



Appeal Decision

Site visit made on 20 January 2020 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/Y3940/D/19/3239005

Golden Maplecroft, Bath Road, Bradford-on-Avon, BA15 2PE

- 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 Isobel Griffiths and Simon Gunstone against the decision of Wiltshire Council.
 - The application Ref 19/05285/FUL, dated 31 May 2019, was refused by notice dated 1 August 2019.
 - The development proposed is described as re-siting, repair and re-construction of a stone built historic garden structure believed to be an Orchid House
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework');
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the significance of the non-designated heritage asset;
 - The effect on the setting of nearby listed buildings; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for Recommendation

Whether Inappropriate Development

4. Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. Part d) of this paragraph lists the replacement of a building as one such exception provided that the new building is in the same use and not materially larger than the one it replaces.
5. The proposal would result in the reconstruction of the existing dilapidated single storey structure, adding a second floor. It would also have a roof, where there is not one at present. Although the footprint of the replacement building would be similar to the existing, it would be significantly higher, with its volume increasing by approximately 70%, which has not been disputed. The changes to the building would be significant and the new building would be materially larger than the building that it is intended to replace.
6. In light of the above I consider that the proposal would comprise inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Effects on openness of the Green Belt

7. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
8. In this case, there would be a spatial and visual effect on the openness of the Green Belt as a result of the substantially taller building proposed. Openness would be reduced.
9. Whilst the effect on openness would be limited and localised in the context of the West Wiltshire Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Non-designated heritage asset

10. The structure that is the focus of this appeal is stated to date from the late 1800's. The historic interest of the appeal property centres on the original Maplecroft Farm development, which includes, amongst other listed buildings nearby, the Grade II listed Maplecroft to which the structure was its orchid house. It has been identified as a non-designated asset.
11. Core Policy 58 of the Wiltshire Core Strategy (CS) (2015) states that non-designated heritage assets which contribute to a sense of local character and identity should be "conserved and where possible enhanced". This policy is consistent with the Framework, which requires that in determining planning applications that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 193 of the Framework states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

12. Whilst the new building would reuse the materials of the existing structure, the proposed re-siting would result in its demolition. Moreover, the proposal would completely alter the existing building's form and nature. In the absence of details to demonstrate that the proposed design reflects the original orchid house, I find that the proposal would not sustain or enhance the significance of this heritage asset. Accordingly, harm to the significance of the non-designated heritage asset would result.
13. Paragraph 197 of the Framework requires that in weighing applications that directly or indirectly affect non-designated heritage assets, that a balanced judgement is made having regard to the scale of any harm or loss and the significance of the heritage asset.
14. In this regard the re-siting of the structure with regards to its relationship with the main house and to the usability of the garden space are acknowledged, as is the intended future use of the new building. However, the personal circumstances advanced do not amount to justification for the loss of the heritage asset from its original position. The viability of bringing the existing building back into use is noted, however limited information has been provided in this regard and such this matter carries little weight in my overall consideration.
15. I note the examples provided of development that has utilised historic structures, however the nature of development in these cases differs to that before me and in the absence of detailed information of the circumstances of these cases, I am unable to ascertain if they are directly comparable. This therefore limits the weight that I can give this matter. I also note the support for the proposal including from the Town Council, Preservation Trust and the Council's Conservation Officer. However, the decision of the Council was to refuse the planning application for the reason set out in the decision notice, hence the appeal before me. This support does not amount to a justification for the proposal.
16. I have assessed the proposal on its merits and for the reasons set out above have found that harm would be caused to the significance of this non-designated heritage asset which is not outweighed by other matters. The proposal conflicts with the aims of CS Core Policy 58 and the Framework in terms of the conservation of heritage assets.

Setting of Nearby Listed Buildings

17. There are a number of listed buildings within close proximity of the appeal site associated with the Maplecroft estate, including Maplecroft (main house), Maplecroft Farmhouse, Pigeon-Cote, Barn at Maplecroft Farm and Walls and Gatepiers. The significance of these listed buildings lies with their historic nature and grouping and they provide an understanding of how the estate operated.
18. Although the appeal site has been subdivided from Maplecroft and no longer forms part of its curtilage, the former orchid house clearly has historical connections to this property and is within its setting. Whilst there has clearly been modern additions and development around the appeal site and the listed buildings, enough of the original structure remains standing, located in its original position, to contribute positively to its surroundings, and the historic link between the structure and the main house, in addition to the close visual

proximity (the main house is closely visible from the structure), means that the structure contributes positively to the setting of the listed main house, despite the separation of the plots.

19. The demolition of the existing structure would remove the historic connection with Maplecroft, and as a consequence would fail to preserve its setting. Moreover, the proposed building would be prominent in the approach to nearby listed buildings, along the access drive and in this regard their setting would not be preserved.
20. Given the separation of the appeal site to these listed buildings, the harm that would result to their significance as heritage assets would be less than substantial, and accordingly needs to be weighed against the public benefits of the proposal.
21. It is submitted that the proposal would secure the viable use for the structure, however it has not been demonstrated that its demolition, re-siting and substantial redevelopment would result in an optimum use which outweighs the identified harm to the significance of the heritage assets. Moreover, the personal circumstances advanced and examples of development elsewhere do not amount to public benefits in favour of the proposal.
22. In light of the foregoing I conclude that the public benefits of the proposal do not outweigh the less than substantial harm that would be caused to the significance of designated heritage assets. The proposal conflicts with CS Core Policy 58 and the Framework which seek to conserve and enhance the historic environment. Moreover, it fails to satisfy the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Considerations

23. The Framework advises that inappropriate development in the Green Belt should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. I note the appellants consider that the renovation of the existing building would be expensive, and they consider that it would not be justified unless additional accommodation was provided. However, there is little evidence to substantiate this matter and this therefore limits the weight that I can give this in my consideration of the proposal.
25. The appellants state that the intention behind the proposal is to improve the relationship of the building to the appeal house (Golden Maplecroft) and allow the garden to be utilised fully. Whilst the proposed re-siting would provide a larger area of garden closer to the dwelling, this matter carries limited weight in favour of the proposal particularly given the size of garden that the property has.
26. My attention has been drawn to development nearby. However, I am not aware of the specific circumstances which led to permission being granted for these developments and consider that the examples quoted are not directly comparable to the proposal before me. Accordingly, limited weight is given to this matter. I also give limited weight to the examples quoted where historic

buildings have been incorporated into a more recent addition because these schemes do not appear to be directly comparable to that before me.

27. The appellants also point to the lack of harm to the living conditions of the occupiers of neighbouring properties. Whilst I concur, a lack of harm can only carry neutral weight in my consideration of this appeal.
28. I have identified that the scheme would amount to inappropriate development in the Green Belt, and the presumption against inappropriate development means that this harm alone attracts substantial weight. Further harm would be caused as a result of loss of openness which also attracts substantial weight. Harm would also be caused to the significance of heritage assets, both designated and non-designated, which carries great weight.
29. The other considerations advanced in support of the case carry, at best, limited weight. Taken as a whole, I conclude that the benefits of the scheme do not outweigh the harm the proposed development would cause to the Green Belt and the other harm identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Accordingly, the proposal would be inconsistent with the advice in the Framework in relation to the Green Belt.

Recommendation

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR