



The Planning Inspectorate

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Your Ref: 14/10318/FUL

Our Ref: APP/Y3940/W/15/3006016

Wiltshire Council
Development Services
The Council House
Bourne Hill
Salisbury
SP1 3UZ

09 July 2015

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Howard Richardson
Site Address: Gate Farm, High Street, Sutton Benger, CHIPPENHAM, Wiltshire,
SN15 4RE

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

Yours faithfully,

Bridie Campbell-Birch

Bridie Campbell-Birch

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

Appeal Decision

Site visit made on 22 June 2015

by Kenneth Stone Bsc(Hons) DipTP MRTPI

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

Decision date: 9 July 2015

Appeal Ref: APP/Y3940/W/15/3006016

Gate Farm, Sutton Benger, Chippenham, Wiltshire SN15 4RE

- 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 Howard Richardson against the decision of Wiltshire Council.
 - The application Ref 14/10318/FUL, dated 12 October 2014, was refused by notice dated 15 December 2014.
 - The development proposed is the construction of an agricultural building.
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Decision

1. The appeal is dismissed.

Background and Procedural matter

2. The Council have confirmed that the building has recently been the subject of an agricultural notification in a similar position to that now proposed and that it determined prior approval was required, Local Authority reference 14/06787/APD. The appellant's grounds of appeal confirm an application was submitted and upon which agreement was not reached and therefore a full planning application was submitted. On this basis there is no permitted development fall back position for me to consider.
3. Subsequent to the Council's determination of the application the Wiltshire Core Strategy 2015 (Core Strategy) has been adopted and the North Wiltshire Local Plan 2011 (NWLP) has been superseded. Consequently the policies cited in the reasons for refusal referring to the NWLP are no longer relevant and those in the Core Strategy are the relevant policies in the context of the development plan and to which I have given full weight.
4. There is some dispute between the parties as to the distance of the proposed building from the outer lower wall; the Council suggesting the building is sited some 2m from the wall while the appellant contends the building would be sited 6m from this wall. The submitted block plan, which has an identified scale of 1:500 identifies the proposed building approximately 3m from the outer face of the low wall and in the region of 12m from the outer face of the garden wall. I have determined the appeal on the basis of the submitted plans.

Main Issues

5. The main issues are the effect of the proposed development on:

- the character and appearance of the surrounding area, including the setting of the grade II listed French gardens and the Sutton Benger Conservation Area (SBCA); and
- the living conditions enjoyed by the occupants of the adjoining property, with particular regard to outlook.

Reasons

6. The appeal site is situated within Gate Farm a substantial farm holding bisected by the B4069. The building is located within the smaller section of the farm located to the north of the road and is proposed to improve the operational activities of the farm; the appellant asserting that movements of machinery and livestock between the two sections of the farm, across the B4069, are dangerous and a risk to highway safety. The building would be used for the storage of machinery, equipment and fodder; this would mean that livestock would not have to cross the road for veterinary work and testing and be easily loaded for transportation. The appellant confirms the building would not be used to house livestock.
7. The appeal site is located in open countryside on the outskirts of Sutton Benger, outside the village limits and outside the SBCA. The boundary of the conservation area, at this point, is upto, but does not include, the southern and eastern walls of a grade II listed walled garden, the French gardens. There is a further low wall, set approximately 8m from and parallel with the outer face of the eastern main garden wall. The proposed building would be sited to run parallel to these walls. Beyond the appeal site to the west is open countryside.

Character and appearance

8. The proposed building would be a large utilitarian agricultural building clad with concrete panels, at the lower level, and box profile steel sheeting for the upper levels and roof.
9. Sutton Benger is an attractive Wiltshire village with vernacular buildings and materials, predominantly of stone and tile, albeit that there are variations in the age and design of buildings. The scale and heights of buildings are predominantly of domestic proportions although there is some variation reflecting the growth of the village from its agricultural associations. Although set back from the main road there are still locations from the public domain on the B4069 and the public footpath directly opposite the appeal site from where the proposed building would be visible. The large proportions modern materials and lack of detailing would result in the building being particularly conspicuous and out of keeping with the surrounding built development.
10. The close association with buildings within the conservation area and the listed walled garden would add to the incongruous appearance of the building which would appear excessively bulk and poorly sited; dominating the immediate environs, harmful to the setting of the conservation area and listed walled garden which are important designated heritage assets.
11. There is some dispute between the parties as to the origins and purpose of the low wall and whether it forms part of the walled garden as a double walled garden. It is however not part of the listed walled garden but given its age and proximity the Council suggests should be considered a non-designated heritage asset. I have not been provided with sufficient evidence to conclude on the

purpose or origins of the lower wall but it adds to the character and appearance of the setting of the walled garden and the conservation area and in that regard I accept that it is reasonable to afford it appropriate weight as a non-designated heritage asset. The close proximity of the proposed building to that structure compromises the existing contribution it makes to the setting of the listed walled garden.

12. For the reasons given above I conclude that the proposed building would result in material harm to the character and appearance of the area, including the setting of the grade II listed French gardens and the Sutton Benger Conservation Area. Consequently it would conflict with Core Policies 51, 57 and 58 of the Wiltshire Core Strategy, 2015. Collectively these seek to safeguard the historic environment and ensure high quality design and place shaping.

Living conditions

13. The proposed building is set some 3m from the outer face of the lower outer wall and is further separated from the main garden wall, which marks the boundary of the adjoining residential curtilage. The large house within the gardens is set well within those gardens and away from the eastern boundary. The proposed building would therefore only have a limited direct effect on the daylight or sunlight reaching the property. The proposed building however would have an eaves height in the region of 6m and an overall height to the ridge of approximately 7.5m. This would be substantially above the height of the main garden wall. The proposed building would be evident from within the adjoining property, which is orientated to face in this direction, and from within the walled garden. The proposed building, with a length in excess of 30m, given its siting would be particularly prominent and intrusive. It would be seen as an imposing and oppressive structure very close to the boundary. Whilst a right to a view is not normally a material issue to which significant weight is given the general outlook from a property and the extent to which that is relied upon by the occupants to provide a reasonable living standard is a material consideration to which significant weight can be given, dependant on the circumstances.
14. In the context of the proposals before me I am satisfied that the scale, bulk and mass of the proposed building would have a seriously deleterious effect on the outlook from the adjoining property. This would be further compounded by the un-neighbourly siting of the proposed building so close to the boundary of that neighbouring property.
15. For the reasons given above I conclude that the proposed development would result in material harm to the living conditions enjoyed by the occupants of the adjoining property, with particular regard to outlook. Consequently it would conflict with Core Policy 57 of the Wiltshire Core Strategy 2015 which seeks to secure high quality design including, amongst other matters, having regard to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants.

Other matters

16. The appellant asserts that the new building would improve the operational activities of the farm and thereby not require the movement of larger farm vehicles and animals across the B4069. I have however not been provided with

any evidence as to the frequency and timing of such movements or the numbers involved. Moreover, there is no evidence in the form of accident reports to justify the claims. Indeed the Highway Authority has not objected to the scheme and note that the existing situation does not pose a serious risk to highway safety. On this basis I give this assertion limited weight.

Overall conclusions

17. The harm I have identified to the significance of the heritage assets is, in the context of the National Planning Policy Framework (the Framework), less than substantial. Paragraph 134 of the Framework requires that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset this should be weighed against the public benefits of the proposal, including securing its optimum viable use.
18. The benefits of the scheme in the context of improvements to highway safety have not been sufficiently detailed or evidenced. In this regard I have given those benefits limited weight. The proposals do not affect the viable use of the heritage assets.
19. In this regard the limited weight derived from those benefits is therefore not sufficient to outweigh the harm to the heritage assets to which I have given considerable weight and importance. I add to that the harm to the living conditions of the adjoining neighbours and conclude that, for the reasons given above, the appeal should be dismissed.

Kenneth Stone

INSPECTOR