



Appeal Decision

Site Visit made on 26 March 2021

by L McKay MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/Y3940/W/20/3260576

Agricultural Building at Down Farmhouse, Cow Drove, Chilmark SP3 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Sheppard against the decision of Wiltshire Council.
 - The application Ref 20/04735/FUL, dated 27 May 2020, was refused by notice dated 9 September 2020.
 - The development proposed is described as "Operational works in association with the upcoming change of use of part of the agricultural building to a flexible commercial use under Schedule 2, Part 3, Class R of the General Permitted Development Order".
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Decision

1. The appeal is allowed and planning permission is granted for operational works at Down Farmhouse, Cow Drove, Chilmark SP3 5TA in accordance with the terms of the application, Ref 20/04735/FUL, dated 27 May 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19/705/P001, 19/705/P110 A, 19/705/P111.
 - 3) No external materials shall be installed on the building subject of this decision unless in accordance with details and samples that have been submitted to and approved in writing by the Local Planning Authority.
 - 4) No external light fixture or fitting shall be installed on the building subject of this decision unless in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Those details shall include locations and lux levels of the proposed lighting and of other existing and proposed lighting within the appeal site.

Background and Preliminary Matters

2. The appellants' stated intention is to use the building as an aparthotel, which they consider would be permitted by Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Nevertheless, the application and appeal is for full planning permission for the operational works, not for prior approval for a change of use, and the description of development states that the change of use is "upcoming". Additionally, the Planning Statement clearly states that the application to the Council was only for associated operational works, not for the change of use. Therefore, for the avoidance of doubt, I have considered the appeal on the basis of the proposed operational development only.

3. The works proposed include creation of an internal first floor, new exterior walls on the front elevation, re-cladding the exterior of the building and insertion of doors and windows. The building is currently enclosed on three sides with an open front, therefore some additional enclosure would be needed in order for it to be used as an aparthotel. The appeal proposal would therefore facilitate the proposed use.

Main Issue

4. The main issue is therefore the effect of the proposed development on the character and appearance of the area.

Reasons

5. The building is set in a cluster of buildings including Down Farmhouse, located in an isolated location in open countryside within an Area of Outstanding Natural Beauty (AONB). The building is well screened from public views by trees, hedges and changes in ground levels.
6. The timber cladding proposed on the exterior of the building would be similar to that on other buildings on the site, including other agricultural buildings. The slate tiles proposed would also reference a neighbouring building and the farmhouse. Much of the ground floor would remain open, with the first floor fully enclosed. While there would be a front entrance door, it would only be seen from parts of the driveway due to the position of other buildings. Most of the proposed windows and doors would be of simple, utilitarian design, similar to those that might be found in a building such as a farm office. From the front and rear therefore, the building would not appear residential.
7. The proposed double doors and Juliet balcony on the end elevation would appear more domestic than the other openings, however with the simple balcony screen proposed they would not be a dominant feature. They would also face away from the nearby road and public right of way and as such would not be readily appreciated from any public vantage point.
8. Consequently, with the proposed operational development the building would retain the overall appearance of a rural building and would not have an overtly residential character. This would be reinforced by use of materials of appropriate colour, treatment and finish, which could be secured by a planning condition.
9. Accordingly, the proposal would not be unsympathetic in its context and would not harm the character and appearance of the area. As such, it would not conflict with Policies CP51 and CP57 of the Wiltshire Core Strategy 2015 (CS), which require a high standard of design that draws on local context, and development that protects, conserves and where possible enhances landscape character, including the landscapes and scenic beauty of the AONB.

Other Matters

10. Both main parties have assessed the proposed future change of use against the conditions, limitations and restrictions of Class R in order to consider whether the proposed operational development is justified. However, given my finding that the proposal is acceptable on its own merits, it is not necessary for me to consider these matters further. This proposal therefore differs significantly

from the appeal decision¹ submitted by the appellants, where prior approval under Class R had already been granted by the local planning authority.

Conditions

11. Conditions are necessary to require compliance with the submitted plans, however for the reasons set out above, the internal layout and use of the building are not part of the proposal before me. Therefore, I have not included the submitted floorplans in the list of approved plans. Details of materials need to be agreed, but only before they are installed on the building, not prior to commencement of any development on site.
12. A condition to require details of any external lighting is necessary as light pollution could harm the special qualities and Dark Skies status of the AONB. The proposed development only relates to one building within a large appeal site, therefore it would not be reasonable to use this decision to control external lighting on the other land and buildings not part of this proposal. Existing and proposed lighting elsewhere on the site could however be relevant in considering the cumulative impact with any lighting proposed on the appeal building. I have therefore reworded the Council's suggested condition accordingly.

Conclusion

13. For the reasons set out above, the appeal is allowed.

L McKay

INSPECTOR

¹ APP/F1610/W/17/3188502