
Appeal Decision

Site visit made on 6 June 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: 23 June 2017

Appeal Ref: APP/Y3940/W/17/3167874

Little Oaks Caravan Park, Adj to The Oaks, Melksham Road, Lacock, Wiltshire SN15 2LW

- 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 & Mrs Nicholas Puntis against the decision of Wiltshire Council.
 - The application Ref 16/06545/FUL, dated 1 July 2016, was refused by notice dated 18 August 2016.
 - The development proposed is demolition of the existing former caravan repair workshop and construction of a single dwelling and workshop/store building for personal use (Amendments to 16/02198/FUL).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing former caravan repair workshop and construction of a single dwelling and workshop/store building for personal use at Little Oaks Caravan Park, adjacent to The Oaks, Melksham Road, Lacock, Wiltshire SN15 2LW in accordance with the terms of the application, Ref 16/06545/FUL, dated 1 July 2016, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The Council's reasons for refusing the application include the failure to supply information regarding protection measures in respect of trees on and off the site. The Council has subsequently provided a copy of information submitted to them under cover of a letter from the appellant dated 2 August 2016 and the Council has confirmed that this overcomes their objection in this relation to this matter.

Background and Main Issues

3. The appeal site has a Certificate of Lawful Use relating to the storage to 10 caravans. Subsequently, permission was granted in 2015 for a single dwelling on the site ('the 2015 permission'). A permission granted in 2016 and referred to in the heading above ('the 2016 permission') amended the design of the dwelling previously permitted, increasing its overall size.
 4. Taking the above into account, the main issues for this appeal are the effect of the proposal on (i) the character and appearance of the area; (ii) the setting of Lacock Conservation Area; and (iii) the setting of listed buildings.
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Reasons

Character and appearance of the area

5. The appeal site lies on the south side of the village, at the southern end of a line of development on the east side of Melksham Road. This small group of dwellings are relatively modern in date in comparison with the historic core of the village to the north.
6. At the time of my site visit, construction of a dwelling was underway with the exterior of the two storey element of the dwelling largely completed. The appellants' evidence states that the construction works relate to the 2016 permission. This permission includes a one and a half storey 'wing', comprising two garages with accommodation above, projecting westwards towards Melksham Road.
7. The group of dwellings on the east side of Melksham Road of which the appeal site now forms the southernmost element, vary in their size, age and design. They also vary in their proximity to the road although most have a grass verge forward of their front boundaries. Tree and shrub planting in front gardens is also a characteristic feature.
8. The appeal proposal would extend the length of the garage wing by adding a third garage. The extended garage wing would reflect the design already permitted for the two garages with accommodation over the garages and dormers in the roof.
9. Whilst the overall development would be some 3m closer to the road than the permitted scheme now under construction, a substantial distance between the road and the gable end wall of the garage wing would remain, sufficient to avoid any sense of the building appearing to be too large for its plot. There would also be adequate space at the front of the site to provide landscaping, thus assisting the development as a whole to blend with the character of neighbouring properties to the north. The massing of the garage wing would remain appropriate in the context of the main dwelling of which it would form part.
10. As part of my visit to the site, I walked along the public footpath which runs parallel to the southern boundary of the appeal site. Taking the permitted scheme into account, the revised proposal which is before me would have no adverse effects on views from the public footpath.

Setting of the conservation area

11. The site lies to the south of the conservation area. Focused on the historic core of the village, the designated area extends southwards to include The Folly and eastwards to include the Lacock Abbey and its grounds. The appeal site is separated from the conservation area by the existing houses on the east side of Melksham Road.
12. The Council refer to S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a general duty in the exercise of planning functions with respect to buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The site lies outside the conservation area.

13. The National Planning Policy Framework (Framework) makes clear at paragraph 132 that when considering the impact of proposed development on the significance of a designated heritage asset, great weight is to be given to the asset's conservation. Significance can be harmed as a result of (amongst other things) development within the setting of designated heritage assets. Setting is defined in the Framework as the surroundings in which a heritage asset is experienced. The extent of setting is not fixed and may change as the asset and its surroundings evolve.
14. Neither main party has provided a detailed assessment of the nature or extent of any contribution which the group of houses on Melksham Road makes to the significance of the designated area. Nor am I provided with an appraisal of the conservation area. However, the route along Melksham Road is the signed vehicular route for visitors to the village and Abbey. Given the proximity of the site and the linear group of houses to the designated area, I consider that the site is capable of forming part of the setting to the conservation area.
15. Views of the additional proposed development are likely to be brief and glimpsed. Taking into account the permitted scheme, which has been found acceptable in the context of the setting of the conservation area, I find that the addition of another bay to the westward projecting wing would not result in any material harm to the setting of the conservation area.

Setting of listed buildings

16. Based on the evidence provided by the Council, the nearest listed buildings to the appeal site are Folly Cottage and the Abbey complex, the latter including a Grade I listed building and therefore a building of the highest level of importance. Harm to the setting of a listed building does not form part of the Council's reasons for refusal of the proposal and the Council's delegated report concludes that the proposal would have a neutral impact on the setting of the Abbey and would not be clearly visible from the Abbey or vice versa. However, the Council's letter which comprises part of their statement refers to the proposal resulting in harm to the setting of this listed building.
17. Section 66 of the Act imposes a general duty that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting. The Council would have had regard to this duty in granting the 2015 and 2016 permissions to erect a dwelling on the appeal site.
18. Given the distance of the appeal site from the Abbey and the location of the additional development proposed in relation to the Abbey, I am satisfied there would be no harmful impact on the setting of the Abbey. Neither would there be an adverse impact on the setting of the Folly. Consequently, the setting of these listed buildings would be preserved by the proposed development.

Conclusion and Conditions

19. I find that there would be no harm arising from the proposals to the character and appearance of the area, or the setting of the conservation area and listed buildings. Consequently, the proposals do not conflict with Core Policy 58 of the Wiltshire Core Strategy (adopted January 2015) which seeks to ensure the

conservation of the historic environment. Nor would there be any conflict with Core Policy 57 which requires high quality design or with the Framework.

20. For the reasons given above, I conclude that the appeal should be allowed, subject to appropriate conditions.
21. The Council has suggested a number of conditions based on those imposed on the 2016 permission. A condition specifying the approved plans provides clarity. Given the construction underway on the site, a condition regarding commencement is not required. For similar reasons the suggested condition regarding demolition of existing buildings is not necessary. Given the Certificate of Lawful Use which has been issued, I have imposed a condition to provide certainty on this matter. Conditions to confirm the external materials and secure the provision of hard and soft landscaping remain relevant. I have adjusted the wording of the tree protection measures to reflect the current state of the development on site. Provision of suitable access and parking including gates is required. In the light of the extant permission including the continuing need to protect the trees on and adjacent to the site, I have imposed the conditions removing permitted development rights as well as measures to secure the privacy of adjacent property. I have not imposed the condition relating to the Code for Sustainable Homes as this code has been withdrawn.

J E Tempest

INSPECTOR

Attached – Schedule of conditions

Schedule - Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
2016-03-1D; 2016-03-2D; 2016-03-3D; 2016-03-4D; 2016-03-5D; 2016-03-6D.
2. The materials to be used in development hereby approved shall be in accordance with the materials specified on the application form and approved plans.
3. The development hereby approved shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.
4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.
5. Protective fencing which has been erected on the site as required by conditions imposed upon Planning Permission reference 16/02198/FUL in order to protect those trees which are protected by a Tree Preservation Order and all trees shown for retention on the approved plans shall be maintained for the duration of the works to carry out the development hereby permitted. No vehicle, plant, temporary building or materials, or raising or lowering of ground levels shall be allowed within the protected areas.
6. The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
7. No part of the development hereby permitted shall be occupied until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.
8. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A,B,C,E & F shall take place on the dwellinghouse hereby permitted or within its curtilage.
10. Before the development hereby permitted is first occupied the windows at first floor level in the North elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved landscaping plans, shall be erected or placed anywhere on the site.
12. Prior to the first occupation of the dwelling hereby approved all caravans permitted to be stored on the land by application N/10/01611/CLE shall be removed from the site and thereafter the land shall be kept free from the storage of caravans.

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