The Planning Inspectorate

Appeal Decision

Site visit made on 18 April 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 5th May 2017

Appeal Ref: APP/Y3940/W/16/3165972
Chilvester House, Chilvester Hill, Calne SN11 0LP

- 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 Lily Designs against the decision of Wiltshire Council.
- The application Ref 16/08631/FUL, dated 2 September 2016, was refused by notice dated 1 November 2016.
- The development proposed is for the conversion of Coach House into dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of coach house to dwelling including partial rebuilding at Chilvester House, Chilvester Hill, Calne SN11 0LP in accordance with the terms of the application, Ref 16/08631/FUL, dated 2 September 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15138-C201; 15138-P201; 15138-P202; 15138-P203; 15138-S201; 15138-S202, and; 15138-S203.

    3) Prior to the first occupation of the dwelling hereby permitted, the area between the nearside carriageway edge and a line drawn 2.0 metres parallel (including the footway) over the entire site frontage, shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level, and thereafter maintained free of obstruction at all times.

    4) Prior to the commencement of the development hereby permitted, a full statement and schedule of method of repair and rebuilding of the coach house shall be submitted to and approved in writing by the local planning authority. The method statement shall include amongst other information, details of retrieval and numbering of stone to be reused; details of brick work to be retained and details of mortar analysis retrieved from the site. The development shall be carried out in accordance with the agreed method statement.

    5) Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) Large scale details of all external windows and doors including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of windows and doors within openings, depth of reveal, heads, sills and lintels;

(ii) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;

(iii) Full details of proposed meter and alarm boxes;

(iv) Large scale details of proposed roof, eaves and verges (1:5 section);

(v) proposed timber and damp proof treatment

(vi) Full details of external decoration to render, joinery and metalwork; and

(vii) Full details and samples of external materials .

(viii) Full details of all rainwater goods

The works shall be carried out in accordance with the approved details.

6) No works shall commence on site until the exact details and samples of the materials to be used for external walls and roofs and samples of stone for any repair have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

7) No development shall commence on site until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

8) The development shall proceed in accordance with the recommendations at Section 5.4 and set out in Table 3 of ECOSA Ecology Survey and Assessment report dated September 2016.

Application for costs

2. An application for costs was made by Lily Designs against Wiltshire Council. This application is the subject of a separate Decision.

Background

3. Chilvester House dates from the 17th century and is a Grade II listed building. The large former coach house which is the subject of this appeal has limited separation from the main House. As it lies within the curtilage of Chilvester House, it is protected by its listing. The heritage status of the coach house is not contested by the Council. Planning permission has been granted on a number of previous occasions including in 2013 for the conversion of the coach house to residential and erection of garage and store (Council Ref. N/13/01137/FUL). This latter permission has lapsed. In the intervening period the Council explains that the building has deteriorated yet further, including as a result of fire damage.

4. The appellant believes that the 2013 planning permission represents a significant fall-back position. However a lapsed permission cannot be implemented.

5. There is disagreement between the parties as to whether the proposal amounts to a conversion of the building or its reconstruction. While the appellant believes that the proposed development would represent a conversion of the appeal building, the Council's description contained in the decision notice describes the development as the conversion of the coach house to a dwelling including partial rebuilding. Given the extent of damage following the fire including the collapsing of the roof, I have considered the appeal on the basis of the Council's description.

6. There is no dispute between the parties that listed building consent would also be necessary for the works to this curtilage building. However, no application for listed building consent is currently before me.

Main Issues

7. The main issues in this appeal are:

   - whether in the light of evidence relating to the structural integrity of the building the proposed development would amount to the creation of a new dwelling in the countryside;
   - the effects of the proposed development on the setting of Chilvester House, a Grade II Listed Building and;
   - the effects of the proposed development on ecology.

Reasons

Whether tantamount to a new dwelling

8. Paragraph 131 of the Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

9. This is in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which makes clear that in considering whether to grant planning permission for development that affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10. Chilvester House comprises an early to mid-19th century house of ashlar fronted under a slate roof, coped gables and large chimney stacks. It has large and imposing sash windows to the front, including two cant bays and pitched dormers within the roof behind a parapet wall. The listing description includes reference to the appeal building, a coach house and stable range whilst to the rear is a traditional range of cart horse stables that are not included in the listed building description but also forming part of the curtilage. Chilvester House has considerable architectural interest as a somewhat grand house set within extensive grounds and containing curtilage buildings that add to the grandeur and former prominence of the house. From the A4, the historical development and importance of the group of buildings can be clearly read as a traditional complex that is also close knit. It is also clear that the curtilage

buildings add considerably to the interest of the host listed building and to its significance as a designated heritage asset.

11. The coach house is a 19th century building originally used as stables and cart shed. It is of single storey height but its gables reveal that the height of the roof would have incorporated useable internal space within the loft area. It is orientated east and west and therefore at a right angle to the south-facing main front elevation to the House. It was originally built entirely of stone; however, there are more recent sections of modern blockwork.

12. Although the details of the previous planning permission are not available to me, the appellant suggests that the proposed conversion works are similar in extent to what has previously been approved, the difference being that two masonry walls were proposed, one linking the coach house to the open cart shed to the north and the second linking with Chilvester House. The proposal would see the re-use of substantial sections of existing masonry walls to form a four bedroom dwelling. Existing openings would be either filled where privacy requirements demand and others re-used to form new windows and doors. A substantial component of new building work would see the construction of a new roof and the erection of an extension to the south facing gable to form garages and bicycle and bin store. There is a commitment to remove non-original blockwork walls and the re-use of materials where possible. Other historic features would be reinstated, including stone archways. Vehicular access would be from a separate drive leading rom the A4.

13. Amongst other things, Policy H4 of the North Wiltshire Local Plan (2011) (NWLP) states that new dwellings in the countryside will be permitted where it is in connection with the essential needs of agriculture or forestry or other rural based enterprise. However the Council in its decision also refers to the National Planning Policy Framework (the Framework), which constitute a material planning consideration. This provides further guidance for the promotion of sustainable development through seeking to avoid new isolated homes in the countryside unless there are special circumstances, including, inter alia, where such development would represent the optimal viable use of a heritage asset and where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In these regards, NWLP Policy H4 is not consistent with paragraph 55 of the Framework.

14. It is consistent with paragraph 132 of the Framework that, when considering the impact of development, great weight should be given to the conservation of heritage assets. The appellant has provided a structural report that highlights the deficiency in workmanship of previous building works together with the fragility of the local materials used in the building's construction, which has left the remaining walls in various states of disrepair. The fire damage that destroyed all the timber work and roof together with water and damp penetration has resulted in some walls collapsing and others either bulging or leaning. There is no indication in the form of a methodology for the works proposed precisely what part of the building is capable of conversion. The structural survey itself explains that there is significant erosion and perishing of masonry and lime mortar.

15. My attention has been drawn to Policy CP48 pf the Wiltshire Core Strategy (2015) (WCS) that would support the conversion and re-use of rural buildings for employment, tourism, cultural and community uses, subject to certain

criteria, including amongst other things, where the building is structurally sound, is capable of conversion without major rebuilding…or involves the conversion or re-use of a heritage asset that would lead to its viable long term safeguarding. The Council explains that where there is clear evidence that the above uses are not practicable, residential conversions may be appropriate subject to the same criteria. The Council remains silent on the issue of whether a cascading approach assessment should be undertaken before a residential use is contemplated. However, I am mindful of the previous planning permissions at this site that has seen considerable support for the conversion of the building to residential use albeit in the context of a building that was at the time of the previous consents, capable of conversion.

16. Notwithstanding, I would accept the appellant's arguments that the building comprises a heritage asset and is included in the description to the listing of Chilvester House and is a curtilage building. According to the Framework, the more important the asset, the greater the weight should be in terms of its conservation. I am satisfied given the acknowledged status of the building that had it been relatively intact and capable of conversion without recourse to major rebuilding, the proposed development would represent the optimal use of this heritage asset. Although the building has been extensively damaged by fire, I am satisfied from the structural report findings and from what I could see on site that a significant proportion of the building remains and that the walls can be repaired. The appellant has provided a statement of principles for the works and the Council has suggested an appropriate condition for the prior submission and approval of a method statement to secure the appropriate rebuilding of the coach house.

17. In the light of the above I conclude that the proposal would not be tantamount to a new building in the countryside but rather through retention and careful conversion of those elements that are capable of such conversion would represent the optimal viable use of a heritage asset and lead to an enhancement of the immediate setting in line with paragraph 55 of the Framework.

Setting of Chilvester House

18. Having regard to section 66(1) of the Act, the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. The significance of a heritage asset is defined in the Framework as its value to this and future generations because of its heritage interest. In addition, the elements of setting that contribute to significance include their relationship with a street and their immediate plots. Thus, significance derives not only from a heritage asset's physical presence, but also from its setting. Paragraph 132 of the Framework confirms that the significance of a heritage asset can be harmed or lost through development within its setting.

19. The appeal building's location and close functional association with Chilvetser House is a critical part of the curtilage to this listed building, which is further enhanced by virtue of the curtilage building's detailing, its strong gables and striking east facing elevation.

20. Whilst its architectural and historic features make the coach house a heritage asset in its own right, the historic and visual connections between the listed Chilvester House and its former coach house adds to the significance and

distinctiveness of the House itself. From the A4, the visual influence of the appeal building is significant and its connection with the House undeniable.

21. Local planning authorities are advised at paragraph 137 of the Framework to look for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. The development as proposed would return the fire damaged parts to their former state. By contrast, the existing structure if left to further deteriorate would have a significantly harmful effect on the setting of the listed building and therefore its significance as a heritage asset.

22. Having regard to the earlier planning permissions for conversion of the building to a dwelling, the principle of residential conversion is acceptable. Although the proposal would result in significant alterations to the west elevation together with sizeable extensions to the south elevation, the alterations proposed to the important east elevation are minimal and appropriate. The materials to be used in the conversion and rebuilding works would reflect and complement its rural location. The proposal in my view would better serve to enhance and reveal the architectural and historic significance of Chilvester House as a listed building. Moreover, it would enhance the character and appearance of the area.

23. Consequently I consider that the proposed development would preserve the setting of the adjacent listed building and would not materially harm the character and appearance of the surrounding area. As a result there would be no conflict with WCS Policy CP58 which seeks to ensure that development protects, conserves and where possible enhance the historic environment. The proposal would also accord with paragraphs 131 to 133 of the Framework and would represent an appropriate response as set out in paragraph 137.

Ecology

24. WCS Policy CP 50 establishes that development proposals must demonstrate how they protect features of nature conservation as part of their design rationale. Legislation to protect wildlife habitats and species listed in the UK Biodiversity Action Plan is well established. Circular 06/2005 explains at Part IV, paragraph A99 that it is essential that the presence or otherwise of protected species, and the extent that they might be affected is established before permission is granted.

25. The Council asserts that insufficient surveys have been carried out for the impact of the proposed development to be properly assessed.

26. The submitted ecology survey was designed to reflect a somewhat larger development proposal than the proposed development that is before me, including the renovation of Chilvester House and the construction of dwellings within the grounds in addition to the conversion of the coach house itself. However, in terms of the appeal proposal, the ecology report concludes that following the fire damage, the coach house has limited potential for bat roosting. The disused swimming pool is considered to have low potential to support great crested newts. The wider curtilage is acknowledged as having high potential to support reptiles.

27. I am satisfied given what is before me and the extent of the appeal building's curtilage that the key recommendations contained within the appellant's ecology report offer a suitable level of mitigation that would conserve and enhance biodiversity in respect of the proposal. Consequently, I am satisfied that the proposed development complies with the objectives of WCS Policy CP 50 and would not be in conflict with paragraph 118 of the Framework.

Conditions

28. The Council has considered a number of conditions in the event that planning permission is granted and I have assessed these in accordance with the use of conditions as explained in the Planning Practice Guidance. I have attached the standard time period for commencement of development and a requirement for accordance with approved plans to ensure certainty. In the interests of highway safety, a condition requiring clearance of vegetation and any other structure within the specified visibility splay onto the principal highway is imposed. It is necessary to require an agreement and implementation of a methodology for the approved works to ensure the protection and enhancement of the heritage asset. For similar reasons and in order to protect the character and appearance of the area conditions are attached to ensure that details of materials including their form and appearance are approved prior to commencement of development. It is also necessary for sample panels of stone to be agreed and remain positioned on site for the duration of development in the interests of character and appearance and protection of the heritage asset. A condition is attached requiring adherence to the ecology report in the interests of protecting biodiversity.

Conclusion

29. In the light of the above reasons and having considered all other matters, the appeal is allowed.

Gareth W Thomas

INSPECTOR