



Appeal Decision

Site visit made on 29 July 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/Y3940/W/19/3221277

Land to the rear of 88-89 High Street, Cricklade SN6 6DF

- 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 H M Baker Trust and Mrs S E Baker against the decision of Wiltshire Council.
 - The application Ref 17/09914/FUL, dated 11 October 2017, was refused by notice dated 31 October 2018.
 - The development proposed is the erection of 2 no new dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by H M Baker Trust and Mrs S E Baker against Wiltshire Council. This application is the subject of a separate decision.

Procedural Matter

3. The planning application forms submitted with the appeal documents describe the development as the erection of 3 new dwellings. During the course of the application the proposal was amended, and the number of proposed units reduced to 2. Both the Council's decision notice and the plans before me reflect this. I have, therefore, considered the appeal on the basis of the development referred to in the Council's decision notice.

Main Issue

4. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the area and the heritage assets that the appeal site is within or adjoining, including the Cricklade Conservation Area (CCA) and 88 and 89 High Street.

Reasons

5. The appeal site is within the CCA and is to the rear of the main high street that forms part of the primary shopping area in the town. This part of the conservation area is characterised by its historic high street and burgage plot pattern to the rear of the high street frontage.
6. The burgage plots within the vicinity of the appeal site are long and narrow stretching from High Street towards Horse Fair Lane to the rear. Historically,

the plots may have been developed with outbuildings that would be subservient in their scale to the property at the front of the plot facing High Street. There is some evidence of this type of historic development in the area.

7. I also noted more recent development within the plots to the rear of High Street in the vicinity of the appeal site. Indeed, there is residential development either side of the appeal site that has resulted in the sub division of the original adjoining burgage plots. This and similar development in the area has resulted in a degree of disruption to the burgage plot layout to the rear of High Street. However, the burgage plot layout along Horse Fair Lane is still legible and can, to a degree, be appreciated from the Lane. Accordingly, the burgage plot layout is an important feature of this part of the CCA.
8. The appeal site is set within two of the existing long, narrow plots to the rear of 88, 89, 89a and 89b High Street. No 88 and the subdivided property at 89 High Street are Grade II listed buildings. The listing description suggests that these buildings have been included in the listing for their collective value. Part of their value is derived from the burgage plot setting of the buildings, which in this case are relatively undeveloped, open and retain their original linear form.
9. Accordingly, the appeal site as it currently exists makes a positive contribution to the significance of both the conservation area and the listed buildings at 88 and 89 High Street, particularly as it assists in retaining the important burgage plot setting to the listed buildings and the historic pattern of development of the area.
10. The site is currently occupied by three small detached garages that are within the rear garden associated with 88, 89, 89a and 89b that face onto High Street. The appeal site is accessed from Horse Fair Lane. Although some of the commercial premises on High Street have access from Horse Fair Lane, the character of the lane is primarily residential.
11. The development would introduce two detached two storey dwellings, with associated parking and garden area, into the rear end of two burgage plots. The dwellings would face on to Horse Fair Lane and would be set off the lane to allow for an on-site parking area, similar to the majority of the residential development that is opposite the appeal site.
12. The development would result in the severing of both burgage plots at approximately the mid-way point. Both dwellings would be substantial in comparison to the existing development on the site. They would each have their own separate, enclosed curtilage that would result in that part of the existing burgage plot becoming physically divorced from the remainder of the plot and the associated listed building. The development would not retain the linear form of the burgage plots as a whole, particularly as the dwellings are orientated such that their widest dimension would be across the width of the respective plots. Furthermore, the size of the propose dwellings results in a form of development that would not be subservient to the Grade II listed frontage buildings.
13. I acknowledge that the number of dwellings proposed was reduced during the determination of the application from 3 to 2 in an attempt to address the effect of the development on the historic environment. I also note that the proposed dwellings would be simple in their design and that the scheme proposes to

retain some of the historic features on the site. Such matters do not, however, mitigate the harm I have identified above.

