
Appeal Decision

Site visit made on 17 August 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/Y3940/W/20/3251503

**Longhedge Farm House, Amesbury Road (A345), Longhedge, Salisbury
SP4 6BW**

- 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 Podger against the decision of Wiltshire Council.
 - The application Ref 20/00269/FUL, dated 11 January 2020, was refused by notice dated 3 March 2020.
 - The development proposed is the erection of two dwellings with associated landscaping, car parking, bin store and improvements to existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - (1) whether the dwelling is in a suitable and sustainable location, having regard to local strategic policies and the National Planning Policy Framework,
 - (2) the effect of the development on the setting of the listed building known as Longhedge Farm House,
 - (3) the effect of the development on archaeological resource in the area,
 - (4) the living conditions of future occupiers, and
 - (5) the effect of the development on the integrity and qualities of international Nature Conservation Sites.

Procedural Matters

3. Amended plans have been submitted with this appeal. They mainly remove windows which could have resulted in overlooking between the proposed two houses. I have accepted these amended plans as there are only minor changes and no interested party would likely be prejudiced by accepting them.
4. With submission of the amended plans, the Council has confirmed that the issue of mutual overlooking between the proposed houses has been overcome. However, the Council still wish to defend the issue of living conditions with regards to the amount of private amenity space for future occupiers.

5. With the appeal, the Council has raised the issue of the site being within the River Avon catchment area and the issue with the increased phosphorous in this river, which is a designated Special Area of Conservation. This is clearly an important issue which the appellant has responded to. It is therefore considered one of the main issues for this appeal.

Reasons

Location of development

6. The site is adjacent to a former farmhouse, to the north of Salisbury. There is the large Longhedge housing development close by, but the site has a distinctly more rural appearance.
7. As confirmed by the Council, the site is outside of any defined settlement boundary and therefore, from a policy perspective, is in the countryside. Settlement boundaries form part of the settlement strategy, as set out in Core Policy 1 of the Wiltshire Core Strategy (CS). This settlement strategy is to identify the settlements where sustainable development can take place. The hierarchy is a strategic approach to ensuring that, over time, appropriate levels of development take place in suitable places, commensurate with the size, characteristics and role of individual settlements.
8. In this strategy, Salisbury is classed as a 'Principle Settlement', but the site is to the north of Salisbury. In this regard, Core Policy 2 of the CS states that development will not be permitted outside of the limits as defined on the policy map, such as the settlement boundaries.
9. In this particular case, the site is not a long distance from the edge of Salisbury or the Longhedge development currently being built. However, the site is clearly separate and in a rural setting. I also note that there is some public transport links available, which would link with employment opportunities, for example. Nonetheless, the proposal would clearly conflict with the overall development strategy of the CS, in that it would not comply with the aim to focus housing development to the most sustainable existing settlements or allocated housing sites.
10. It is recognised that the Core Strategy housing policies are more than 5 years old and the Council cannot demonstrate a 5 year housing land supply. However, there remains substantial benefit in maintaining a plan-led system. The extent of settlement boundaries and hierarchies was established through a formal process with public consultation. I also note that the site was not proposed for consideration in the recently adopted Wiltshire Housing Sites Allocation Plan, which was only adopted in March of this year.
11. Overall, the appeal site is not located in an area supported by the development plan. It would involve housing development in the countryside, remote from settlement boundaries identified for development in the CS. The proposal would therefore be contrary to Core Policies 1 and 2, as it would introduce housing that does not comply with the Delivery Strategy for new homes in Wiltshire. The proposal would result in harm in that it would be counter to achieving this development strategy.
12. Nonetheless, the proposal would provide 2 family size houses and towards local housing land supply, where the Council cannot demonstrate a sufficient

provision of housing land. I shall come back to this matter with the later Planning Balance.

Listed Building setting

13. The proposed two houses are to the side of an access track which connects the main road (A345) to the curtilage of the Grade II listed Longhedge Farm House. The listing describes the house as a former farmhouse, now a dwelling, with sections dating back to the late 18th Century possibly. This heritage asset, in my opinion, derives its significance from its age and history, together with its architectural features.
14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting.
15. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. Whilst outside of the curtilage of the listed dwelling, the proposed houses would be in close proximity. Although there is some trees and a boundary wall, it is likely that there would be some inter-visibility between the listed building and the proposed houses. Furthermore, the proposed houses would be accessed off the approach drive to Longhedge Farm House. As such, it is my view that the proposed development is within the setting of the listed house.
17. As a former farmhouse, the listed dwelling has an appropriate rural setting, especially when viewed from the access off the A345. The track with trees either side provides a suitably verdant and rural approach which contributes positively to the setting of Longhedge Farm House. However, this would significantly change with the proposed development of two houses to the side of this access track.
18. The two proposed dwellings of very similar appearance to each other would result in an urbanising effect to the existing rural approach to the listed house. Furthermore, whilst there have been some design features to reflect Longhedge Farm House, the two large new houses would appear modern and have a suburban character.
19. For this reason, the introduction of two new houses as proposed into the rural approach to the listed former farmhouse would fail to preserve the setting of this heritage asset. The proposed houses would appear at odds with this rural setting.
20. My attention has been drawn to a development at an adjacent neighbouring property. However, it is my understanding that this has planning permission. While the appellant may consider this neighbouring planning permission to have an adverse impact to the setting of the listed building, this does not mean that the proposed two dwellings should be permitted if they harm the setting also. In this case, the two dwellings particularly alter the character of the access track approach to the listed house, which is not the same as the neighbouring development, and so is not directly comparable.

21. Although the proposed houses would be set back from the access track, they would be clearly visible from it and the plots would extend up towards the track edge. The siting of the proposed houses within the plots does not sufficiently mitigate the adverse impact to the setting of the listed dwelling. I also note that there are large scale housing developments in the wider area, but they are significantly further away from Longhedge Farm House and its unmetalled access track.
22. The proposed two dwellings would be harmful to the setting of the listed building. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
23. In this case, the proposal would provide two dwellings towards local housing land supply to be available for potential future occupants, with it noted that the Council cannot currently demonstrate a sufficient housing land supply. The development would also be near the larger Longhedge housing developments being built, with public transport links available. There would also be some improvements to the access onto the A345.
24. From an environmental perspective, the dwellings would include new planting and also some biodiversity enhancements. The proposed dwellings could potentially mitigate some of the light and noise pollution from the Longhedge development. I also note that the appellant wishes to use appropriate good quality materials for the proposed dwellings and incorporate energy efficient features.
25. Finally, I understand that the proposed development would result in some funds towards restoration of the listed building, but there is little detail of what this would be and so I give this matter limited weight.
26. Whilst there would clearly be benefits, as the proposal is for just two houses, these benefits would be limited. The other benefits would not have more than modest weight also. As such, the proposed development would result in harm to a heritage asset, to which I must attach great weight, which would not be outweighed by the benefits stated by the appellant.
27. The proposal is therefore in conflict with Core Policy 58 of the Wiltshire Core Strategy, which requires that development should protect, conserve and where possible enhance the historic environment, including buildings and structures of special architectural or historic interest, amongst other things.
28. The proposal is also contrary to the relevant policies of the Framework, which states that great weight should be given to heritage asset's conservation.

Archaeology

29. The consultation response received at the planning application stage from the County Council Archaeology section confirmed that the site is within an area of particular archaeological sensitivity. There have been finds in the area from various eras. As such, it is reasonable to conclude that the site could have unidentified remains of archaeological importance. However, as there has been no archaeological survey works undertaken to this point, this is not known.
30. As such, the layout of the scheme does not appear to have been informed by any investigation or evaluation of any potential archaeological remains at the

site. Whilst the appellant has suggested a pre-commencement condition which would require an evaluation to take place before any works start, on the evidence before me it is possible that this could reveal archaeological remains that justify preservation in situ. If that was the case, it may not be possible to carry out the development for the layout of the dwellings as proposed. Such a condition would potentially make the development undeliverable, and it would be unreasonable to impose it.

31. These considerations lead me to the view that insufficient provision is made for the investigation and preservation of any archaeological remains beneath this site, and the matter cannot be dealt with by way of planning conditions. I therefore consider that, whilst a survey may be costly for the appellant, the development would fail to ensure against harm to a potential archaeological heritage asset. The proposal is therefore contrary to Core Policy CP58 of the Wiltshire Core Strategy, which requires that development should protect, conserve and where possible enhance the historic environment, amongst other things.

Living Conditions

32. The proposed houses would be set within large plots, although there are large mature trees towards the perimeter of these plots. These trees would, to some extent, limit the enjoyment potential of the outdoor amenity space areas. This is especially the case for the more western dwelling proposed, which would have large mature trees overhanging much of its main garden area to the west side of the house.
33. Whilst the trees may overhang the garden and have some effect in impinging the enjoyment of these outdoor garden areas, the overall amount of amenity space is sufficient for both plots proposed. There are also patios to the rear of both proposed houses which would provide some outdoor space with less impact from adjacent trees.
34. Overall, the amenity space provision for both proposed dwellings would be sufficient in terms of quantity and quality. The trees should not result in any significant overshadowing effect or create an overbearing effect through sense of enclosure. Furthermore, the appellant has stated that the existing adjacent manure area can be moved, and the stables should not result in any particular significant living condition impacts.
35. The proposal, in this regard, is in accordance with Core Policy CP57 of the Wiltshire Core Strategy by ensuring that appropriate levels of amenity are achievable within the development itself, amongst other things.

Nature Conservation Sites

36. As confirmed by the Council, whilst the site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Avon Special Area of Conservation (SAC) catchment area. It is understood that the Hampshire Avon River is an important groundwater fed chalk river as it supports a variety of significant ecology. The whole extent of the river is therefore designated a Special Area of Conservation (SAC). This designated site is protected by the European Habitats Directive and, in turn, through domestic legislation in the Habitat Regulations. As the site is within the catchment area of the River Avon, there is a link between the development and this SAC.

37. I recognise that this is an issue raised since the decision made by the Council, but nonetheless as the 'competent authority' in the making of this appeal decision, it is incumbent on me to consider this matter.
38. It is apparent that increased levels of waste water with levels of phosphate in the receiving waters that lead to the River Avon needs to be taken into consideration, with the conservation aim of achieving reduced phosphate levels from sewerage treatment works and agriculture. The concern of NE is that new residential development will further add to the level of waste water which will include additional phosphate, resulting in the deterioration of the SAC ecology. As the proposal is for two additional houses which would connect ultimately discharge waste water into the River Avon there is the potential for an adverse impact to the water environment of the River Avon, albeit limited by the small scale of the proposal.
39. Had I been minded to allow the appeal it would have been necessary for me to first undertake an Appropriate Assessment of the development in order to confirm its effect and need for mitigation. I would have also required a consultation response from Natural England. With regards to mitigation, the appellant has referenced other Council's methods and an appeal decision which has suggested the use of a 'Grampian' condition which requires mitigation prior to development commencing, to offset any harm sufficiently to the River Avon SAC.
40. However, even if there were no likely significant effects to ecology to result in the proposals being in line with Wiltshire Core Strategy policies CP50 and CP69, and National Planning Policy Framework, that would be neutral in the planning balance rather than representing a positive factor weighing in favour of allowing the appeal. Therefore, in these circumstances an appropriate assessment has not been undertaken and no conclusion has been made on this main issue.

Other Matters

41. The Council has raised the issue of the potential impact to trees and their root systems with their appeal statement. The impact to trees was not included in the reasons for refusal. However, as I have found harm with the issues assessed above, I have not considered the matter of tree impact further.

Planning Balance

42. It is common ground between the main parties that the council cannot demonstrate a deliverable five year supply of housing and I have no reason to disagree with that view.
43. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. In respect of paragraph 11 d) of the Framework with regard to decision-making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including applications involving housing where the Council cannot demonstrate a five year housing land supply), a presumption in favour of development applies, subject to criteria.
44. This includes the criterion that there should be no policies in the Framework that protect areas or assets of particular importance which provide a clear

reason for refusing the development. However, in this case I have already found that policies within the Framework relating to designated heritage assets indicate clearly that development should be restricted. Accordingly, and with regard to the provisions of footnote 6 of the Framework, the presumption in favour of sustainable development as set out in paragraph 11 does not apply in this case.

45. Nonetheless, I acknowledge the benefits that the proposal would bring, such as the provision of two houses towards the housing land supply of the area. There are also the benefits as set out in paragraphs 23 to 25 above. However, as this is a relatively small scale development the benefits are modest.
46. Overall, the harm I have identified and explained above is such that it would significantly and demonstrably outweigh the benefits stated by the appellant in their evidence.

Conclusion

47. For the reasons outlined above, and having regard to all matters raised, the appeal should be dismissed.

S. Rennie

INSPECTOR