
Appeal Decisions

Site visit made on 10 April 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 4 May 2017

Appeal Ref: APP/Y3940/W/17/3168159

Dairy Cottage, Westrop, Corsham, Wiltshire SN13 9QF

- 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 Peter Morgan against the decision of Wiltshire Council.
 - The application Ref 16/04869/FUL, dated 17 May 2016, was refused by notice dated 23 August 2016.
 - The development proposed is two storey extension including double garage and workshop.
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Appeal Ref: APP/Y3940/Y/17/3168160

Dairy Cottage, Westrop, Corsham, Wiltshire SN13 9QF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Peter Morgan against the decision of Wiltshire Council.
 - The application Ref 16/05443/LBC, dated 17 May 2016, was refused by notice dated 23 August 2016.
 - The works proposed are two storey extension including double garage and workshop.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. The description of development and works given in the headings above are taken from the Council's decision notices and are also the descriptions used by the appellant on the appeal forms.
 3. The Council refer to Dairy Cottage as a converted barn. I use the appellant's description of the building as a former stable in my decision.
 4. Although not part of the reasons for refusal of the planning application, the Council's evidence refers to encroachment of the development into what appears to be agricultural land outside the residential curtilage of Dairy Cottage. Whilst the Council provides a plan showing what is stated to be lawful residential curtilage, the basis for the statement is unclear. The appellant has submitted a land registry plan showing the extent of the title. However there is insufficient information, including information relating to the permission to convert the stable to a dwelling, and I do not address this matter further in my decision.
 5. The appellant's evidence refers to the former stable building as not being listed, but being within the setting of Park Farm barn which is a Grade II listed
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building. However, an application for listed building consent for the extension to Dairy Cottage has been submitted, registered and determined by the Council and there is an appeal before me against the refusal of listed building consent. The appellant's evidence also refers to listed building consent having been granted for the conversion of the stable to a dwelling in 1988. Accordingly, I have determined the appeals on the basis that Dairy Cottage is a curtilage listed building.

Main Issues

6. In respect of both appeals these are:

- Whether the proposals would preserve the curtilage listed building known as Dairy Cottage and its setting and any features of special architectural and historic interest it possesses.
- Whether the proposals would preserve the setting of Park Farm Barn and other neighbouring listed buildings.
- Whether the proposals would preserve or enhance the character or appearance of the Corsham Conservation Area.

Reasons

Whether the proposals would preserve the curtilage listed building

7. Dairy Cottage lies within a group of former farm buildings, described by the appellant as an 18C agricultural holding on the Corsham Estate. The evidence shows there was formerly an open fronted skilling or cowshed attached to the south eastern end of what is now the cottage, but most of this agricultural building has been lost due to storm damage around 1993/1994. The gable end of Dairy Cottage retains evidence of the roofline of the lost building. Evidence of the former attached building is also found in the isolated gable wall to the south east of Dairy Cottage.
8. No detailed heritage impact assessment has been provided. However, although the former stable building has been converted to residential use, it retains clear evidence of its agricultural origins in its simple form and modest scale.
9. The appellant describes the proposals as falling mainly within the footprint of the second phase of the development of the skilling approved in 1988. The Council refer to the building having initially been scheduled for conversion with the attached historic skilling. Whilst reference numbers are provided for a planning permission and listed building consent, I am not provided with any drawings relating to the 1988 permissions and therefore I cannot be certain what was approved. In any event, the storm damage resulted in the loss of the roof and much of the walling of the skilling.
10. The Council describe an element of the proposed extension as a relatively faithful reproduction of the scale and proportions of the historic element previously destroyed. However, notwithstanding the lack of elevations showing what was formerly on the site, the photographs and the south-east gable wall of Dairy Cottage provide sufficient evidence to show the skilling was of single storey height, with a roof pitch slightly less steep than that of the stable. The plan of title provided by the appellant shows the south west wall to the skilling

approximately in line with the stable whilst the photographs show the roof projecting slightly forward of the north east wall of the stable building.

11. The proposals show a covered passage with oak posts reflecting something reminiscent of the former open fronted building. However, behind the line of the oak posts a concrete inner wall with stone coloured facing is proposed. Other than the short link to be provided between the existing cottage and proposed workshop and hobby building, the scale of the proposed extension would be considerably greater than that of the former skilling, as it would be of two storey height and approximately double the span.
12. The form and scale of the proposed extension are such that it cannot reasonably be considered as a restoration of the former skilling. It is not wholly clear that the isolated gable wall which remains on the site would be retained as part of the new works. In any event, the dimensions of the gable wall are considerably less than would be required to provide the south east end wall of the two storey extension. The extension would result in a new building of a scale which would overwhelm the modest scale of Dairy Cottage.
13. The scale of the proposed double garage is appropriate in relation to Dairy Cottage. However, taken together with the two storey extension proposed, it would add to the overall mass of new building works and therefore would be harmful to Dairy Cottage.
14. The requirement for another vehicular access into the site to reach the proposed workshop would further alter the character and appearance of the lane particularly with regard to the treatment of the boundary. Stone walls are a significant feature of the area. Despite the dilapidated nature of parts of the boundary wall, taken together with the harm which would be created by the proposed extension, the access arrangements would harm the setting of Dairy Cottage.
15. With the exceptions referred to above, the materials proposed for the external faces of the extension would be appropriate and sympathetic to the area. However, this is not sufficient to overcome the harm arising from the form and scale of the proposed development and works.
16. I find that the proposals would diminish the significance of Dairy Cottage and so would not preserve this curtilage listed building.
17. I have taken into account the disposition of buildings shown on the land registry plan. However, the buildings to the south of Dairy Cottage are no longer on the site and in any event, as they related to the former agricultural use of the site I consider they do not create a precedent for the current proposals.

Whether the proposals would preserve the setting of listed buildings.

18. Setting is defined in the National Planning Policy Framework (Framework) as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
19. Dairy Cottage is sited on the south side of a gated access lane leading from the road through Westrop. On the north side of the lane opposite the appeal site is Park Farm Barn, a large barn converted to residential use and a Grade II listed building. Nearby Westrop House and Park Farmhouse are also Grade II listed

buildings as is the cottage known as No3 Westrop, immediately to the south east of the appeal site.

20. Dairy Cottage, which was part of the Corsham Estate, therefore forms part of a group of listed buildings including those relating to Park Farm. The retention of former agricultural buildings, albeit in other uses, provides evidence of the history of the area including the style of estate and vernacular buildings. As I have found the proposals would harm Dairy Cottage, it follows that the contribution which Dairy Cottage makes to the understanding of the group as a whole would also be harmed.
21. In visual terms the setting of Park Farm Barn, No 3 Westrop and Westrop House would be adversely affected by the scale and form of the proposals. Rather than assisting in the understanding of the special interest of the former farmstead, the scale of the changes proposed would harm such interest. I find that the proposals would not preserve the setting of these listed buildings.

Assessment of the overall impact on listed buildings

22. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant listed building consent for any works the decision maker shall give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66 of the Act imposes a similar duty with regard to applications for planning permission.
23. I have found that the proposals would fail to preserve the curtilage listed building by harming its special interest, and would fail to preserve the setting of other listed buildings.
24. The proposals would conflict with Policy 58 of Wiltshire Core Strategy (CS) adopted in January 2015 which seeks to ensure the conservation of the historic environment and amongst other matters requires them to be conserved and, where appropriate, enhanced in a manner appropriate to their significance.
25. The proposals would also conflict with CS Core Policy 57 relating to high quality design in all new developments including extensions. Amongst other matters, criterion iv of the policy requires development to be sympathetic to and conserve historic buildings. The size of the extension fails to respect the essential character and modest scale of the existing dwelling.

The effect of the proposal on the conservation area

26. I am not provided with any formal assessment of the conservation area. However, from the plan of the designated area it is clear that it covers not only the historic core of the town and the buildings of Corsham Court, but also extends to include the grounds and landscape of Corsham Court and some of its estate including Park Farm and its associated buildings. The Corsham Estate is therefore of considerable significance to the designated conservation area. As I have found harm to Dairy Cottage, and to the setting of listed buildings which are part of the former farm group, it must follow that there would be harm to the conservation area.
27. Section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the area. As there would be harm to the conservation area, the proposals would fail to

preserve the character and appearance of the area. This also brings the proposal into conflict with CS Core Policy 58.

Other matters

28. I have taken into account the support expressed by the Corsham Civic Society. However, this does not alter my findings on the main issues. I have also considered the developments at Park Farm Barn to the extent that I was able to see them from the access lane. However, I consider the position of the outbuildings in relation to Park Farm Barn is not directly comparable with the relationship of the appeal proposals to Dairy Cottage. In any event, I have determined the appeal proposals on their own merits.

Conclusions

29. The proposals would fail to preserve the curtilage listed building and the setting of other listed buildings. The proposals would also fail to preserve the character and appearance of the conservation area.
30. The Framework requires great weight to be given to the conservation of heritage assets. As such assets are irreplaceable, any harm or loss requires clear and convincing justification. When assessed in the context of paragraphs 132 to 134 of the Framework, the proposals would result in less than substantial harm to heritage assets. However, there are no public benefits relating to this proposal which would be sufficient to outweigh the harm the proposals would cause. Accordingly, the proposals do not accord with the Framework.
31. For the reasons given above, the appeal against the refusal of planning permission and the appeal against the refusal of listed building consent are dismissed.

J E Tempest

INSPECTOR