has introduced visual clutter and incremental domestication into a previously rural site. The proposal fails to conserve or enhance the landscape character, scenic quality, and local distinctiveness of the Cotswolds National Landscape, contrary to Core Policies 51 and 57 of the WCS, the Wiltshire Design Guide SPD, and the Cotswolds National Landscape Management Plan, and is inconsistent with Chapter 15 of the NPPF.*
- 4. The site is remote from local services, public transport, and safe pedestrian or cycle routes. Occupation of the dwelling would be reliant on the private car, contrary to the aims of Core Policies 60 and 61 of the WCS and Section 9 of the NPPF, which*

seek to reduce reliance on private vehicles and encourage sustainable transport alternatives.

5. *The barn has been partially converted to residential use without the submission of floor plans or details of internal layout. As such, it is uncertain whether the accommodation provides adequate living conditions for occupants. The proposal is therefore contrary to Core Policy 57 of the WCS, which requires high-quality and functional design.*

The refusal reasons are considered and addressed in turn below.

Refusal reason one

The retrospective residential use of part of the barn, together with associated domestic paraphernalia including a summerhouse, outdoor seating, clothes airers, potted plants, delivery boxes, and private vehicles, constitutes inappropriate development within the Green Belt. The development has resulted in a material loss of openness and conflicts with the purposes of the Green Belt. Substantial weight is afforded to this harm. The proposal is therefore contrary to Chapter 13 of the National Planning Policy Framework (NPPF) and Core Policies 1 and 2 of the Wiltshire Core Strategy (WCS).

The LPA consider that the development constitutes inappropriate development in the Green Belt. The Officer's Report does not expand on the assessment of the proposal in respect of the exceptions to inappropriateness.

Paragraph 6.87 of the Local Plan sets out:

"Applications for development within the Green Belt will be determined in accordance with national planning policy."

The NPPF sets out at paragraph 154:

"Development in the Green Belt is inappropriate unless one of the following exceptions applies:

....

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

The proposal constitutes the alteration of a building and as such, should be considered against this criterion.

The proposal involves the subdivision of approximately 1/3 of the existing barn to provide accommodation for the Appellant as and when required. As such, the proposal does not involve an increase in built form or built development or extension to footprint to achieve the proposal.

As the criterion does not expand further, it follows that the proposal falls within this exception criterion and as such, does not constitute inappropriate development in the GB for policy purposes.

The refusal reason expands to allege: *“the development has resulted in a material loss of openness and conflicts with the purposes of the Green Belt.”*

In respect of openness, this is assessed in respect of both spatial and visual impact, as confirmed by relevant case law; ***R (Turner) v Secretary of State for Communities and Local Government [2016] EWCA Civ 466.***

The LPA confirm in the Officer’s Report that the site is screened from public viewpoints by existing hedges and trees. This is confirmed when the site is assessed from the public highway, where only glimpses of the site can be obtained.



Approach to site access from north-west



Limited views of site from east

In terms of spatial impact, the proposal does not involve any increase in built form. The LPA allege openness impact in the refusal reason as a result of the summerhouse, outdoor seating, clothes airers, potted plants, delivery boxes, and private vehicles. The domestic paraphernalia listed is movable and limited in scale, such that any weight attributed in respect of material impact to openness can only be *de minimis* or limited given there is not a creation of permanent massing. Further, given the existing consent in place, private vehicles can be present on site in connection with the established use with no conditional limitation and as such, should not form part of the LPA's openness assessment.

The LPA consider that the development has resulted in a conflict with the purposes of the GB. The purposes as set out in national policy are:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The proposal does not relate to a large built-up area, urban regeneration or a historic town, nor could the proposal result in neighbouring towns merging into one another. The proposal

would not result in encroachment into the countryside given the proposal does not involve the implementation of built form. Any harm identified in terms of encroachment in relation to domestic paraphernalia from the items identified by the LPA at the site can only be considered as *de minimis*, given it is constrained within existing lawful development of the building and menage and is not sprawled within the wider site.

Accordingly, it is not considered that the proposal has resulted in either a material loss of openness or an identifiable conflict with the purposes of including land in the GB. Any harm attributed in this regard is identified to be at the lowest end of the harm scale and does not amount to 'substantial', as alleged by the LPA.

The proposal constitutes appropriate development in the GB, with *de minimis* harm identified in respect of impact to openness or the five purposes.

Refusal reason two

The proposal is located in an open countryside location where new dwellings are only allowed based on established policy exemptions. The proposal does not involve a replacement dwelling and no substantive evidence has been provided to demonstrate that permanent residential accommodation is essential in connection with the employment needs of rural areas. The development is therefore contrary to paragraph 84 of the National Planning Policy Framework and saved Policy H4 of the North Wiltshire Local Plan and Core Policies 1, 2, 11 and 48 of the WCS, which only permit new dwellings in the open countryside where an essential functional need is demonstrated.

Whilst the proposal is located in 'open countryside' for the purposes of planning policy, functionally the site is located at the edge of the settlement of Ashley, adjacent to residential garden land and accessed opposite a row of village properties. As such, the site does not function as open countryside in practise.

Saved policy H4 of the Core Strategy sets out:

"New Dwellings in the Countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that:

i) It is in connection with the essential needs of agriculture or forestry or other rural based enterprise;

ii) It is a replacement for an existing dwelling where:

a. The residential use has not been abandoned; and

b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and

c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage."

It is acknowledged that there is conflict with policy H4 due to the proposal not relating to a business use, however policy H4 is overly restrictive as it relates to the restrictive policy controls of paragraph 84 of the NPPF, which deals with isolated homes in the countryside.

The appeal site cannot be deemed an isolated dwelling as the site is located on the edge of a village, with residential properties in relative close proximity to the site. In line with *Braintree*

District Council v Secretary of State for Communities and Local Government [2018] EWCA Civ 610, a dwelling is not “isolated” just because it is outside a settlement boundary. It is “isolated” only if it is physically separate from a settlement or group of buildings. The appeal site is located on the fringe of the small village of Ashley, which the previous local plan identified as a “scattered settlement”. The access to the site is located opposite the first dwelling on the inward approach to the village along Doctor’s Hill and the access is located within the village’s 30mph speed limit, with the national speed limit signs located beyond the site’s access along Doctor’s Hill. The site is bound to the west by residential garden land to a property known as Ashley Green. As such, it is evident that the site does not meet the *Braintree* case law test for isolation. Accordingly, paragraph 84 does not relate to the proposal in hand and consequently, neither does the over restriction of saved policy H4 of the LPA Core Strategy.

It is therefore considered that paragraph 12 of the NPPF applies, whereby; *“Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

Further, the most recent publication of the NPPF (December 2024), considers rural housing more positively, setting out at paragraph 82: *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs”*.

In this instance, the proposal reflects a direct and specific local need and as such conforms with the provisions of NPPF in this regard.

In any event, given the site’s location in the Green Belt, this forms the primary control in respect of principle, which is dealt with earlier in relation to refusal reason one.

It is considered that any harm identified in respect of the proposal’s countryside location and conflict with local plan saved policy H4 is reduced as a result of the proposal responding to an identified local need, in line with national planning policy.

Refusal reason three

The residential occupation of the barn and the proliferation of domestic paraphernalia has introduced visual clutter and incremental domestication into a previously rural site. The proposal fails to conserve or enhance the landscape character, scenic quality, and local distinctiveness of the Cotswolds National Landscape, contrary to Core Policies 51 and 57 of the WCS, the Wiltshire Design Guide SPD, and the Cotswolds National Landscape Management Plan, and is inconsistent with Chapter 15 of the NPPF.

The LPA overstate the degree of domestication and visual impact. The assertion that the residential use has introduced “visual clutter” and “incremental domestication” is not supported by a proportionate assessment of the site’s actual visibility. The site, as set out earlier in this Appeal Statement, is not sufficiently visible from the public realm. As such, the domestic paraphrenia referred to cannot be visually identified and as such, cannot be considered to demonstrate visual prominence.

The paraphernalia referred to is limited and locationally condensed, such that it is not spread within the site, as identified on the below aerial image. The summerhouse, potted plants and outdoor furniture are located immediately outside of the barn, between the barn and the menage. As such, the items referred to are located between existing built form and therefore do not extend into the countryside.



The limited scale of the paraphernalia at the site, together with the lack of public visibility and the location of the items within immediate proximity of existing built form, prevents both an incursion into the countryside and also a change in character of the landscape. Accordingly, any harm identifiable in this regard is considered to be *de minimis*.

Refusal reason four

The site is remote from local services, public transport, and safe pedestrian or cycle routes. Occupation of the dwelling would be reliant on the private car, contrary to the aims of Core Policies 60 and 61 of the WCS and Section 9 of the NPPF, which seek to reduce reliance on private vehicles and encourage sustainable transport alternatives.

The proposal is to serve and support an established use of the site (the keeping of horses). As such, in this particular instance, whilst the Appellant will be utilising a private vehicle to access the site, the proposal will in fact result in a cumulative vehicle movement reduction, on account of the Appellant not travelling to and from their principal accommodation to tend to the horses several times a day. The utilising of this secondary accommodation will enable the Appellant to be on site when needed, for example to tend to an unwell horse or during foaling.

Therefore, in this instance, the provision of the accommodation proposed will accord with the sustainability criteria of paragraph 8 of the NPPF and demonstrates a material consideration in favour of this appeal.

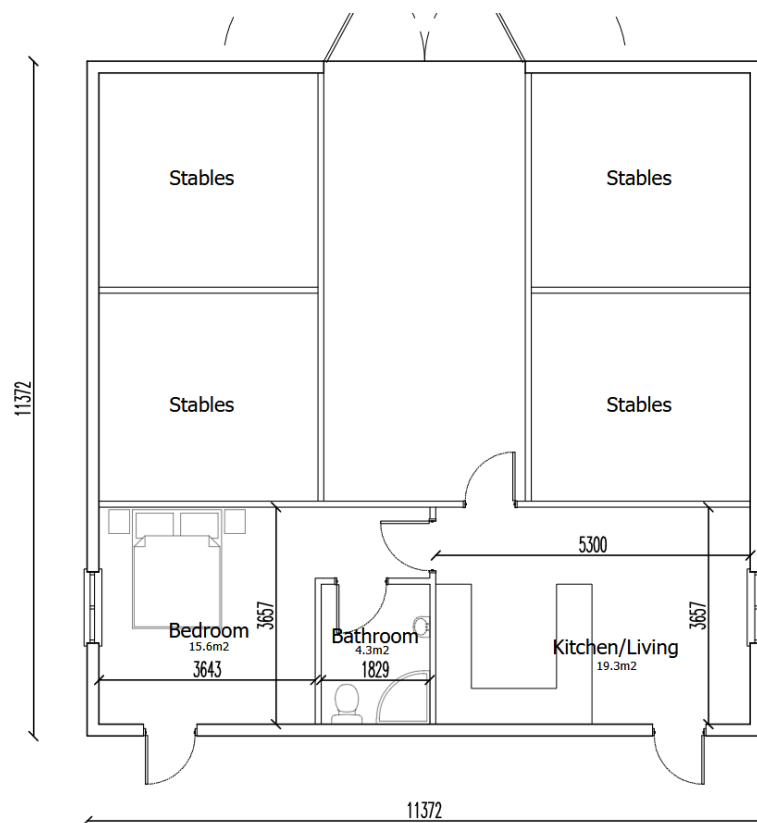
In any event, it is advanced that the appeal site is not remote from local services, public transport and pedestrian/cycle routes. There is a footpath located directly opposite the appeal site entrance which leads into the village, where two bus stops can be accessed on Bath Road, just a few minutes' walk from the appeal site, providing access to services and facilities at nearby Corsham and Box.

The LPA have applied a standardised sustainability refusal reason that is not relevant to the proposal in hand. Accordingly, no harm is identified in respect of this refusal reason, which is not considered applicable to this application.

Refusal reason five

The barn has been partially converted to residential use without the submission of floor plans or details of internal layout. As such, it is uncertain whether the accommodation provides adequate living conditions for occupants. The proposal is therefore contrary to Core Policy 57 of the WCS, which requires high-quality and functional design.

A floor plan accompanies this Appeal Statement, for the attention of the Inspector and LPA. **(Appendix 1)**, shown below for ease of reference.



As illustrated, the floor plan demonstrates that suitable accommodation for a single individual is achieved. It is reinforced as set out at the introduction and proposal justification, that the accommodation is not required on a full-time, permanent basis. The Appellant resides with their daughter elsewhere when not at the site and being aged 76, the Appellant does not intend to utilise the accommodation on a long-term basis. Accordingly, an amendment to the description to enable the accommodation to be utilised on a temporary 3-year basis is considered appropriate. This could then be secured by way of condition.

Material considerations in favour of the appeal

The following additional material considerations are advanced in favour of the appeal, assisting in outweighing any harm that may be attributed to the scheme.

Animal welfare

As set out at the proposal justification, the residential use is required in order to ensure the welfare of the horses kept on site.

Cumulative reduction in vehicular movements

The proposal will achieve a reduction in cumulative vehicular movements as a result of the netting off of trips to and from the site to tend to the horses.

Lack of a five-year housing land supply

As identified in the Officer's Report, the LPA has a 5YHLS of just 2.42 years. This demonstrates a systemic failure of policy and a persistent under-delivery that will have inevitably resulted in a backlog of supply.

National Planning Policy Framework

Relevant sections of the NPPF that relate to the appeal in hand are set out below, with HEAL commentary shown in **bold**.

- Paragraph 8 which set out the three dimensions to sustainable development and states:

‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

In the shorter term, the proposal would create employment for local builders and trades people, thus in turn contributing to the local economy. In the longer term, the Appellant will contribute to the local economy through accessing local services and facilities. As such, there are both short term and long-term economic benefits of the proposal.

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

The proposal supports a strong, vibrant and healthy community by meeting a specific local housing.

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*

Given the nature of the proposal, there would be no environmental negative impacts as a result of the scheme. The proposal will achieve a cumulative reduction in vehicular movements and as such, provides an environmental/sustainable benefit in this regard.

Accordingly, the proposal conforms with the sustainable development criterion of paragraph 8.

- Paragraph 11 which states:

Plans and decisions should apply a presumption in favour of sustainable development.

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The proposal is assessed with regard to paragraph 11 in the conclusion of this Appeal Statement.

- Paragraph 39 relates to decision-making of Local Planning Authorities and all other levels. It states that decision-takers at every level should seek to approve applications for sustainable development where possible.

The proposal has demonstrated conformity with the sustainability criteria of paragraph 8 of the NPPF and as such, would constitute sustainable development, for the purposes of paragraph 39.

- Paragraphs 48 and 49 set out how weight should be attributed to Development Plan policies.
- Section 11 considers making effective use of land.

The proposal demonstrates effective use of land, utilising the sub-division of an existing lawful building for the proposal, with no increase in footprint or built form as a result.

- Paragraph 82 considers rural housing, setting out: *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.”*

The proposal responds to a specific local need and circumstance of the Appellant, in a rural area.

Local Planning Policy Context

The proposal was refused on Core Policies 1, 2, 11, 48, 51, 57, 60 and 61 of the Wiltshire Core Strategy and saved policy H4 of the North Wiltshire Local Plan.

In line with paragraph 11 of the NPPF, the most important policies for determining the appeal need to be identified. It is clear from the judgement *Wavendon Properties Ltd v SoSoHCLG & Milton Keynes Council [2019] EWHC 1424 (Admin)*, that the collection of most important policies should be considered in the round.

Given that the LPA do not have a green belt policy and seek to rely on the provision of the NPPF, this forms an instance where material considerations warrant a departure from the development plan and for the proposal to be assessed against national policy. Accordingly, there is no identifiable ‘most important’ local plan policy in this instance.

Core Policy 1

Settlement Strategy

The Settlement Strategy identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire.

The area strategies in Chapter 5 list the specific settlements which fall within each category.

Principal Settlements

Wiltshire’s Principal Settlements are strategically important centres and the primary focus for development. This will safeguard and enhance their strategic roles as employment and service centres.

They will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure, meeting their economic potential in the most sustainable way to support better self containment.

The Principal Settlements are: Chippenham, Trowbridge and Salisbury.

Market Towns

Outside the Principal Settlements, Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities.

Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

The Market Towns are: Amesbury, Bradford on Avon, Calne, Corsham, Devizes, Malmesbury, Marlborough, Melksham, Tidworth and Ludgershall, Warminster, Westbury, and Royal Wootton Bassett.

Local Service Centres

Local Service Centres are defined as smaller towns and larger villages which serve a surrounding rural hinterland and possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside the Market Towns for greater self containment.

Local Service Centres will provide for modest levels of development in order to safeguard their role and to deliver affordable housing.

The Local Service Centres are: Pewsey, Market Lavington, Cricklade, Tisbury, Mere, Downton and Wilton.

Large and Small Villages

Large Villages are defined as settlements with a limited range of employment, services and facilities. Small Villages have a low level of services and facilities, and few employment opportunities.

Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

The Large and Small Villages are: see area strategies, Chapter 5.

It is recognised that there is some conflict with this spatial housing policy, however this is not the principal control for assessing the proposal against. Green belt policy forms the most important policy for the assessment of the proposal against in this instance and as such, conflict with core strategy policy 1 is not of direct relevance.

Core Policy 2

Delivery Strategy

In line with Core Policy 1, the delivery strategy seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178ha of new employment land and at least 42,000 homes distributed as follows:

	Minimum housing requirement (dwellings)
East Wiltshire HMA	5,940
North and West Wiltshire HMA	24,740
South Wiltshire HMA	10,420
West of Swindon ²⁶	900
Wiltshire	42,000

This will be delivered in a sustainable pattern in a way that prioritises the release of employment land and the re-use of previously developed land to deliver regeneration opportunities, and to limit the need for development on Greenfield sites, with approximately 35% of development taking place on previously developed land.

The 42,000 homes will be developed in sustainable locations in conformity with the distribution set out above, against which the land supply situation will be assessed. A more detailed distribution is set out in the Community Area Strategies. Development proposals should also be in general conformity with these.

Sites for development in line with the Area Strategies will be identified through subsequent Site Allocations DPDs and by supporting communities to identify sites through neighbourhood planning.

Within the defined limits of development

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.

Outside the defined limits of development

Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

Strategically important sites

Development will be supported at the following sites in accordance with the Area Strategies and requirements in the development templates at Appendix A.

Central Car Park, Salisbury

Up to 40,000 sqm retail and leisure floor space and 200 dwellings

Churchfields & Engine Sheds, Salisbury

5 ha of retained employment land and 1,100 dwellings

Drummond Park, Ludgershall

475 dwellings

Former Imerys Quarry, Salisbury

4 ha of employment land

Fugglestone Red, Salisbury

8 ha of employment land and 1,250 dwellings

Hampton Park, Salisbury

500 dwellings

Horton Road, Devizes

8.4 ha of employment land

Kings Gate, Amesbury

1,300 dwellings

Kingston Farm and Moulton Estate, Bradford on Avon

2-3 ha of employment land and 150 dwellings

Longhedge (Old Sarum), Salisbury

8 ha of employment land and 450 dwellings

Mill Lane, Hawkeridge, Westbury

14.7 ha of employment land

Salisbury Road, Marlborough

220 dwellings

Ashton Park, South East Trowbridge

15 ha of employment land and 2,600 dwellings

Station Road, Westbury

250 dwellings

UKLF, Wilton

3 ha of employment land and 450 dwellings

West of Warminster

6 ha of employment land and 900 dwellings

Masterplans will be developed for each strategically important site in partnership between the local community, local planning authority and the developer, to be approved by the council as part of the planning application process. At mixed use sites development will be phased to ensure employment land, and its appropriate infrastructure, is brought forward during the early stages of development.

There is no direct conflict with policy 2 as the policy identified that for development outside of settlement limits, this may be governed by other relevant policy – in this instance, green belt.

Core Policy 11

Spatial Strategy: Corsham Community Area

Development in the Corsham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Market Towns: Corsham

Large Villages: Box, Colerne and Rudloe

Small Villages: Gastard, Lacock, Neston and Westwells

Over the plan period (2006 to 2026), 6 ha of new employment land (in addition to that delivered or committed at April 2011) will be provided, including:

The following Principal Employment Areas will be supported in accordance with Core Policy 35: Leaffield Industrial Estate and Fiveways Trading Estate.

Over the plan period (2006 to 2026), approximately 1,395 homes will be provided, of which about 1,220 should occur at Corsham. Approximately 175 homes will be provided in the rest of the Community Area. Growth in the Corsham Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Development proposals in the Corsham Community Area will need to demonstrate how the relevant issues and considerations listed in paragraph 5.62 will be addressed.

The proposal does not include for the appeal site location or the village of Ashley. As such, this is not identified as a relevant policy to assess the proposal against and consequently, no harm is identified.

Core Policy 48

Supporting rural life

Dwellings required to meet the employment needs of rural areas

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.

Improving access to services and improving infrastructure

Proposals which will focus on improving accessibility between towns and villages, helping to reduce social exclusion, isolation and rural deprivation, such as transport and infrastructure improvements, will be supported where the development will not be to the detriment of the local environment or local residents.

Conversion and re-use of rural buildings

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. 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.

Community ownership

Community ownership and/or management of local shops, pubs and other services will be supported where appropriate to retain a local facility through the following measures:

- vi. Development proposals for the adaptation of a building, such as sub-division or change of use, will be supported where these are necessary to allow a viable continued use.
- vii. Appropriately scaled enabling development will be considered, where this is environmentally acceptable and justified through a supporting viability study, and where it can help maintain and enhance the community uses provided.
- viii. The facility may be protected from loss of its current use until such time as the community has had a realistic opportunity to take control of the asset.

New shops

New shops in villages will be supported where they are small in scale and would not threaten the viability of nearby centres. Farm shops will be supported where they utilise existing buildings, are small in scale and cause no unacceptable impact on nearby village shops or the character of the area.

Whilst the proposal does not fall within the requirements of the policy, it is considered that it does not demonstrate the most important locational policy in this instance, which is instead green belt.

Core Policy 51

Landscape

Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies.
- ii. The locally distinctive character of settlements and their landscape settings.
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.
- iv. Visually sensitive skylines, soils, geological and topographical features.
- v. Landscape features of cultural, historic and heritage value.
- vi. Important views and visual amenity.
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.
- viii. Landscape functions including places to live, work, relax and recreate.
- ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the

objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting.

