

Appeal Decision

Site visit made on 11 November 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/Y3940/W/19/3234856

Court Close Farm, No 2 White Street, Easterton SN10 4NZ

- 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 and Mrs Lloyd against the decision of Wiltshire Council.
 - The application Ref 18/11701/FUL, dated 3 December 2018, was refused by notice dated 25 April 2019.
 - The development proposed is described as '*demolition of three detached dilapidated buildings and their replacement with a single dwelling including new access*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the site would be a suitable location for housing having regard to local policy; and,
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the Easterton Conservation Area (ECA) and the Grade II listed buildings at Close Court Farm (CCF).

Reasons

Suitability of location

3. The appeal site is agricultural land at the southern outskirts of the settlement of Easterton, to the south and east of the Grade II listed farmhouse and converted barns at CCF. The north part of the site is within the ECA, the boundary of which runs through its approximate middle, east to west.
4. High Street runs along the west boundary, beyond which is housing and farmland. White Street is to the north, the gardens of neighbouring dwellings bound the site to the east, the village of Market Lavington is to the south, and farmland is to the south east. At the west side is a large pole barn (Barn 1) and on higher land to the east is a more conventional agricultural building (Barn 2).
5. The proposal seeks to demolish Barn 1 and reinstate grassland. Barn 2 is sought to be replaced by a detached house. A vehicular access would be created off High Street. A shared farm/domestic drive would turn to the south before curving northwards, from where it would climb to the dwelling. Significant tree and hedgerow planting is also proposed.

6. Easterton is defined by the Wiltshire Core Strategy (adopted 2015) (WCS) as a small village. Policy CP2 of the WCS supports modest residential development in Wiltshire's small villages if certain criteria are met. However, this is predicated on such proposals constituting infill within the existing built area.
7. Easterton has no settlement boundary and the term 'infill' is not defined by the WCS. I am not persuaded that the term should be defined by a reference in the Easterton & Eastcott Village Design Statement (2005). This document was published well before the adoption of the WCS, and like the Easterton Conservation Area Statement (ECAS) (2003), was not intended to elucidate this matter. Similarly, the extent of the ECA is not necessarily equivalent to the built area of the village. Whilst Policy CP2 is not overly prescriptive, to my mind this simply connotes that it requires some judgment when applied. This is a matter most appropriately assessed site specifically and on the ground.
8. Easterton's built form is not uniform here, which gives the site a partially residential context, notably at its north side. The established position of CCF within the village has been well evidenced by the historic maps. They indicate that Barn 1 sits within what can logically be defined as CCF's historic plot. This lends weight to the view that Barn 1 is within the built area of the village.
9. However, these maps also place the proposed dwelling outside of CCF's plot, within a field which, at times, has been part of a much larger field to the south. This, along with the existence of Barn 2 by 1961, evidences a well-established agricultural use. Much of the site is open, undeveloped and overtly agricultural in both character and appearance. Its structures are utilitarian and non-habitable. To my mind, it is these attributes that place it beyond the village, the edge of which is most logically defined by the domestic boundaries of neighbouring residential properties and by White Street. Given such, the proposal would not constitute infill within the existing built area.
10. I therefore conclude on this issue that the site would not be a suitable location for housing having regard to local policy. The proposal would therefore conflict with Policies CP1, CP2 and CP12 of the WCS in this regard.

Character and appearance

11. The Council considers the scheme harmful to the ECA but not CCF. Even so, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the ECA and a duty to consider the impact of the proposal on the special architectural and historic interest of CCF.
12. The significance of this part of the ECA is derived from the frontier of the village and the interface between the historic built and natural environments. The ECAS considers the visible open land to the south of White Street, of which the appeal site is part, to emphasise the rural setting of the village. As noted by the ECAS, the pasture surrounding CCF is strongly agricultural, allowing retention of CCF's rural farmstead character despite its village location¹.
13. As such, although the appellant has identified its practical usefulness for farming to be marginal, the open, agricultural quality of the appeal site leads it to make an important contribution to the ECA and to the significance of CCF derived from its setting. Whilst the ECAS is of some vintage now, it remains an authority on the subject.

¹ As acknowledged by the appellant's Heritage Assessment, by Armour Heritage, dated February 2019

14. Barns 1 and 2 are 20th century and have negligible historic merit. However, they are typical rural buildings within a rural landscape and, although dilapidated, it is not untypical or deleterious for barns to be in such a condition. Barn 2 has an insubstantial appearance, an unembellished simplicity and maintains a low profile, set back innocuously to the extent that its roof is its most visible feature. It has a neutral effect on the ECA and CCF, as would its removal. Barn 1 on the other hand, whilst inoffensively rustic, is out-of-scale with CCF and inappropriately located at the entrance to the village and the ECA. Its removal would open up the site and would be a benefit in these terms.
15. The dwelling would be set down compared to Barn 2. However, its scale, substantive form and more westward siting would lead it to have a more imposing presence, accentuated against the skyline. This would erode the openness of the field to an extent. Its materials and design would take reference from the agricultural typology of Barn 2 and the timber and stonework at CCF. However, it would be principally residential in appearance and there would be perceptible domestic activity, particularly at night. As such, it would appear anomalous within the field, to the detriment of the agricultural qualities which define the site's contribution to the ECA and the CCF.
16. The site access and drive would be in a location with a strong verdant and undeveloped character which establishes the setting of the village, the ECA and CCF. I acknowledge that the drive is sought to follow the contours and use agricultural detailing. However, in my view its meandering path would appear noticeably contrived, and given the topography, I am not persuaded on the evidence that a degree of engineering would not be present. Given such, the access and drive would harmfully encroach into the countryside, within the setting of the ECA and CCF.
17. The appellant has referred to the extensive landscaping at the site, and I agree that the additional hedgerows would provide some benefit. However, given that the site is defined by its agricultural heritage, I do not share the view that its planned extensive planting with trees would be an appropriate response.
18. There is much made by the parties as to the scheme reducing or increasing the proximity between the two distinct but very close settlements of Market Lavington and Easterton. Given that the scheme would remove Barn 1 but introduce the new driveway, there is merit to both points of view. However, to my mind the scheme would have a neutral effect in regard to this issue. The appellant has compared the scheme to nearby modern housing in Market Lavington, but any criticisms made regarding that development do not serve to justify the harm I have identified in this case.
19. Drawing my findings together, whilst I acknowledge that the removal of Barn 1 and the hedgerow planting would be benefits in isolation, overall the proposal would harm the character and appearance of the area, with particular regard to the ECA and CCF. It would conflict with the landscape, heritage and design aims of Policies CP51, CP57 and CP58 of the WCS and the Framework. I have also considered the Historic England publications and the landscape assessments² referenced by the appellant, but the cited guidance is not site specific and there is nothing in these documents which alters my findings against this issue.

² Wiltshire Landscape Character Assessment Final Report (2005), Kennet Landscape Character Assessment (1998)

Other Matters

20. The appellant has referred to planning permission Ref 14/10189/FUL. As that related to the conversion of an historic barn, its circumstances are very different to this appeal. My attention is also drawn to the potential for development under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order (2015). However, any such scheme would require the approval of the Council in its own right. These matters therefore carry very little weight in my reasoning.

Planning Balance

21. I have identified that the location would not be suitable for housing having regard to local policy. The scheme would harm the character and appearance of the area, with particular regard to the ECA and CCF.
22. The harm to the ECA and CCF would be less than substantial in both cases. Any such harm nevertheless merits great weight in accordance with Paragraph 193 of the Framework and falls to be weighed in the balance with the public benefits of the development.
23. The scheme would provide an energy efficient, adaptable and accessible home, of which there is need, improving the village housing mix. Given that a single dwelling would be delivered, these benefits would be modest. Although I am mindful that the area has seen a fall in biodiversity, opportunities for enhancement would also be limited by the scale of the scheme. Whilst the appellant considers there to be a need for agricultural vehicular access to the field, there is no substantive evidence to that effect, and I do not therefore consider this to be a benefit. Together and individually, the benefits of the proposal would not outweigh the harm to either designated heritage asset.
24. There is dispute between the main parties as to whether or not the Council can demonstrate a five-year supply of deliverable housing sites. However, even if I were to accept the appellant's position, Paragraph 11 d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 6, this includes instances of harm to designated heritage assets. The Framework therefore provides a clear reason for refusing the proposal, and the presumption in favour of sustainable development is not engaged.
25. I therefore find that the proposal would conflict with the development plan when read as a whole and that there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

26. For the reasons outlined above, and taking all matters raised into account, including the third-party support for the proposal, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR