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## Appeal Decisions

Site visit made on 18 November 2019

**by H Porter BA(Hons) MScDip IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2019**

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### **Appeal Ref: APP/Y3940/W/18/3219092**

#### **Shrewton House, Elston Lane, Shrewton SP3 4HJ**

- 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 d'Avanzo against the decision of Wiltshire Council.
  - The application Ref 18/03830/FUL, dated 19 April 2018, was refused by notice dated 4 July 2018.
  - The development is formation of access in curtilage wall of former Orchard to Elston Lane.
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### **Appeal Ref: APP/Y3940/W/18/3219091**

#### **Shrewton House, Elston Lane, Shrewton SP3 4HJ**

- 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 d'Avanzo against the decision of Wiltshire Council.
  - The application Ref 18/04184/LBC, dated 19 April 2018, was refused by notice dated 4 July 2018.
  - The works are formation of access in curtilage wall of former Orchard to Elston Lane.
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## **Decisions**

1. Appeal A is dismissed. Appeal B is dismissed.

## **Procedural matters – both appeals**

2. Retrospective planning permission and listed building consent are being sought for works and development shown as proposed on the submitted plans. These have been fully implemented and I have determined the appeals on this basis.

## **Main Issues – both appeals**

3. The main issues in both appeals are whether the works and development have preserved the Grade II listed building, its setting or any features of special architectural or historic interest that it possesses.

## **Reasons – both appeals**

4. Shrewton House is a Grade II listed Building that was first listed in 1958. The handsome Classically-proportioned dwelling occupies an elevated position overlooking extensive sloping grounds on the outskirts of Shrewton village. The appellant's Heritage Statement establishes that the main dwelling was constructed between 1820 and 1832 by the Gilbert family and typifies the late-Georgian ideal of a country villa with strong links to the landscape around it.

- The land associated with the dwelling has been subject to selling off and change in ownership over time. Nevertheless, the extent and historic function of parts of the estate grounds remain legible to this day through remnants of garden boundary walls and estate railings.
5. The principal listed building has an obvious aesthetic value, the significance and special interest of which is derived from its architectural form, layout and surviving historic fabric and detailing. Historic boundary walls are important physical remnants that contain historic fabric and denote the way the Shrewton estate has evolved over time. Having formed part of the land associated with Shrewton House before 1 July 1948, historic boundary walls are curtilage listed structures and covered by the same statutory protection. They also form part of its setting and are of architectural and historic interest, and contribute to the significance and special interest of the Grade II listed building.
  6. The appeals concern the boundary wall to an allotment garden located to the south west of the main dwelling, bounded by Elston Lane. Prior to the appeal works being undertaken there had been a continual stretch of high walling running along the length of Elston Lane up to where the wall returns to form an enclosed allotment garden. Constructed partly of flint and limestone and part of rendered cob walling, the wall has evidently existed since at least the late 19<sup>th</sup> century and demarks an orchard and vegetable garden that have historic associations with the Shrewton House estate. The fabric and uninterrupted extent of the wall are key characteristics that underpin its significance.
  7. The works and development undertaken have involved the creation of an access off Elston Lane into the allotment garden beyond, following the partial collapse of an approximately 10-metre-long section of historic cob walling. A approximately 13.5 metres of wall has been rebuilt, with new walling constructed of rendered blockwork on a brick plinth with tile and brick coping. The walls curve inwards to the a recessed access across which are a central pair of gates, a pedestrian gateway to one side and a fixed fence panel on the other, all of stained timber.
  8. Taken with the pedestrian access and fixed side panel, the entrance is notably wide and causes a visual intrusion, while the set-back from the lane deviates from the line of the historic wall. The re-built sections of wall are of inferior-quality materials compared to the local material of cob that characterised the wall previously. The overall design and configuration causes the new walling and entrance to stand out as a somewhat standardised solution, which fails to complement the vernacular qualities that characterised the wall before, or its surviving historic elements.
  9. In light of the foregoing, the works and development have caused harm to the wall itself as a curtilage listed structure and caused harm to the setting and thereby significance and special interest of the Grade II listed building. The degree of harm to the designated heritage asset has been less than substantial, which, the National Planning Policy Framework, revised February 2019 (the Framework) requires clear and convincing justification for and public benefits to outweigh that harm.
  10. The case has been advanced that the new access is a convenience to the allotment users, who otherwise would have to walk some 140 metres further to gain entry, causing some disturbance to horses. Also, that the double-width gate enables vehicles to enter the site. Be that as it may, the Framework

makes clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and that great weight should be given to the asset's conservation; and where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.<sup>1</sup>

11. There is nothing substantive to indicate why the allotments would be abandoned if their users were required to walk a relatively short extra distance or not be able to gain vehicle entry. Nor is there any indication of a programme of investment or repair to the listed wall that is linked with the extant community use. That aside, and even accepting that there would be some modest benefit to the wider public, that does not justify the width of the access itself, its materials, design, set-back or its location. Without any analysis of possible alternatives, there is no compelling justification for the extent of the impact and the harm that I have found.
12. That the wall is not specifically mentioned in the list description and is not located within a designated conservation area do not preclude its significance. Nor does an absence of harm in terms of highway safety justify harm to a designated heritage asset.
13. Even less than substantial harm to a heritage asset must be given considerable importance of weight. On balance, the weight of public benefits does not outweigh the less than substantial harm to the designated heritage asset. It follows that the works and development have failed to preserve the Grade II listed building, its setting or any features of special architectural or historic interest that it possesses, contrary to the expectations of s.16(1) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently, the works and development do not accord with the Framework, nor with Policies CP57 and CP58 of the Wiltshire Core Strategy, 2015, insofar as these seek to ensure development is of high-quality design and that the historic environment is protected, conserved and where possible enhanced.

## **Conclusion**

14. For the reasons given above, and having considered all relevant matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

*H Porter*

INSPECTOR

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<sup>1</sup> National Planning Policy Framework, Revised February 2019 Section 16 paragraphs 184, 191, 193