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## Appeal Decision

Hearing held on 3 December 2015

Site visit made on 2 December 2015

**by Richard Schofield BA(Hons) MA MRTPI**

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

**Decision date: 11 December 2015**

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**Appeal Ref: APP/Y3940/W/15/3028953**

**Land at Arms Farm, High Street, Sutton Benger, Wiltshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Arms Farm LLP against the decision of Wiltshire Council.
  - The application Ref 14/08888/OUT, dated 19 September 2014, was refused by notice dated 26 February 2015.
  - The development proposed is outline planning application for up to 60 dwellings with associated access work and public open space.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development above is taken from the original planning application form. However, prior to the determination of the application the scheme was amended to an outline application for up to 28 dwellings, with all matters other than access reserved, on a smaller application site. Both parties agreed that this was the scheme subject to appeal and I have determined it on this basis.
3. The Council did not raise harm to the Sutton Benger Conservation Area (the Conservation Area) as a reason for refusal. Nonetheless, the access to the appeal site would be through Arms Farm, which is within the Conservation Area, and, as such, I am bound to consider this matter.

### Main Issues

4. The main issues are:
    - the effect of the proposed development on the Sutton Benger Conservation Area and the grade II listed Arms Farm complex; and
    - whether, having regard to the requirements of local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the development proposed.
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## Reasons

### *Heritage Assets*

#### *i) Listed Buildings*

5. The Arms Farm complex comprises the Grade II listed stone built farmhouse and the imposing Grade II listed stone barn to the south of it. Immediately to the east, essentially connecting the farmhouse and barn, is what the List Entry describes as a stable range. Together these buildings are arranged as a u-shaped unit around a farmyard/crewyard, to form a traditional historic farmstead. The yard is further delineated by a low stone wall, which runs across the frontage with High Street and along the western boundary.
6. These buildings, like those of other farmsteads, do not have a grand, planned setting. However, the yard forms an undisputed part of the immediate setting to, and significance of, the listed buildings, being an historic, functional area of the farmstead as a unit. In addition, in my judgement, the way that the undeveloped field to the south of the complex flows up to the immediate edge of the barn, without any form of curtilage definition, is a characteristic feature of an historic agricultural unit. This longstanding association between the buildings and their farmland setting, directly accessible from the yard, is key to defining them, and understanding their significance, as a farmstead.
7. Existing development on Chestnut Grove, Gregory Close and Lee Crescent to the east impinges on this setting to some extent. Nonetheless, this is not sufficient to undermine the dominant sense of rurality that the undeveloped field still provides or to interfere with the clear linkage between the listed buildings and the associated farmland behind them. This association is readily apparent in views from the farm complex itself, from High Street and from the dwellings backing onto the appeal site from the streets mentioned above.
8. The appeal site would be accessed through the farmyard, with the access road curving through the middle of it. In my judgment, this would result in a clear, uncharacteristic division of the yard and a fundamental change in its character. From being an informal, functional part of the overall farm complex, the yard would be subdivided and dominated by a formal, modern domestic estate road serving up to 28 dwellings, with the attendant increase in comings and goings to which this would give rise. There would be a substantial intensification of domestic activity on, and a marked change of appearance to, the yard, which would be significantly at odds with, and to the detriment of, its historic character, role and function.
9. This would, in my judgement, harm the significance of the listing buildings. It would reduce significantly the size of the yard and, by diminishing its role to that of a busy thoroughfare characterised by a modern estate road, however surfaced, negate any understanding of its historic form and function. The complex's low key, utilitarian appearance would be altered fundamentally and the historic functional and spatial relationship between the yard, as setting, and the listed buildings would be compromised.
10. It was alleged that the access road would follow the approximate line of an historic route. This may be, but it is reasonable to consider that any such route would have been an informal track providing access for animals and/or

- agricultural machinery from the yard into the farmland beyond. It would not have been a formally designed, busy, public, vehicular thoroughfare.
11. A planning permission for the Arms Farm complex, involving the renovation of the farm house and the conversion of the barn/stables to dwellings, has been implemented. No substantive works have taken place, but the plans associated with this scheme show what is, in my judgment, a sympathetic approach to securing what was agreed to be the optimum viable use of buildings. Although the site would, inevitably, take on a more domestic 'feel', the impact upon the yard, and thus the setting of the listed buildings is considerably less than that of the appeal scheme.
  12. The access to the site, in relation to the implemented permission, would remain low key, with a front wall onto the street being retained. Although access to the field beyond would remain, this would be via a narrower, gravel drive linked to a larger parking and turning area within the yard. This would assist in retaining the historic functional and spatial linkages between the listed buildings and the yard. Given that the scheme would be for just four units, domestic activity would also be far less than would be the case were the proposed access road to the appeal site laid through the yard.
  13. In terms of the appeal site itself, the proposed dwellings would be visible from dwellings on Chestnut Grove, Gregory Close and Lee Crescent, as well as from High Street. From these points it is currently possible to appreciate the listed buildings in the context of their immediate open farmland setting. The loss of this setting would, in my judgment, have an adverse impact upon the significance of the listed buildings by divorcing the barn in particular, and the farmstead in general, from its associated historic farmland from which it derives some of its significance.
  14. The indicative layout submitted with the appeal scheme shows an area of open space immediately to the south of the barn, before the dwellings commence. Notwithstanding that this drawing is indicative only, the size of this open space is limited. This, combined with the mass of dwellings to the south and those on the eastern edge of the open space, does little to retain any real sense of connection between the barn and its rural setting.
  15. An appeal decision<sup>1</sup> was presented to me that, it was suggested, demonstrates that the extent of an asset's setting can be overstated. This may be so in some instances. However, setting will vary considerably between assets and I am not persuaded that a judgment relating to a very different set of circumstances is applicable here.
  16. There is a more modern dwelling to the immediate west of the farmyard/crewyard. However, this follows the historic pattern of relatively close knit ribbon development along High Street and does not, of itself, have any significant impact upon the character and appearance of the Arms Farm complex.
  17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special

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<sup>1</sup> 2200210

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

18. For the reasons set out above, I consider that the appeal proposal would harm the setting of the listed buildings, in terms of its impact upon the farmyard/crewyard and the field to the south. This would, in turn, harm the significance of the buildings. Although this harm would be less than significant, it would still be both real and serious. There would, therefore, be conflict with Core Policy 58 of the Wiltshire Core Strategy (the Core Strategy), which states that development should protect, conserve and, where possible, enhance, the historic environment.

*ii) The Conservation Area*

19. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
20. The Conservation Area covers the historic core of the village. Although there is some modern infill development, the Conservation Area is typically comprised of historic stone built dwellings situated close to High Street and Seagry Road. A number of historic farmsteads, including Arms Farm, are typical and characteristic features of the Conservation Area and are indicative of the village's historic rural enterprise and connection with its surrounding countryside. This is particularly apparent to the west of the village, beyond Gregory Close and Lee Crescent. Here, the undeveloped land sweeps up behind the buildings, which include Arms Farm and other former farm buildings, to the south of High Street and provides a distinctive rural setting to the Conservation Area, from which some of its significance derives.
21. Stone walls of varying heights form the dominant and characteristic front boundaries to the vast majority of plots. Roads within the Conservation Area are low key with little in the way of road markings or signage. The Arms Farm complex is a typical, visible and, notwithstanding its current condition, attractive feature of the Conservation Area and makes a positive contribution to it.
22. As noted above, the appeal site would be accessed through the farmyard, with the access road curving through the middle of it. The requirements for this would necessitate the removal of the entire stone wall between the limited curtilage of the farmhouse and the western boundary of the yard. A 5.5 metre wide access road, with a footway running along its eastern side out onto High Street as far as the existing bus stop, would be inserted. In addition, based on the plans before me<sup>2</sup>, a substantial strip of coloured surfacing would be located along the middle of High Street for a considerable distance across, and either side of, the access.
23. The loss of a substantial section of characteristic stone walling and the introduction of coloured surfacing to the carriageway would appear as incongruous and atypical changes to the Conservation Area. In addition, the adverse effect of the appeal proposal upon Arms Farm, which is clearly visible

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<sup>2</sup> An additional access plan was shown to me at the Hearing, which reduced the amount of coloured surfacing, but it was not submitted as evidence nor was any there any definitive evidence that it had been publicised or that the Council's highways section had seen it or agreed it.

from High Street, could not fail to detract from the character and appearance of the Conservation Area. Such harm would be less than substantial.

24. In addition, as noted above, I consider that the field to the immediate south of Arms Farm is an integral part of the setting of the listed barn. I also consider that this undeveloped land forms part of the setting to, and significance of, this part of the Conservation Area. I am in no doubt that the built impact of up to 28 dwellings on this site would be seen as an incursion into the open countryside that would cause harm, albeit less than substantial, to the setting of the Conservation Area.
25. There would, therefore, be conflict with Core Policy 58 of the Core Strategy, which states that development should protect, conserve and, where possible, enhance, the historic environment.

*Whether an appropriate location*

26. Sutton Benger is defined by Core Policy 10 of the Core Strategy, which relates to the Chippenham Community Area within which the village lies, as a Large Village. Large Villages are described by Core Policy 1 as '*settlements with a limited range of employment, services and facilities*' where development '*will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities*'. Based on all that I have read, heard and seen, I agree that Sutton Benger does indeed have a limited range of employment, services and facilities, as well as a limited bus service.
27. Nonetheless, the adopted development plan clearly gives Sutton Benger a role in the delivery of housing over the plan period. This appears to accord with the requirements of the National Planning Policy Framework (the Framework), which seeks to ensure that residential development in rural areas is located where it will enhance or maintain the vitality of rural communities<sup>3</sup>.
28. However, this is further caveated by Core Policy 2, which states that development outside the defined limits of these villages will not be supported, in advance of allocations being made through the Site Allocations DPD or Neighbourhood Plans<sup>4</sup>, other than where it meets certain specific exceptions, set out in paragraph 4.25 of the Core Strategy, which the appeal scheme does not.
29. The Council's precise concerns in relation to its reason for refusal in this regard are the appeal site's location outside the limits of development set for Sutton Benger and the scale of the proposal. Indeed, it was common ground that, on its face, the appeal proposal conflicts with Core Policy 2 in locational terms.
30. However, it was the Council's position for the purposes of this appeal that it was, following the suspension of the examination into the Chippenham Site Allocations DPD, unable to demonstrate a five-year supply of deliverable housing sites at this time. Paragraph 49 of the Framework is clear that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. As a policy that seeks to constrain development within

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<sup>3</sup> Paragraph 55

<sup>4</sup> Both of which, insofar as they have a bearing on Sutton Benger, are at early stages and, thus, only to be afforded little weight.

defined limits, it is reasonable to consider that Core Policy 2 is a relevant policy for the supply of housing. As such, I do not consider that it can be regarded as up-to-date, which necessarily reduces the weight to be afforded to the constraints that it imposes and, thus, to the appeal scheme's conflict with them.

31. Turning to scale, Core Policy 10 makes provision for 'approximately' 580 dwellings to be provided across the Chippenham Community Area, outside Chippenham, over the plan period. It was confirmed at the Hearing that this figure is now 183, when completions and commitments to date are taken into account. Core Policy 10 sets out the 14 villages between which this figure needs to be divided but does not set out any specific distribution figures. The Council's approach in this respect is guided by Core Policies 1 and 2.
32. My considerations in relation to the weight to be attached to Core Policy 2 are set out above. However, it was not disputed that Core Policy 1 carries full weight and I have no reason to depart from this consensus. Nor do I have any reason to question the Core Strategy Inspector's view that the settlement strategy established by Core Policy 1 is appropriate.
33. As noted above, Core Policy 1 clearly recognises that Large Villages have a role to play in the delivery of housing during the plan period. It also recognises that it *'will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities'*. I was not provided with any evidence of the housing needs of the various Large Villages in the Chippenham Community Area. Nor was it disputed that some or all of the villages would need to accept further residential development, some of which would necessarily have to be beyond extant settlement limits, through the site allocations process.
34. I am mindful of the sizeable residential development that is currently being built out on the former poultry factory site in Sutton Benger and of the concerns of local residents about the potential impacts of further development upon local infrastructure and community cohesion. The Council confirmed that the former would be addressed through Community Infrastructure Levy (CIL) receipts and the S106 agreement. With regard to the latter, based on all that I have read and heard, Sutton Benger appears to be a thriving community and I was not presented with any substantive evidence to suggest that additional housing in the village had caused, or would lead to, a lack of cohesion.
35. The Council suggested that additional development in the village would give Sutton Benger a 'leading role' as a location for additional growth and that the appeal scheme would fail to accord with the Spatial Vision for the area, which seeks to develop *'stronger, more resilient communities based on a sustainable pattern of development'*. A number of appeal decisions where this was a consideration were drawn to my attention.
36. However, Sutton Benger is part of that pattern of development, being specifically identified as an appropriate location for new housing. What an appropriate level of development for each village may be is not for me to determine and will, ultimately, be a matter of judgment. Indeed, were the appeal to be allowed, the Council would still need to find sites for an additional 155 dwellings across the other 14 villages in the Chippenham Community Area. However, on the basis of the evidence before me, given the lack of specificity in relation to the disaggregation of residential development across the

Chippenham Community Area (beyond Chippenham), the lack of evidence that Sutton Benger is any less 'sustainable' than the other Large Villages, any clear indication that its specific local housing needs have been met, and taking the lack of demonstration of a five-year supply of deliverable housing sites into account, I cannot find any inherent conflict between the Spatial Vision and the addition of a further 28 dwellings at the village.

37. The appeal proposal would conflict with the requirements of the development plan, set out in Core Policy 2, being located beyond the defined settlement limits of Sutton Benger. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites, which reduces the weight to be given to this conflict. When looked at in the wider policy context set out in the Core Strategy, Sutton Benger is of itself an appropriate location for residential development and there is no substantive evidence before to suggest that an additional 28 dwellings, in the context of the overall requirement for the Chippenham Community Area, would be detrimental. I conclude, therefore, that (notwithstanding my findings above) having regard to the requirements of local and national planning policy for the delivery of housing, and being mindful of the Council's altered position with regard to five-year land supply, the appeal site is an appropriate location for the development proposed.

### **Other Matters**

38. There was some limited debate about the degree to which the current settlement limits are out of date by virtue of their age. However, it was agreed that this was moot given the Council's position with regard to its five-year supply of deliverable housing land. Thus, it is not a matter that I have considered further.
39. Case law, and the requirements of national planning policy, in relation to the consideration of harm to heritage assets were drawn to my attention, being summarised in the Appellant's heritage statement. In short, this allows that a finding of harm in relation to heritage assets does not necessarily preclude the grant of planning permission. I concur and have taken this into consideration in my conclusions below.

### **Conclusion**

40. I have found that although the appeal proposal conflicts with Core Policy 2, having regard to the requirements of local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the development proposed. However, I also found that the scheme would cause harm to the setting and heritage significance of the listed buildings at Arms Farm and would fail to preserve the character or appearance of the Sutton Benger Conservation Area. It would also harm the setting of the Conservation Area. Although these harms would be less than substantial, they would nonetheless be serious, individually and cumulatively, and I afford them very significant weight.
41. The appellant has advanced a number of benefits in support of the appeal scheme. In social terms, it would provide additional market and affordable housing. Given the Council's inability to demonstrate a five-year supply of deliverable housing sites, I give this factor significant weight.

42. It was also suggested that the scheme would improve village facilities, open space and walking and cycle links. However, there was no evidence that village facilities are in need of improvement, other than to accommodate the appeal scheme. Footway improvements are minimal and a mitigation requirement. No cycle infrastructure is proposed. As such, I give these factors little weight.
43. In environmental terms, it is suggested that the scheme offers opportunities for enhancement through landscaping, the removal of the dutch barn on the site and an increase in biodiversity in domestic gardens. However, landscaping would not overcome the fundamental incongruity of the appeal scheme in relation to the heritage assets. Albeit that it is not particularly intrusive, being a simple, open sided structure, the removal of the dutch barn would be of some benefit. Even so, I am not persuaded that the appeal scheme would be less intrusive and, as such, this is a matter to which I afford little weight.
44. It may be that there is potential for an increase in biodiversity through the creation of gardens, but there can be no certainty about how future residents may decide to construct their gardens and I give this matter little weight.
45. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out. Albeit that these jobs and investment would be transitory, this a matter to which I afford moderate weight.
46. The Council would also accrue CIL and New Homes Bonus (NHB) receipts. However, as the NHB is an incentive for local planning authorities to provide housing on suitable sites, and no direct beneficial link between the spend of the NHB and Sutton Benger has been established, I do not consider that this factor attracts weight as a benefit in the planning balance. In addition, CIL is designed to offset the effects of new development on a locality. As such, it is mitigation not a benefit.
47. It was suggested that economic benefits would accrue to local shops and community facilities. However, the village has no shop and there was no evidence that community facilities are in need of additional finance other than to mitigate the effects of the development proposed. Thus, I give these factors little weight.
48. The benefits outlined above are not, in my judgement, sufficient to outweigh the harm that I have identified to the specified heritage assets. Placing these factors and all of the relevant material considerations in the balance, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. In the circumstances I conclude that the proposal would not represent a sustainable form of development. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Richard Schofield*

INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT:

|                      |                       |
|----------------------|-----------------------|
| Mr Nathan McLoughlin | McLoughlin Planning   |
| Mr Guy Kippen        | McLoughlin Planning   |
| Mr Edmund Stratford  | EDP Ltd               |
| Mr Carl Tonks        | Carl Tonks Consulting |

### FOR THE LOCAL PLANNING AUTHORITY:

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|----------------------|-------------------|
| Mr Mark Staincliffe  | Wiltshire Council |
| Ms Caroline Ridgwell | Wiltshire Council |
| Ms Carolyn Gibson    | Wiltshire Council |
| Mr Mark Henderson    | Wiltshire Council |

### INTERESTED PERSONS

Mr Hugh Bellars  
Dr Kay Taylor  
Mr Alan Taylor

Mr Bellars also read out a statement on behalf of Mr Barry Worth, Chair of the Sutton Benger Neighbourhood Plan Core Group

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Timetable for Bus Services through Sutton Benger
2. Revised Statement of Common Ground on Housing Supply Matters
3. Plans for conversion of Arms Farm barns and alterations to farm house
4. Breakdown of completions in Chippenham Community Area 2006 to date
5. Letter from McLoughlin Planning confirming change of appeal application description
6. Email from Wiltshire Council education regarding capacity at local schools
7. Site Location and Boundary plan for appeal site

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