
Appeal Decision

Site visit made on 11 April 2017

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 May 2017

Appeal Ref: APP/Y3940/W/17/3166433

168 St Edith's Marsh, Bromham SN15 2DQ

- 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 Jonathan Brown against the decision of Wiltshire Council.
 - The application Ref 16/05658/FUL, dated 31 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is the erection of a 1.5 storey dwelling and a single storey garage structure.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is consistent with development plan policies relating to the location of new housing development and the presumption in the National Planning Policy Framework (the 'Framework') concerning sustainable development; and
 - the effect of the proposal on the setting of the St Edith's House designated heritage asset.

Reasons

Location of development

3. The Framework does not change the statutory status of the development plan as the starting point for decision making and states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless material considerations indicate otherwise.
 4. Core Policy 1 of the Wiltshire Core Strategy (WCS) provides the Settlement Strategy for the County and identifies the settlements where sustainable development will take place. The four tiers of settlements are: Principal Settlements; Market Towns; Local Service Centres; and Large and Small Villages. The Settlement Strategy provides a definition for each for the purposes of interpreting the development plan. 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.
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5. The appeal site is located in St Edith's Marsh, which is not listed by Core Policy 12 as being in any of the settlement tiers, including that of a Small Village. Therefore, although Core Policy 2 states that development will be limited to infill within the existing built area of Small Villages, this is not applicable to the appeal site because St Edith's Marsh is not designated as such. Bromham is categorised as a Large Village by Core Policy 12 but St Edith's Marsh is located some distance to the south west, outside its defined limits of development. Consequently, for the purposes of the development plan, the appeal site is not a Small Village and falls within the countryside.
6. Reference is made by the appellant to Bromham's website which refers to St Edith's Marsh as a small village. However, I am not aware that this has any formal connection to the Council's adopted Settlement Strategy, thereby significantly reducing any weight I am able to afford it. Furthermore, individual appeals are not the place to debate the merits of categorisations within the Council's Settlement Strategy.
7. Core Policy 2 states that outside of the defined limits, development will not be permitted other than in circumstances as permitted by other policies within the Plan, identified in paragraph 4.25 of the WSC. None of these 'exception policies' are applicable to the appeal proposal, thus conflicting with the Delivery Strategy of Core Policy 2.
8. The Council has made reference to an appeal decision¹ relating to land to the rear of No 101 Netherstreet. Whilst there may be a number of differentiating considerations to that currently before me, the decision is, nevertheless, material insofar as the Inspector found, for the same reasons, the appeal site to fall within open countryside. Moreover, the Inspector noted that there would be a need to travel to access services and facilities. This would similarly apply to any future occupiers of the appeal site, save for access to a restaurant.
9. As noted by the Inspector, Bromham would provide some of these services and facilities but they are nonetheless limited. Therefore, further travelling distances would be required to access a greater range of services and facilities. Moreover, given the distance, and the connections to Bromham with limited street lighting, I am not convinced that that the route would be attractive to pedestrians on a consistent basis.
10. I acknowledge that unlike No 101 Netherstreet, the appeal site benefits from being located close to bus stops for buses travelling in both directions and for which the appellant states that there are 18 or 19 services per day. No evidence is presented by the Council to dispute this level of service. I also acknowledge that both Rowde and Bromham would be relatively accessible to cyclists.
11. Taking account of all the above matters, I do not consider that the location of the appeal site is such that future occupants would be fully reliant on journeys by a private car. However, some form of travel would be required to access even basic services and facilities and therefore in overall terms the appeal site would not amount to a sustainable location for residential development and occupiers are likely to mainly rely on private car use for their day-to-day living requirements. This deficiency would not be overcome by the option to buy goods on-line.

¹ Appeal Ref: APP/Y3940/W/15/3030962

12. Reference is made by the appellant to a planning permission² granted for No 164 St Edith's Marsh. However, that permission relates to the conversion of an existing building where the Council considered that a residential use would be a more sustainable than the commercial use of the property. Accordingly, the circumstances are not directly comparable to those which apply to this appeal, which I have determined on its own merits.
13. I therefore conclude on this main issue that the location of the proposed dwelling is inconsistent with WCS Policies 1, 2 and 12, which seek to ensure that housing developments occupy sustainable locations.
14. I accept that the proposal would increase the range and supply of housing. However, such a benefit would be very limited as only one unit would be provided in an unsustainable location. The proposal would also contribute to the economic dimension of sustainable development, albeit for a limited time during the construction phase. However, for the reasons explained, the proposal would fail in overall terms to meet the social dimension of sustainable development. Accordingly, the proposal would not amount to sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being sustainable development, it follows that no such presumption, as anticipated by paragraph 14 of the Framework, applies.

Heritage asset

15. The appeal site is situated to the south east of St Edith's House, which is a two storey country house heavily detailed in the Jacobean style, with projecting shaped gables. It is a grade II listed building. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting, which is defined as the surroundings in which it is experienced.
16. In the main this heritage asset is experienced from the A342 and in views from the east. Although set back from the road frontage, it still has an imposing presence. The first edition OS map dating from the late 19th Century shows the house and its approach drives with entrance lodges and garden. These are all aspects which positively contribute to its setting.
17. Although the significance of the original layout and the connection between the main house and the lodge has been eroded by the existing dwellings at Nos 168 and 170A St Edith's Marsh, these are set well back from the road and mainly behind the front building line of the listed building. They are also partly screened by existing vegetation. I also acknowledge that sections of the original drive have been lost and that there may be sheds, garages and greenhouses within the front garden of the listed building. However, due to their scale and general lack of visibility from the public realm, the garden appears largely devoid of built form and the primacy of the main house remains.
18. Nevertheless, to accord with the Framework consideration still needs to be given as to whether the additional change will further detract from the significance of the heritage asset. In consideration of this, and regardless of whether or not there was a designed landscape around the house, the appeal site clearly falls within the original historic garden of the house. It is also

² Application Ref: 15/02771/FUL

adjacent to the main driveway approach and southern lodge, and in contrast to the existing dwellings, the proposed dwelling would be prominently positioned close to the road frontage and in front of the front building line of the main house. Both would be seen together in views from the east and the dwelling would impinge on the visual and historical connection between the lodge and the main house and undermine the primacy of the latter. For these reasons the proposal would have a significant adverse impact on the setting of the listed building.

19. I accept that a boundary planting scheme could partly mitigate the harm from the public realm but this would take some time to establish and have any meaningful effect and any benefit arising from the same would not outweigh the harm I have described. In terms of the trees removed from the site, it does not appear to be a matter of contention that they were rotten and diseased. Nevertheless, based on the photographs before me, it is evident that their loss from the front of the site has had the effect of increasing the visual connection between the listed building and the lodge as well as increasing the visual prominence of the site.
20. In accord with paragraphs 133 and 134 of the Framework, it is for the decision maker, having identified harm to designated heritage asset, to consider the magnitude of that harm. In this case I conclude that the proposal would lead to less than substantial harm in respect of the setting of the listed building as a whole. In such circumstances the Framework requires that any identified harm is weighed against any public benefits the scheme might secure.
21. These are promoted in the appellant's heritage statement and I shall deal with each in turn. For the reasons explained above, the proposal would not promote sustainable housing growth in a sustainable location. Taken in isolation I have no objection to the design of the proposed house. However it is not of sufficient quality to be considered a public benefit to offset the harm to the setting of a designated heritage asset, nor does it compliment the design of the same. As I have found that the proposal would be harmful to the setting of the heritage asset, I do not agree that the proposal will help reinforce the heritage of the area. I acknowledge the benefits of building the house to high environmental standards, however, this would not amount to a 'public benefit' which would outweigh the harm I have identified.
22. Reference is made to a permission granted to use a listed former public house as a restaurant in St Edith's Marsh. Whilst I have no details of the permission that was granted, it clearly relates to an existing building which had been at some point in commercial use, with associated signage and car parking. The relevant considerations are therefore materially different to those applicable in this case and even if the works to the listed building are deemed to be harmful to the setting of St Edith's House, this does not serve to justify additional harm arising from the appeal proposal. Similarly, the planning permission granted for No 164 St Edith's Marsh refers to the conversion of an existing building and as such is not directly comparable to that currently before me.
23. Given the visual and historic relationship, the proposal would have a neutral effect on the other listed buildings within the area, and as such would act to preserve their setting.
24. I therefore conclude on this main issue that the proposed development would be harmful to the setting of St Edith's House listed building, contrary to both

WCS Policy 58 and chapter 12 of the Framework. These require, amongst other matters, that development should protect, conserve and where possible enhance the historic environment.

Other matters

25. I have noted the quotation provided from the Melsham Independent News of 18 May 2016. However, I have no evidence that the Council is unable to demonstrate a five-year supply of deliverable housing sites. In the absence of such evidence I have treated those policies in the WCS, which are relevant to the supply of housing, as up-to-date. The tilted balance of paragraph 14 of the Framework is not therefore engaged.
26. I have noted the concerns regarding the reports of the Council following in particular the loss of the trees on the site. However, these and the comments made by third parties on this issue, are not matters for this appeal which I have determined afresh and on its planning merits. Similarly, works by the previous owners of St Edith's House are not matters before me and I make no comment on them.

Conclusion

27. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR