

Appeal Statement of Case

Town and Country Planning Act 1990

Project:	Demolition of an existing agricultural barn (which has prior approval for conversion to two dwellings under Class Q permitted development) and the erection of two detached self-build dwellings
Client/Appellant:	Mr Jason Strickland
Site Address:	Barn at Lifely Farm, West Ashton, Trowbridge, BA14 6AU
Issue and Revision Record:	Version 1 (17/09/2026)
Local Authority:	Wiltshire Council
MDP Reference:	JS03A

Contents

1. Introduction
2. Policy Context
3. Ground of Appeal
4. Conclusion

MDP are instructed by Mr Jason Strickland. It has worked on matters associated with the Appeal Site since 2025 and has most recently been instructed to assist in the preparation and submission of this appeal following the refusal of a planning application in respect of development at the Appeal Site.

MDP is familiar with the nature and character of the Appeal site and the background to the development and was instructed to submit this Statement of Case for the current appeal, which is proceeding via the written representations procedure. The evidence given is true, given in good faith and represents professional opinions as to the merits of the development the subject of this appeal.



1. Introduction

- 1.1 This appeal is made on behalf of Mr Jason Strickland in relation to development at Barn at Lively Farm, West Ashton, Trowbridge, BA14 6AU.
- 1.2 The planning application was submitted on 1 April 2024. It was given reference PL/2026/02193 and sought permission for the demolition of an existing agricultural barn (which has prior approval for conversion to two dwellings under Class Q permitted development) and the erection of two detached self-build dwellings.
- 1.3 The proposal was refused on 23 July 2026 for the following reason:
1. The proposed development would result in dwellings of incongruous and unsympathetic domestic design, scale and massing that would not reflect the rural and agricultural character of the site and its surroundings. This would result in harm to the character of the local area as well as the wider landscape character. This would be contrary to CP51 and CP57 of the Wiltshire Core Strategy and section 12 of the NPPF. The identified harm has not been outweighed by any benefits of the scheme, especially given the fallback Class Q position would yield the same benefits without resulting in harm to the local and landscape character.
- 1.4 This Statement addresses this reasons for refusal. It concludes that the appeal proposal would be acceptable in planning terms and accords with the Council's Development Plan. The scheme would not cause unacceptable harm to the character of the area.
- 1.5 Consequently, the scheme accords with the provisions of the National Planning Policy Framework 2026 (henceforth referred to as 'the Framework') and is sustainable development for which it advocates a presumption in favour.

2. Policy Context

- 2.1 To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the plan unless there are material considerations that indicate otherwise as directed by Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 2.2 For the purposes of this appeal, the relevant part of the Council's development plan is the 2015 Wiltshire Core Strategy (including policies saved from former District Council Local Plans as shown at Appendix D to the Core Strategy) (CS).



- 2.3 Other material planning policy considerations include the National Planning Policy Framework 2026 (the Framework) and Planning Practice Guidance (PPG).
- 2.4 The policies referred to in the Council's decision notice, together with relevant national guidance and law, are summarised below.

Wiltshire Core Strategy

- 2.5 **Core Policy 51: Landscape** – This policy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. Amongst other things, this policy seeks to conserve landscape features of historic and heritage value and ensure developments do not harm important views and visual amenity. It also gives great weight to the conservation and enhancement of the landscape and scenic beauty within the AONB (now known as a National Landscape).
- 2.6 **Core Policy 57: Ensuring High Quality Design and Place Shaping** – Amongst other things, this policy seeks to ensure that proposals are sympathetic to historic buildings and that they have regard to the amenities of existing occupants and the compatibility with adjoining buildings and uses.

National Planning Policy Framework

Determining Development Proposals

- 2.7 **Policy DM3: Determining Development Proposals** - When considering development proposals, local planning authorities should, amongst other things, not refuse applications for development which should clearly be approved, having regard to their accordance with the development plan, the policies in this Framework and any other material considerations.

Achieving Well-designed Places

- 2.8 **Policy DP3: Key Principles for Well-designed Places** - Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.



4. Grounds of Appeal

4.1 This section of the Statement addresses the Council's reason for refusal. This will be done by consideration of one main issue which is:

1) The effect of the proposal on the character and appearance of the area.

1) Character and Appearance

Context and Baseline

4.2 On 19/01/2026, prior approval was given by the Council under reference PL/2025/08586 for the conversion of the barn at the site into two dwellings. The approved plans are provided below.



Figure 1: Approved site plan.

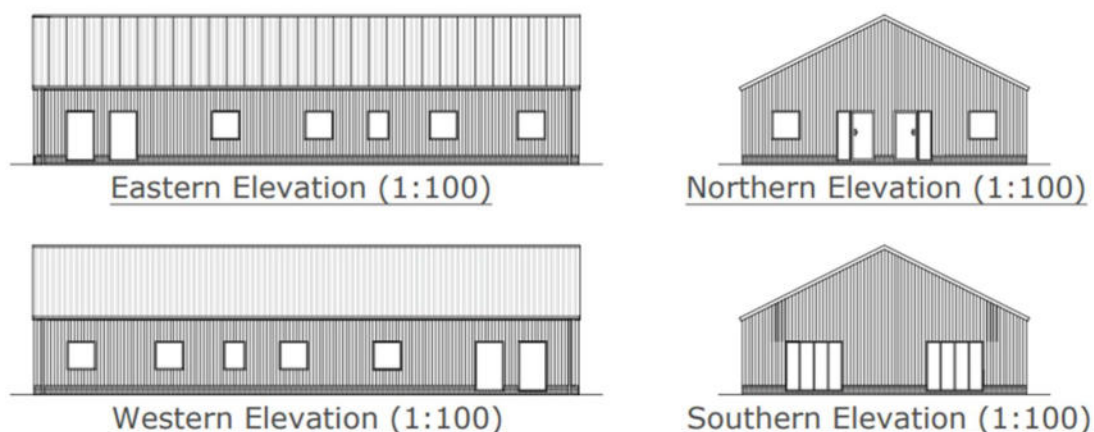


Figure 2: Approved elevations



- 4.3 The extant nature of application Ref. PL/2025/08586 represents a material fall-back position. Various court cases have considered the concept of a 'fall-back' development as a material consideration. It is described in *Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314* as "familiar". Paragraph 27 of that judgment by the Court of Appeal confirms that there should be a "real prospect" of a 'fall-back' development being implemented and that the decision-maker should exercise their planning judgment as to whether that would be the case depending on the particular circumstances.
- 4.4 Additionally, in *Gambone v Secretary of State for Communities and Local Government [2014] EWHC 952 (Admin)* a two stage approach was set out, where a determination must first be made concerning whether the 'fall-back' position is a material consideration, before weight is ascribed. The following two questions should therefore be considered: 1) Is there greater than a theoretical possibility that the development might take place (the "real prospect" test)? 2) If there is a greater than theoretical possibility, what weight should be ascribed?
- 4.5 Clearly, the appellant would pursue the construction of the approved residential units in the absence of any permission for the appeal scheme. The appellant is committed to doing so and, in the absence of a more suitable permission, will proceed with the approved scheme. Indeed, Building Control drawings have been instructed such that in the event of a dismissal, work can commence. Under such circumstances, it is not a question of whether the approved scheme will be built, but when. This can therefore only be taken as a fall-back position that is 'more than a theoretical possibility'.
- 4.6 In these circumstances, the fall-back position, which is comparable in nature to the development proposed under this appeal, should be ascribed significant weight. Moreover, it must form the basis for comparison for the proposal.
- 4.7 As such, the effects of the prior approval must be considered as the baseline for this assessment. This permission would notably domesticate the site. It would perforate all elevations of the barn with fenestration, providing a domestic appearance. Furthermore, gardens would be formed, with associated boundary treatment. This, together with residential paraphernalia (including parked vehicles and garden furniture) would *already* add to the domestic nature of the plot.
- 4.8 Consequently, there would not be 'limited glazing and domestic features' as asserted by the Council. Neither would the appeal building be utilitarian or agricultural in appearance. On the contrary, it would be markedly domestic in design. Moreover, the local character is not 'that of an



agricultural setting’ or ‘characterised by traditional farmland’. The site is on the edge of the settlement and is influenced by nearby residential and commercial development. Moreover, the site itself is already lawfully residential in character. There will be no ‘existing barn which is contextually appropriate for any agricultural area’. This is a misdirection in the assessment of the true baseline meaning the context in which the Council has assessed this scheme is entirely inappropriate. This will become a sub-urbanised, domestic, site as a result of either the consented Class Q or this appeal scheme being implemented.

Discussion

- 4.9 The Council’s main concern relates to the design of the proposal in terms of its effects on the rural area. The amount of built form and its scale is agreed as acceptable.
- 4.10 The Council raises concerns in terms of the fenestration proposed for the new units. Nevertheless, as discussed above, the prior approval has *already* established a fall-back position for the appeal building that would result in a glazed feature. In this context, the proposed glazing would be no more domestic in appearance and would not appear discordant in this semi-rural area. It certainly would not result in increased light spill in any intrinsically dark setting. Such a setting simply does not exist given the extant permission at the site and the nature of the developed context in which the wider landscape is read.
- 4.11 Similarly, domestic paraphernalia would be unlikely to materially increase at the site compared to the fall-back position. The site already comprises consented gardens and boundary treatments. This would not change the site’s domestic character.
- 4.12 It follows that the proposal, contrary to the Council’s assertions, would not remove any ‘agricultural context’. This does not exist by virtue of the extant prior approval. Rather, the proposal would not materially increase the sub-urban appearance of the site compared to this consent. It would provide the same quantum of units in a more appropriate arrangement that offered better quality accommodation for future occupants.
- 4.13 The ‘encroachment into the countryside’ claimed by the Council would not occur. The Government has inserted a mechanism into the GPDO to allow for this type of residential land use even in open countryside areas (which this is not). As such the implication is that the decision taker should accept that the site will change in character. This appeal proposal simply alters and improves a site already granted prior approval, without materially altering the character of the site or the effects on the wider environs compared to this consent.



Overall Conclusion – Character and Appearance

- 4.14 Taking everything together, the relevant comparison for this assessment is not between the proposed development and an undeveloped site, but between the proposed dwelling and the two-dwelling prior approval scheme (Class Q).
- 4.15 The existing barn is a substantial built form within the site. Its conversion to two dwellings would inevitably introduce residential features and activity, including domestic entrances, windows, external areas, parking, garden space, bin storage, boundary treatments and associated domestic paraphernalia. Consequently, the fall-back position would itself result in a material change to the established character of the site from that associated with its current agricultural use.
- 4.16 Against this baseline, the proposed development has been designed to establish a clear and coherent residential character, of two distinct plots, whilst avoiding the appearance of an intensive or urbanising form of development. The provision of two separate dwellings allows the built form to be appropriately articulated, with space between and around the buildings providing a more open pattern of development than would necessarily result from the subdivision and domestication of the existing barn.
- 4.17 The replacement of the barn also provides an opportunity to rationalise the appearance of the site. Rather than retaining a large agricultural building and introducing a series of domestic alterations to it, the proposal would create purpose-designed dwellings with a consistent architectural approach, appropriate scale and proportions, and a clear relationship between the buildings and their surrounding spaces. The design is superior and will bring a form of development to the site which is considered acceptable and of higher merit.
- 4.18 The proposed arrangement would retain the fundamental characteristics of the site, including its low-density nature, openness and relationship with the surrounding landscape. The development would remain limited to two dwellings and would not establish a pattern of development that would appear urban in character.
- 4.19 Importantly, the proposal should also be assessed in the context of the fall-back position. The principle of two residential units occupying the site is already established by the conversion option. The proposed development does not introduce a greater residential intensity than that which could reasonably be achieved through conversion. Any change in built form therefore needs to be considered against the character that could result from the fall-back scheme, including the domestic alterations and associated residential features that would accompany conversion.



- 4.20 The proposed dwellings would consequently represent a replacement form of development rather than an intensification of the site. Their siting, scale and spacing would ensure that the development remains proportionate to the established character of the site and avoids an incongruous concentration of built form.
- 4.21 Overall, the proposal would result in a coherent and appropriately scaled two-dwelling development which responds to the existing character of the site. When compared with the realistic fall-back position of conversion to two residential units, the proposal would not give rise to a materially greater degree of domestication or intensification. Instead, it provides an opportunity to establish a more orderly relationship between built form, domestic space and the surrounding site.
- 4.22 For these reasons the proposal would not cause harm to the character or appearance of the area. This is in accordance with Core Policies 51 and 57 of the CS and Policy DM3 of the Framework.
- 4.23 The LPA have also not taken into account that the detached dwellings can now be sold into the self build market, which is also in shortage in Wiltshire. A pair of semis will sell to a local builder, whereas the higher cost detached units, which are the subject of this appeal, will sell into the higher value self build market. As such this is an additional benefit of the scheme which the LPA have failed to identify or ascribe benefit to.

5. Conclusion

- 5.1 Taking everything together, application Ref. PL/2025/08586 is extant. It can be commenced and completed now. The appeal site therefore has an established residential land use. On this basis alone, the principle of development is acceptable. To conclude otherwise would be unreasonable.
- 5.2 That said, the Council cannot demonstrate a 5 year supply of housing land. The scheme would therefore address an unmet need, for open market homes and self-build units. It would also be physically well-related to the settlement, although the nature of the extant prior approval makes it inappropriate to consider a settlement location as preferable. The scheme could be accommodated in terms of the existing level of services and infrastructure nearby. As such, even if the principle of development was not established, which it is, the proposal meets the exception at Policy S5 j. of the Framework for development in the countryside.
- 5.3 In addition, the scheme would not harm the character and appearance of the area, and would not cause any other technical planning harms.



- 5.4 Overall, the proposal should therefore be approved without delay as the benefits of doing so would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. The scheme would accord with the development plan and there are no other material considerations that would outweigh such a finding.

Overall Conclusion

- 5.5 It is concluded that the proposal would represent sustainable development for which the Framework advocates a presumption in favour. It is therefore respectfully requested that the appeal be allowed.

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