

Heal Planning and Developments

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HEAL
PLANNING & DEVELOPMENTS

FINAL COMMENTS

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

These Final Comments are prepared in response to the LPA's Statement of Case in respect of the above referenced appeal.

The Council's Statement accepts that no extension has been constructed and that the proposal utilises an existing building. The principal issues therefore concern the planning consequences of the change of use rather than any increase in built development.

The Appellant respectfully submits that the Council has overstated the planning harm arising from the proposal whilst giving insufficient weight to the operational need for overnight accommodation, the welfare of the horses, the absence of any increase in built form and the very limited visual effects of the development.

Green Belt

The Council continues to characterise the proposal as causing substantial harm to the Green Belt.

However, the proposal has not resulted in:

- any increase in the building footprint;
- any increase in building height;
- any enlargement of the barn;
- any additional permanent built mass; or
- external alterations which change the appearance of the approved building.

The physical openness of the Green Belt therefore remains effectively unchanged.

The Council instead relies heavily upon movable domestic items such as outdoor furniture, potted plants, clothes drying equipment and parked vehicles. These items do not constitute permanent built development and are capable of being removed at any time. They cannot reasonably be equated with permanent loss of openness.

Furthermore, many of the items identified are typical incidental features associated with the lawful equestrian use already authorised on the site. Private vehicles are already required in connection with that lawful use and their presence cannot properly be regarded as evidence of substantial Green Belt harm.

The Council has also failed to demonstrate how the proposal conflicts with the five purposes of the Green Belt. The appeal site is not associated with urban sprawl, settlement coalescence or harm to the setting of a historic town. The proposal occupies an existing building and does not extend development into open countryside.

Even if the Inspector concludes that limited harm exists through the residential use, the Appellant respectfully submits that the degree of harm is considerably less than suggested by the Council.

Landscape Character and Domestication

The Council repeatedly refers to "domestication" of the site.

However, its Statement contains little objective assessment of the actual visibility of the site from public viewpoints.

The appeal statement demonstrated that the site is heavily screened by mature vegetation and that only limited views are available from Doctors Hill. The Council has not produced

landscape evidence demonstrating that the alleged domestic features materially affect the wider Cotswolds National Landscape.

The domestic items referred to are concentrated immediately adjacent to the barn rather than dispersed across the wider holding. They are visually contained within an existing developed area associated with the approved equestrian use.

Accordingly, the Council has not demonstrated that the proposal causes material harm to the character or scenic beauty of the landscape.

Functional Need and Animal Welfare

The Council places considerable emphasis on the absence of an essential rural worker's dwelling.

However, this appeal is not advanced as a conventional agricultural worker's dwelling.

Instead, the accommodation serves a specific operational need associated with the welfare of horses lawfully kept on the site.

The Appellant is 76 years old and has experienced serious incidents requiring immediate attendance, including the loss of a foal during foaling complications and another mare requiring emergency surgery following severe colic.

These incidents demonstrate that immediate overnight supervision can be critical to animal welfare.

The Council's Statement gives little or no weight to these circumstances despite their relevance to the planning balance.

The accommodation is modest in scale, occupies only part of the existing barn and is intended solely to enable the Appellant to respond quickly to emergencies and periods requiring overnight supervision.

Sustainability

The Council's Statement continues to describe the site as unsustainable because future occupants would rely upon the private car. This analysis fails to consider the specific circumstances of the proposal.

The residential accommodation serves an existing lawful equestrian use. Without accommodation on site, the Appellant is required to undertake multiple return journeys each day to care for the horses. The proposal therefore reduces overall vehicle movements rather than creating additional travel demand. The Council has not addressed this reduction in cumulative vehicle movements.

Nor has it adequately considered the proximity of the public footpath and nearby bus services identified within the appeal statement. The proposal should therefore be assessed in its actual operational context rather than as if it were an unrelated market dwelling.

Living Conditions

The Council's fifth reason for refusal concerned the absence of floor plans. Floor plans have now been submitted as part of the appeal documentation. The accommodation clearly demonstrates a simple one-bedroom layout capable of providing suitable living conditions for a single occupier. Accordingly, this reason for refusal no longer carries significant weight.

Temporary Permission

The Appellant has offered, if considered necessary by the Inspector, to accept a temporary planning permission limited to three years. It is noted that this is listed in the condition list proposed by the LPA, should the Inspector consider this proposal.

This reflects the Appellant's personal circumstances and the fact that the accommodation is not intended as a permanent unrestricted dwelling.

The Council's Statement gives little consideration to whether a temporary permission or personal planning condition could satisfactorily address any remaining concerns.

The Appellant respectfully submits that such an approach would represent a proportionate and reasonable planning solution.

Planning Balance

The proposal delivers the following material benefits:

- no increase in built footprint or built volume;
- no significant alteration to the external appearance of the barn;

- limited visual effects due to extensive screening;
- continued support for an existing lawful equestrian use;
- improved animal welfare through immediate attendance during emergencies;
- reduced overall vehicle movements associated with horse care;
- modest accommodation occupying only part of an existing building;
- willingness to accept a temporary planning permission should the Inspector consider this appropriate.

Against these benefits, the Council identifies harm primarily arising from the residential use itself and the presence of removable domestic items.

The Appellant submits that the Council has significantly overstated that harm and has not demonstrated that it outweighs the clear material considerations supporting the proposal.

LPA condition list

The Council have submitted a list of conditions, should the Inspector be minded to allow the appeal. These conditions are considered proportionate and reasonable, in interest of cooperation.

Conclusion

Should the Inspector consider additional planning control necessary, the Appellant respectfully requests consideration of a temporary permission and/or appropriate planning conditions restricting the occupation of the accommodation, which would adequately address any residual planning concerns whilst allowing the important welfare needs associated with the lawful keeping of horses to continue to be met by the Appellant, whilst she is physically still able.

Closing comments

The Appellant's previous submissions continue to be relied upon and maintained. It is considered that the LPA's submissions do not materially advance the LPA's case beyond matters already addressed in the Appeal Statement.

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