



The Planning Inspectorate

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Your Ref:

Our Ref: APP/Y3940/W/15/3003528

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

09 October 2015

Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by Mr & Mrs D. Lee-Millais

Site Address: Manor Farm, Tytherton Lucas, CHIPPENHAM, Wiltshire, SN15 3RL

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,

Kevin Plummer

Kevin Plummer

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 19 May 2015

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 9 October 2015

Appeal Ref: APP/Y3940/W/15/3003528

Manor Farm, Tytherton Lucas, Chippenham SN15 3RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Lees-Millais against Wiltshire Council.
 - The application Ref 14/05968/FUL, dated 16 June 2014.
 - The development proposed is the change of use of a dependent relative and carer's accommodation into a dwelling for a temporary period of two years (retrospective) (resubmission).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal building is a grade II* listed curtilage building within the Tytherton Lucas Conservation Area. As required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.
3. There is a statutory duty to advertise development that affects listed buildings and their settings. The Council did not undertake part of the required procedures, although the publicity has now been undertaken. For this reason the appeal has to be considered on the basis that the Council failed to determine the application.
4. The Council would have refused planning permission for the following reasons. It was considered that the development would result in harm to the setting and character of Manor Farm; would alter the setting and relationship between the isolated dwelling and the landscape thereby failing to preserve the rural setting and the character of a locally distinctive area; and it would be a new dwelling in the countryside without special justification, isolated from services, employment opportunities and unlikely to be well served by public transport, contrary to national sustainable transport guidance that seeks to reduce growth in the number and length of motorised journeys.
5. The appeal building is a former barn that has been converted to a dwelling. The Council have confirmed it is a listed curtilage building within the farm. In addition to the change of use, external alterations to the building are proposed,

although the planning application was not accompanied by a listed building consent application. However, as such cases can be considered separately, this would be a matter for the Council to address.

6. The Council considered the planning application as retrospective. The rear of the building had been laid out as a garden, the use as a dwelling was occurring, and external alterations to the building had occurred. The parties have clarified that the change of use of land extends beyond the red site line, and that reference to a rear parking area was an error as it should have referred to a patio. It was clear from my visit that the parking area on the submitted drawings was a patio, as shown on drawing 2128/BR/200e. For the avoidance of doubt, and notwithstanding what has occurred on site, I have made my decision on the basis of the submitted drawings with regard only to the works identified within the red site line.
7. The Council refused the planning application under the requirements of policies within the North Wiltshire Local Plan (2006) (LP). However, in January 2015 the Wiltshire Core Strategy (CS) was adopted, and replaced some of the policies in the LP. Thus I have determined the appeal on the basis of the CS policies and those saved in the LP.

Main Issues

8. The main issues are *firstly*, the effect of the change of use on the character and appearance of the area, with particular regard to whether it would preserve the special architectural or historic interest of a grade II* listed building, the settings of nearby grade II* listed buildings, and linked to that whether it would preserve or enhance the character or appearance of the Tytherton Lucas Conservation Area; and *secondly*, whether the proposal would be a suitable location for a dwelling, with regard to the principles of sustainable development, and the requirements of national and local policy.

Reasons

Character and Appearance

9. Manor Farm is a farmstead of both historic and modern buildings in a countryside location within the Tytherton Lucas Conservation Area. Tytherton Lucas is a loose scatter of mostly historic houses and farms separated by gardens, fields and paddocks, and has a spacious rural appearance. Manor Farm house is an imposing and attractive building, constructed of stone and tile, with a walled front garden separating it from its farm buildings. The house, because of its size and design, positioned away from but above the other buildings in the farmstead, is clearly visible in the surrounding area. Apart from a cluster of houses and their associated outbuildings to the south, the farm is bounded to all other aspects by agricultural land. As such the farm house forms a dominant and eye catching building within the area.
10. The appeal building is part of Manor Farm's historic farmstead. It was a former cow shed and is constructed of brick, stone and tile. Despite its conversion to residential use, it has retained its long, linear form and functional agricultural character and appearance. Like the other historic buildings within the farm, it is set away from the main house, and is subservient to it in terms of scale and design. The dominance of the house, the positioning of the historic farm buildings, and their distinct functional forms, historic roles, and relationships, is

part of the special interest and significance of these listed buildings and the farm complex as a whole.

11. At the time of my visit the appeal property was occupied. Part of the area to the rear of the building had been laid out as a patio, and recent hedge planting enclosed an area of lawn. The use of the building as a separate dwelling, albeit for a temporary period, would unacceptably alter its status and its relationship with the surrounding buildings. It would appear and be a separate dwelling. Furthermore, it would not be unreasonable for its occupiers to expect a degree of privacy and separation from the main house, or to use the land surrounding the building for residential purposes, as was evident at my visit. The provision of residential paraphernalia around the building would exaggerate its functional and physical independence from the other buildings of the farm. It would no longer have a subservient relationship to the main house, but would be a separate dwelling in its own right.
12. The rear of the building forms a defined division between the surrounding agricultural land and the farm buildings. This relationship is emphasised by the main historic openings of the appeal building fronting the yard. Whilst I appreciate the building now has a residential use and that a modern outbuilding and Dutch barn have been removed, the provision of a garden area to the rear of the building would extend residential uses beyond this distinct line into the countryside. The historic boundaries of the farm and the uses of the land and buildings within and around it are important elements of the significance of these listed buildings and of the character and appearance of the Conservation Area. The extension of residential curtilage to the rear would unacceptably blur this distinction, harmfully detracting from the setting of the listed buildings, their relationship with each other, and the contribution they make to the Conservation Area and surrounding landscape.
13. The proposal also includes external alterations to the building with the provision of double patio doors to the rear of the living room rather than to the side. I note these doors would provide those in wheelchairs with an alternative means of access to the building, and that there are a number of existing full height double windows present within the rear elevation. On that basis, the provision of a further glazed opening in a part of the barn that has been rebuilt, would not significantly harm the special interest of the listed building, or the setting of the other buildings and the character and appearance of the Conservation Area.
14. The National Planning Policy Framework advises that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. In this instance, the change of use, the associated alterations and patio area would affect a relatively small part of the listed building, the setting of others, and the Conservation Area, and thus the harm caused to their significance would be less than substantial. However, as no public benefits have been put forward for consideration, I am unable to pursue this matter further.
15. The Framework advises that great weight should be given to the conservation of designated heritage assets. In this instance the use of the appeal building as a separate dwelling and the associated patio would fail to preserve the special interest of the grade II* listed building or the settings of those nearby.

Nor for the reasons given would it preserve the character and appearance of the Tytherton Lucas Conservation Area. This objection would not be overcome by the imposition of a temporary condition, and applies even though recent planting would partly screen the site, as the special interest of the listed buildings and their contribution to the Conservation Area is not just restricted to that which can be seen from the public realm.

16. Thus the proposal would conflict with CS Core Policies 51, 57 and 58, that require amongst other things, development that protects, conserves, and where possible enhances, the historic environment and landscape character. This is consistent with objectives of the National Planning Policy Framework (the Framework) that seek to protect and enhance designated heritage assets, and the intrinsic character and beauty of the landscape.

Sustainable Location

17. The use of the appeal building as an unfettered dwelling, albeit for a temporary period, would create an isolated dwelling within the countryside. Whilst the permitted use of the building is as a dwelling, it is linked to the main house. The Framework makes it clear that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. Whilst I accept the appellants no longer need the building to accommodate a dependant relative and their carer, the removal of this restriction even for a temporary period, would provide a dwelling in the countryside that would be available for anyone to live in.
18. Although only limited information has been provided as to the sustainability of the appeal building's location, the Council have referred to it being remote from services and employment opportunities, at some distance from the nearest village. Based on the evidence before me, I have no reason to disagree with this view, and share the concerns of the Council that occupiers of the dwelling would be likely to be reliant on the private car. I appreciate there is a permitted residential use of the building that would have generated vehicular trips. However, the size of the building would allow it to be occupied by a family, and this would be a very different pattern and increased number of movements than for a dependant relative and a carer.
19. The appellants refer to the presumption in the Framework in favour of sustainable development, and that the occupation of the building would be more sustainable than leaving it empty, as other uses would be unsuitable due to the short term nature of the requirement and highways impacts. However, the proposed use would significantly harm the historic environment, and in itself generate additional traffic. As such it would not outweigh the harm I have found.
20. The Framework makes it clear that sustainable development has economic, environmental and social dimensions, which should not be taken in isolation. For the reasons given, the proposal would have significant adverse environmental impacts and taken as a whole, it would not constitute the sustainable development sought by the Framework. Thus the proposal would conflict with CS Core Policies 57 and 61, and LP Policy H4 that seek amongst other things, development that makes a positive contribution, reduces the need to travel, and controls new residential development in the countryside.

Other Matters

21. Local residents have raised concern that previous schemes on the site have not been implemented in accordance with approved details. However, this is a matter for the Council to address, and has had no bearing on my consideration of the merits of the appeal before me.
22. I have considered the concerns of local residents that the grant of planning permission would set a precedent for other similar developments, including near the appeal site. However, each application and appeal must be treated on its individual merits, in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance.
23. When taken either together or separately, neither of these other matters would outweigh the harm I have found as regards the main issues.

Conclusion

24. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR