
Appeal Decision

Site visit made on 26 April 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 30 May 2017

Appeal Ref: APP/Y3940/W/17/3168064

Moor Cottage, Moor Hill, Fovant SP3 5LB

- 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 Eugene Patel of Schemp Ltd against the decision of Wiltshire Council.
 - The application Ref 16/10238/FUL, dated 19 October 2016, was refused by notice dated 6 December 2016.
 - The development proposed is a 2 bedroom cottage.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 bedroom cottage at Moor Cottage, Moor Hill, Fovant SP3 5LB in accordance with the terms of the application, Ref 16/10238/FUL, dated 19 October 2016, subject to the conditions set out in the attached Schedule to this decision.

Preliminary Matters

2. The plans submitted with the appeal do not include a proposed site plan showing the intended position of the dwelling. However, a plan was included within a statement submitted as a part of the appeal proposal with reference '338/002'. This is referred to by the Council and by the appellant. I am satisfied that I have the correct information to deal with the appeal.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area. I will have particular regard to the effects upon the adjoining Fovant Conservation Area (CA) as well as the natural and scenic beauty of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is presently an open space between the front of a traditional 2 storey cottage known as 'Moor Cottage' and a modern group of dwellings to the east, downhill from the site. This includes cul-de-sacs of modern dwellings, which adjoin the rear of the site. The space within the appeal site is part of an otherwise built up road frontage that slopes up as one travels out of Fovant to the north west. Along here, buildings are loosely developed in a raised position above the road with a good degree of space between them creating a leafy character with rich landscaping features. The site is however conspicuous due
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- to its undeveloped nature and lack of significant landscaping. The site adjoins the CA which includes the road and a largely undeveloped, wooded area on the opposite side of the road.
5. The proposed dwelling would have a traditional basic 2 storey form. The materials would be a mixture of local stone and slate as well as timber boarding which would be a similar palette as used nearby on other modern dwellings.
 6. Moor Cottage is an old property which is, unusually along here, side on to the road although the Council's draft Fovant CA appraisal¹ shows that this is a characteristic elsewhere. This reflects the age of the property and the Council has dated its existence to the late 1800's. The Council is of the view that the building should be considered as a non-designated heritage asset.
 7. I am not told about any system of 'local listing'. The National Planning Policy Framework (the Framework) defines a heritage asset as "*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*". The definition goes on to state that as well as designated heritage assets, assets may also be "*identified by the local planning authority (including local listing)*". There is no absolute requirement for local lists of non-designated heritage assets. The Planning Practice Guidance, encourages locally published criteria for determining what is or is not a non-designated heritage asset. However in the absence of any criteria being brought to my attention, I will reach my own conclusions.
 8. Moor Cottage has a simple traditional charm constructed of stone with a pitched clay tiled roof with a single chimney on one side. It does not appear to have been altered significantly. I have no evidence that the building is of particular rarity within the area generally although I could see that it is set amongst generally more modern dwellings in this particular part of the settlement. The plan from 1901 that the Council has provided shows that the area has been transformed since that time due to development along the hillside. At the time of that map, the building related to undeveloped land. I consider that Moor Cottage due to its local architectural interest, possible rarity and as a remnant of a previous era can be considered to be a non-designated heritage asset.
 9. Moor Cottage is in prominent view from directly in front of the site from Moor Hill. It is not prominent into the wider area being screened by other buildings on either side. The proposal would leave the building physically unchanged and therefore preserved. Space would be lost to the front of Moor Cottage due to the positioning of the proposed dwelling. However, a garden area would be retained, the proposed dwelling would be set back from the road and views would still be possible of the front of Moor Cottage. The proposed dwelling would not appear cramped alongside Moor Cottage and would not have a harmful impact upon that building or its setting. The incorporation of soft landscaping in the front garden and along the bank sloping up to the site from the road would enable the development to fit with the prevailing verdant, leafy character of the area. The incorporation of an access for the proposed dwelling along with the existing opening for Moor Cottage would not substantially impact upon the visual qualities of the area.

¹ Fovant Conservation Area Appraisal, draft June 2006

10. The site currently relates to the built up part of the settlement the character and appearance of which is primarily influenced by human activity through the construction of buildings and spaces between them. The proposal would not be substantially visible into the wider landscape. The site and surrounding land nearby has a minor significance with respect to the natural and scenic beauty of the AONB.
11. The proposal would respond to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development. In relation to the main issue, the proposal would not have a harmful impact upon the character and appearance of the area. This would comply with Core Policies 57 and 58 of the Wiltshire Core Strategy². The proposal would preserve the setting of the CA and the natural, landscape and scenic beauty of the AONB.

Conditions

12. The Council has suggested conditions relating to landscaping, surfacing, drainage and access. Conditions covering these matters are necessary and I have included these with some amendments to ensure that they comply with the tests for conditions within the Framework. I have also included a condition to require the submission of further details and samples of materials for the Council's agreement but I do not consider that it is necessary for the construction of a sample panel on site.
13. The planning application form indicates that the dwelling will be connected to the mains sewer and I do not consider that further details about foul drainage are necessary. It is also not clear why specific control over construction and demolition hours are necessary above the existing environmental controls of the Council.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

Schedule of 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: 338/002; 338/003; 338/004; 338/005; 338/007; and 338/006B.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include a detailed planting specification showing all plant species, planting sizes, finished levels and contours,

² Wiltshire Local Development Framework, Wiltshire Core Strategy, adopted January 2015

means of enclosure, indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The dwelling shall not be occupied until the area shown for parking and vehicular access on drawing no '338/002' has been drained and surfaced with a gradient not steeper than 1 in 15 for a distance of 5m measured back from the carriageway edge, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 6) The dwelling hereby permitted shall not be occupied until an area between the nearside carriageway edge and the site frontage has been cleared of obstruction to visibility at or 1.0m above the nearside carriageway level, in accordance with details that have first been submitted to and approved in writing by the local planning authority
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates shall be installed across the new access to the site.
- 8) The dwelling hereby permitted shall not be occupied until works for the discharge of surface water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 9) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.