Given the nature of the proposal, being for the sub-division of an existing building, without alterations to design or extension, the proposal ensures that the landscape character is preserved. The domestic paraphernalia identified as harmful by the LPA is limited, movable and located between existing built form such that any harm is *de minimis*. Accordingly, it is not considered that the proposal results in direct conflict with this policy.

Core Policy 57

Ensuring high quality design and place shaping

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. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

- i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced
- ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development
- iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting
- iv. being sympathetic to and conserving historic buildings and historic landscapes
- v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
- vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area
- vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)
- viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site

- ix. ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network)
- x. the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials
- xi. taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future
- xii. the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm
- xiii. the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place
- xiv. meeting the requirements of Core Policy 61 (Transport and New Development).

Given the nature of the proposal, being for the sub-division of an existing building, without alterations to design or extension, the proposal ensures that the design of the barn as approved is preserved and retained. Accordingly, it is not considered that the proposal conflicts with this policy.

Core Policy 60

Sustainable transport

The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.

This will be achieved by:

- i. planning developments in accessible locations
- ii. promoting sustainable transport alternatives to the use of the private car
- iii. maintaining and selectively improving the local transport network in accordance with its functional importance and in partnership with other transport planning bodies, service providers and the business community
- iv. promoting appropriate demand management measures
- v. influencing the routing of freight within and through the county
- vi. assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment.

The appeal site is not remote from local services, public transport and pedestrian/cycle routes. There is a footpath located directly opposite the appeal site entrance with leads into the village, where two bus stops can be accessed on Bath Road, just a few minutes' walk from the appeal site, providing access to services and facilities at nearby Corsham and Box. Accordingly, the proposal is sustainably located to access public transport and utilise sustainable travel. As such, there is no conflict with this policy.

Saved policy H4 of the North Wiltshire Local Plan text:

“New Dwellings in the Countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that:

i) It is in connection with the essential needs of agriculture or forestry or other rural based enterprise;

ii) It is a replacement for an existing dwelling where:

a. The residential use has not been abandoned; and

b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and

c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.”

It is acknowledged that there is conflict with policy H4 due to the proposal not relating to a business use, however policy H4 is overly restrictive as it relates to the restrictive policy controls of paragraph 84 of the NPPF, which deals with isolated homes in the countryside.

The appeal site cannot be deemed an isolated dwelling as the site is located on the edge of a village, with residential properties in relative close proximity to the site. In line with ***Braintree District Council v Secretary of State for Communities and Local Government [2018] EWCA Civ 610***, a dwelling is not “isolated” just because it is outside a settlement boundary. It is “isolated” only if it is physically separate from a settlement or group of buildings. The appeal site is located on the fringe of the small village of Ashley, which the previous local plan identified as a “scattered settlement”. The access to the site is located opposite the first dwelling on the inward approach to the village along Doctor’s Hill and the access is located within the village’s 30mph speed limit, with the national speed limit signs located beyond the site’s access along Doctor’s Hill. The site is bound to the west by residential garden land to a property known as Ashley Green. As such, it is evident that the site does not meet the *Braintree* case law test for isolation. Accordingly, paragraph 84 does not relate to the proposal in hand and consequently, neither does the over restriction of saved policy H4 of the LPA Core Strategy.

It is therefore considered that paragraph 12 of the NPPF applies, whereby; *“Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

Further, the most recent publication of the NPPF (December 2024), considers rural housing more positively, setting out at paragraph 82: *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs”*.

In this instance, the proposal reflects a direct and specific local need and as such conforms with the provisions of NPPF in this regard.

In any event, given the site's location in the Green Belt, this forms the primary control in respect of principle, which is dealt with earlier in relation to refusal reason one.

It is considered that any harm identified in respect of the proposal's countryside location and conflict with local plan saved policy H4 is reduced as a result of the proposal responding to an identified local need, in line with national planning policy.

Conclusion

This appeal is against a refusal by Wiltshire Council of an application for ‘retrospective permission for change of use of part of an existing barn for residential purposes’ at The Stables, Doctors Hill, Ashley, Box, SN13 8AT.

The appeal site comprises a barn and menage, with planning permission for the keeping of up to 8 horses, located on the south side of Doctors Hill on the outskirts of the village of Ashley.

The proposal seeks the retrospective consent for the change of use of part of the existing barn (approximately 1/3), for residential purposes. The change of use does not increase the buildings footprint nor extend existing built form. The barn has not been externally altered to facilitate the use and as such, appears externally unchanged following the works.

The residential use is required in relation to animal husbandry, for ensuring the welfare of the horses on site. The development achieves one-bedroom, basic accommodation for the Appellant in order that they can reduce the multiple vehicular movements otherwise required in attending to the horses.

The Appellant considers it would be appropriate to amend the description, at the Inspector’s discretion, to limit the use as ‘temporary’. This is on the basis that the Appellant is now in their seventies and as such, does not intent to continue with the keeping of horses at the site indefinitely. Accordingly, it is considered that a temporary 3-year consent would be appropriate.

The site is located in the Green Belt (GB), the Cotswolds National Landscape (CNL) and open countryside, in policy terms.

Refusal reasons:

Refusal reason one – Green Belt

The proposal constitutes appropriate development in the GB, with *de minimis* harm identified in respect of impact to openness or the five purposes.

Refusal reason two - Countryside

It is acknowledged that there is conflict with policy H4 due to the proposal not relating to a business use, however policy H4 is overly restrictive as it relates to the restrictive policy controls of paragraph 84 of the NPPF, which deals with isolated homes in the countryside.

It is therefore considered that paragraph 12 of the NPPF applies, whereby; *“Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

It is considered that any harm identified in respect of the proposal’s countryside location and conflict with local plan saved policy H4 is reduced as a result of the proposal responding to an identified local need, in line with national planning policy.

Refusal reason three – Domestic paraphernalia

The LPA overstate the degree of domestication and visual impact. The assertion that the residential use has introduced “visual clutter” and “incremental domestication” is not supported by a proportionate assessment of the site’s actual visibility. The site, as set out earlier in this Appeal Statement, is not sufficiently visible from the public realm. As such, the domestic paraphrenia referred to cannot be visually identified and as such, cannot be considered to demonstrate visual prominence.

The paraphernalia referred to is limited and locationally condensed, such that it is not spread within the site, as identified on the below aerial image. The summerhouse, potted plants and outdoor furniture are located immediately outside of the barn, between the barn and the menage. As such, the items referred to are located between existing built form and therefore do not extend into the countryside.

Refusal reason four – Sustainability

The proposal is to serve and support an established use of the site (the keeping of horses). As such, in this particular instance, whilst the Appellant will be utilising a private vehicle to access the site, the proposal will in fact result in a cumulative vehicle movement reduction, on account of the Appellant not travelling to and from their principal accommodation to tend to the horses several times a day. The utilising of this secondary accommodation will enable the Appellant to be on site when needed, for example to tend to an unwell horse or during foaling.

Therefore, in this instance, the provision of the accommodation proposed will accord with the sustainability criteria of paragraph 8 of the NPPF and demonstrates a material consideration in favour of this appeal.

In any event, it is advanced that the appeal site is not remote from local services, public transport and pedestrian/cycle routes. There is a footpath located directly opposite the appeal site entrance which leads into the village, where two bus stops can be accessed on Bath Road, just a few minutes' walk from the appeal site, providing access to services and facilities at nearby Corsham and Box.

The LPA have applied a standardised sustainability refusal reason that is not relevant to the proposal in hand. Accordingly, no harm is identified in respect of this refusal reason, which is not considered applicable to this application.

Refusal reason five – Floor plan

The appeal is accompanied by a floor plan submission, as requested by the LPA. This identified that the proposal achieves suitable accommodation in respect of occupier amenity.

Material considerations in favour of the appeal:

Animal welfare

As set out at the proposal justification, the residential use is required in order to ensure the welfare of the horses kept on site.

Cumulative reduction in vehicular movements

The proposal will achieve a reduction in cumulative vehicular movements as a result of the netting off of trips to and from the site to tend to the horses.

The proposal was refused on Core Policies 1, 2, 11, 48, 51, 57, 60 and 61 of the Wiltshire Core Strategy and saved policy H4 of the North Wiltshire Local Plan.

Lack of a five-year housing land supply

As identified in the Officer's Report, the LPA has a 5YHLS of just 2.42 years. This demonstrates a systemic failure of policy and a persistent under-delivery that will have inevitably resulted in a backlog of supply.

Local policy:

The proposal was refused on Core Policies 1, 2, 11, 48, 51, 57, 60 and 61 of the Wiltshire Core Strategy and saved policy H4 of the North Wiltshire Local Plan.

Given that the LPA do not have a green belt policy and seek to rely on the provision of the NPPF, this forms an instance where material considerations warrant a departure from the development plan and for the proposal to be assessed against national policy. Accordingly, there is no identifiable 'most important' local plan policy in this instance.

Planning balance:

The proposal complies with national green belt policy, being identified as appropriate development in the Green Belt. Accordingly, the presumption in favour of sustainable development is engaged and planning permission should be granted, either in line with paragraph 11 of the NPPF or the standard s.38(6) planning balance.

Recommendation

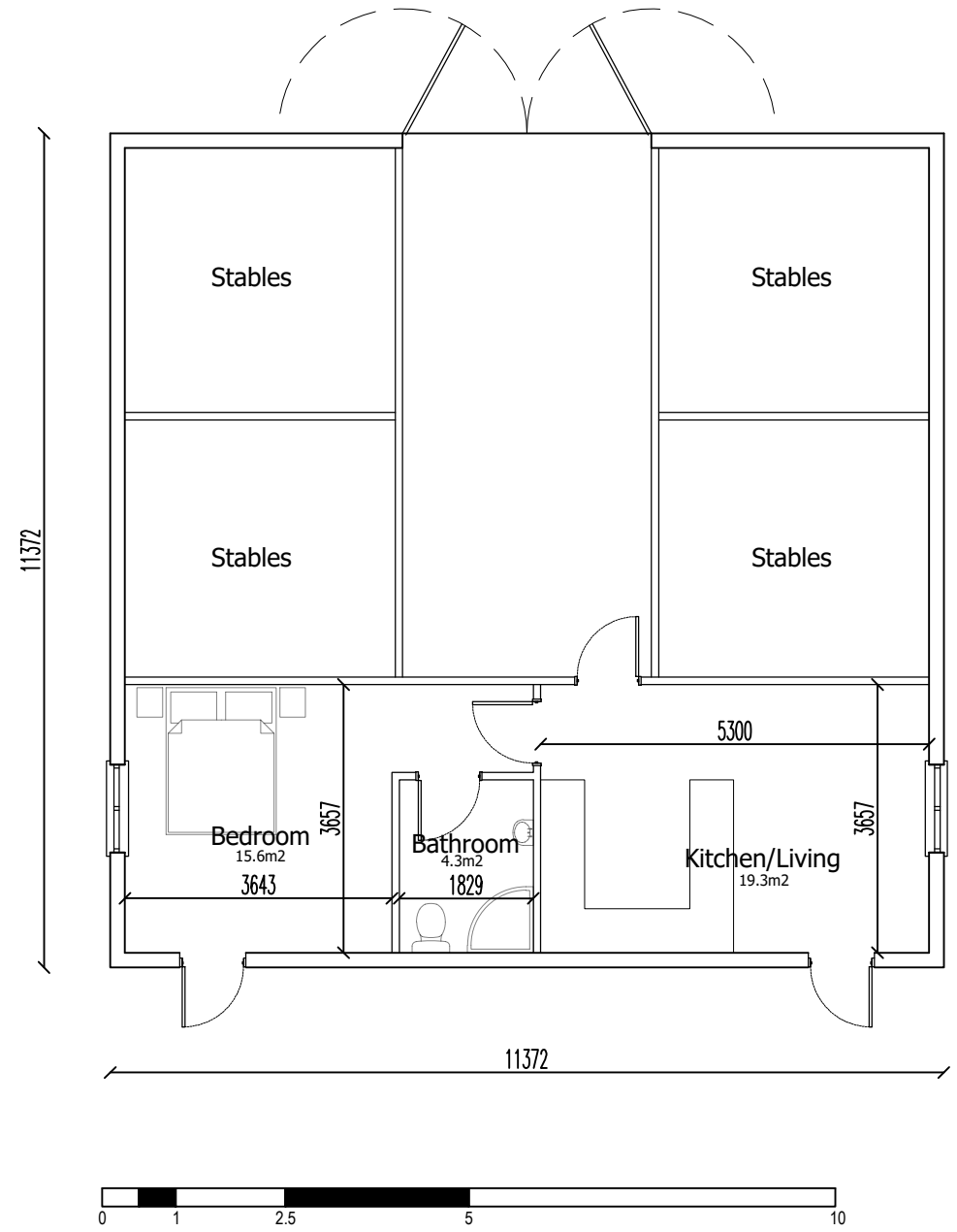
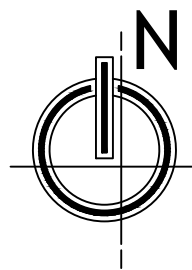
The Inspector is respectfully requested to allow this appeal.

Appendix

1. Floor plan of accommodation.

May 2026

HEAL Planning, 11 St. Mary's Place, Shrewsbury, SY1 1DZ



Revn.	Description.	Date.
HEAL PLANNING APPEALS Hooper Enterprise Associates Ltd St. Mary's Place, Shrewsbury, Shropshire. SY1 1DZ.		
Project: The Stables, Doctors Hill, Ashley, Box, SN13 8AT		
Title: Floor Plan		
Date: April 2026		Drawing No: HP-TS-01
Scale: 1:100		
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