



Appeal Decision

Site visit made on 2 October 2020

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 October 2020

Appeal Ref: APP/Y3940/F/19/3225962

Hare and Hounds, 48 Pickwick Road, Corsham, SN13 0HY

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Pub Leisure against a listed building enforcement notice issued by Wiltshire Council.
 - The enforcement notice, numbered 18/00982/ENF, was issued on 4 March 2019.
 - The contravention of listed building control alleged in the notice is the erection of a timber and plastic 'smoking shelter' and the erection of a timber 'bin store'; both attached to the building in the approximate positions hatched in black on the notice plan.
 - The requirements of the notice are
 - 1) Demolish in full the timber and plastic 'smoking shelter' and the timber 'bin store'.
 - 2) Remove all materials resulting from step (1) above from the land.
 - The period for compliance with the requirements is two months.
 - The appeal is made on the grounds set out in section 39(1) (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed and listed building consent is refused for the erection of a timber and plastic 'smoking shelter' and the erection of a timber 'bin store'.

The appeal site and relevant planning history

2. The appeal property is a late 17th century Grade II listed building of local rubble stone prominently situated at the junction of the A4 Bath Road and the B3353 Pickwick Road and within the Pickwick Conservation Area. It is a public house with a car park and customer seating area to the rear.
3. There is no relevant planning history

Planning Policy

4. Section 16 of the Planning (Listed Building and Conservation) Act 1990 requires special regard to be paid to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest it possesses, before granting LBC.
5. In addition Development Plan policies are also material considerations. Policy 57 of the Wiltshire Core Strategy seeks to ensure high quality design and place shaping and Policy 58 seeks to conserve the historic environment.

These policies are broadly in accordance with the aims of the National Planning Policy Framework (the Framework) which is also a material consideration. Paragraphs 193 to 196 indicate that great weight should be given to preserving the significance of heritage assets and that any harm must be outweighed by public benefits of the proposal.

Reasons

6. An appeal on ground (e) is that listed building consent should be granted for the works.
7. I consider the main issues in the appeal on ground (e) are the effect of the works on the special architectural and historic character of the listed building and its setting and on the character or appearance of the Conservation Area.
8. The unauthorised works have been carried out adjoining a single storey lean-to at the rear of the public house. The smoking shelter has been constructed with one side on top of an existing unpainted masonry wall on the Bath Road boundary. It is open on two sides. Its modern materials of rough sawn timber and polycarbonate roof are incongruous in comparison with the traditional materials of limestone, which has been painted a vibrant yellow colour, and white painted timberwork of the listed building. It is harmful to the historic character and appearance of the listed building and to its setting. It is also detrimental to the street scene of Bath Road through its prominence and incongruous materials and adversely affects the setting of the other nearby listed buildings.
9. The bin store appears to be of a fence like enclosure and at the time of my site visit it had been painted the same colour of green as the planters that are laid out on the hard surface at the rear of the public house that divide off external seating areas from the car park. Although the structure hides the storage of bins and barrels, it does not hide all such materials from public view such as ladders and palettes. It sits uncomfortably in a position visible from public views from both the Bath Road and Pickwick Road. Again, the works adversely affect the character and appearance of the host building and its setting, through the crudeness of its construction and the materials employed.
10. The unauthorised works lead to less than substantial harm to the significance of the listed building and, in the context of paragraph 196 of the Framework, this needs to be weighed against the public benefits of the proposal. The appellant states that the business has to extend in order to survive in modern times. The work done in the bin area is for empty barrels and food delivery and has tidied up the area, making it more inviting for customers. The smoking shelter has been upgraded. Whilst I appreciate the need for the facilities provided and the benefits arising from the screening of the bin area and the facility for smokers, these do not outweigh the harm I have identified, which a more sensitive scheme might have overcome.
11. I conclude that the works have harmed the special architectural and historic character of the listed building and its setting and also adversely affected the character and appearance of the Conservation Area. The works are therefore

contrary to the Core Strategy policies and to the intentions of the Framework.

12.The appeal on this ground fails.

Other Matters

13.The appellant is critical of the Council’s response to the company’s attempts to discuss ways to change the design in order to keep the structure. However, this is not a matter that has a bearing on the merits of the case which relate to the effect of the works on the listed building.

P N Jarratt

Inspector