14. Furthermore, I can appreciate that the orientation of the development, towards Horse Fair Lane, and the layout proposed would reflect the pattern of development that is found on the opposite side of Horse Fair Lane. However, that pattern and form of development is much more recent than that found along the historic High Street and its back plots, the conservation of which should be given great weight.
15. I have found that the proposed dwellings, by reason of their location within two of the burgage plots to the rear of High Street, would harm the significance of the CCA and the setting of the Grade II listed properties at 88 and 89 High Street. The harm arising from the proposed development would be compounded by the size of the development and its layout. Accordingly, the development would neither preserve nor enhance the character or appearance of the area and the heritage assets that the appeal site is within or adjoining, in conflict with policies CP57 (Ensuring high quality design and place shaping) and CP58 (Ensuring the conservation of the historic environment) of the Wiltshire Core Strategy (Jan 2015). These policies seek, amongst other matters, to enhance local distinctiveness by responding to the value of the historic environment and to conserve and, where possible, enhance it.
16. In addition to the above, the development also conflicts with a specific criterion of Policy H3 (Design of New Housing) of the Cricklade Neighbourhood Plan (Made March 2018). This states that development proposals will be supported where they incorporate measures to ensure that the integrity of historic burgage plots remains intact. As the Cricklade Neighbourhood Plan has been made, it is part of the development plan for the purposes of section 38 of the Planning and Compulsory Purchase Act 2004. As such, Policy H3, which is relevant to the determination of this appeal, carries the same weight as the policies contained within the Wiltshire Core Strategy.
17. Having regard to the findings above, I find the harm caused to the heritage assets would be less than substantial. In these circumstances, paragraph 196 of the Framework makes it clear that where less than substantial harm to the significance of a designated heritage asset would occur then this has to be weighed against the public benefits of the proposal. I have considered this as follows.

Planning Balance

18. The appellants have suggested that the proposal would enhance this part of the conservation area, create an active frontage and formalise and enhance the appearance of the site. I acknowledge that the site is, in part, overgrown and occupied by two prefabricated garages that are not typical of the surrounding built vernacular. Nevertheless, as the burgage plots are relatively undeveloped and retain their linear form and subservient character, I have concluded above that the appeal site as it currently exists makes a positive contribution to the significance of the related heritage assets. In view of the harm I have identified that would result from the proposed development, I cannot conclude that the proposed change to the appearance of the site would be a benefit of the scheme. Neither can I conclude that the proposed development would provide an appropriate formal setting to the Listed Buildings.

19. Notwithstanding the above, the development would result in an economic benefit during the course of its construction. There would be an addition of two dwellings to the area's housing stock, which also carries associated economic and social benefits. The development would also be considered sustainable in terms of its proximity to everyday services and facilities. Whilst these matters are all benefits of the scheme, those benefits are limited in view of the small number of houses to be provided.
20. The appellants have also suggested that the proposed development would secure the site's optimum viable use. I have had regard to the guidance provided in paragraph 015 of the Planning Policy Guidance Note on the Historic Environment that suggests that if there is only one viable use, that use is the optimum viable use. It also advises that if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset.
21. Whilst there are a number of residential properties at the end of other burgage plots in Horse Fair Lane, there are also a number of other uses of the land and buildings to the rear of the High Street frontages. Accordingly, it is unlikely that the construction of two dwelling houses at the appeal site is the only option for sustaining the heritage assets in this case in the long term. As I have not been provided with any suggested alternatives to the current proposal, I am unable to conclude that the proposed development would be the use likely to cause the least harm to the significance of the assets. Accordingly, and notwithstanding the Council's conclusions in this regard, I am unable to conclude that the proposal would be the optimum viable use for the site.
22. The Framework makes clear in paragraph 193 that great weight should be given to the conservation of a heritage asset. Accordingly, I find that the harm that would occur to the CCA and the setting of the Grade II listed buildings at 88 and 89 High Street outweighs the benefits outlined above.

Other Matters

23. Reference has been made to the recommendation for approval by the planning officer in the original committee report. Whilst this is noted, I have considered the proposed development on its own merits, having regard to the evidence presented and my observations on site.

Conclusions

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

J Moss

INSPECTOR