

Appeal Decision

Hearing Held on 12 October 2020

Site visit made on 13 October 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/U3935/W/20/3247149

Honeyfield Alpacas, Honeyfield Farm, The Marsh, Wanborough, Swindon SN4 0AR

- 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 Firecracker Developments Limited against the decision of Swindon Borough Council.
 - The application Ref S/19/0480/EDSN, dated 19 March 2019, was refused by notice dated 19 December 2019.
 - The development proposed is the erection of 5 executive dwellings with garages, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Procedural matters

2. At the Hearing an application for costs was made by Swindon Borough Council against Firecracker Developments Limited, which is the subject of a separate decision.
3. An amended plan (PL.001 Rev B) was submitted with the appeal that extended the site's red line. However, the additional area it brought into in the site was very small, and the purpose of the amendment was to make the drainage works proposed as part of the scheme easier to control by condition. In these circumstances I consider no one's interests have been prejudiced by me considering the development against that amended plan.

Main Issues

4. The main issues are
 - a) whether the proposed development would accord with the Council's spatial strategy for housing;
 - b) whether the development would fail to preserve the settings of nearby listed buildings;
 - c) its effect on the character and appearance of the area and
 - d) if any harm would be caused as a result of the above whether that is outweighed by public benefits and material considerations.

Reasons

Housing strategy

5. The site lies outside of any identified settlement boundary, in the designated countryside between the edge of Swindon and Wanborough village.
6. In the *Swindon Borough Local Plan* Policy SD2 seeks to focus housing in the urban area and on allocated sites. In countryside locations outside settlement boundaries, this policy permits housing only in certain specific instances, none of which apply in this case. Consequently, this development does not accord with that policy.
7. Moreover, Local Plan Policy NC3(e) says there shall be a principle of non-coalescence between various villages including Wanborough and the strategic housing site on the east side of Swindon (the New Eastern Villages). When this non-coalescence area is shown on Figure 11 in the Local Plan it is referred to as 'indicative', as are a number of other allocations and designations on that plan. The Council said this was so the detail could be confirmed at a later date, but the appellant stated the indicative nature of the information meant the weight afforded to the policy should be reduced.
8. However, despite the wording on Figure 11, the requirements of Policy NC3(e) are clear. Moreover, whilst the detail on that plan may be subject to later refinement, this site unambiguously falls under the terms of Policy NC3(e) as it is between, but outside of, Wanborough and development on the edge of Swindon. I therefore see no reason why the non-coalescence policy cannot be given full weight. Notwithstanding that though, if I were to share the appellant's interpretation my overall position in relation to this issue would be unchanged given the conflict with Policy SD2 and an understandable benefit of maintaining a separation between Wanborough and the edge of Swindon.
9. Accordingly, I conclude that the development would be contrary to the Council's adopted spatial strategy for housing and so would conflict with Local Plan Policies SD2 and NC3(e).

The settings of listed buildings

10. Under section 66 of the *Planning (Listed Buildings and Conservation Areas) Act*, special regard is to be given to the desirability of preserving the setting of a listed building. Furthermore, the *National Planning Policy Framework* (the Framework) acknowledges that harm to the significance of such buildings can occur as a result of development within their settings.
11. The appeal site is a paddock with boundary shrubs and trees, which forms part of an appreciable gap (the gap) between a cluster of houses on The Marsh to the west, and what is mainly a ribbon of housing to the east along Burycroft.
12. Next to the edge of the cluster of houses on The Marsh (The Marsh cluster), facing over the gap, are 2 Grade II listed buildings called Moat Cottage and Lake Cottage. The special architectural and historic interest of each lie, in part, in their architectural detailing and the manner in which their historic origins as simple rural dwellings are still readily apparent. Their settings play an important role in contributing to their significance. This is because although there has been modern development immediately adjacent, the gap is still strongly apparent in their foreground, and its open, rural, pastoral nature supports and enhances an understanding of the agricultural past of these buildings, and assists in an appreciation of their origins.

13. From these cottages the appeal site forms the more distant part of this gap and is screened to a great extent by a belt of trees. However, the tree belt is broken in places and so still allows the openness provided by the appeal site to be perceived to some extent when in front of these listed buildings. As such, I consider the site adds to their significance as it helps to create an extensive rural setting for Moat Cottage and Lake Cottage. However, its contribution in this regard is less than the paddock on the western side of the tree belt due to the distance involved and the screening.
14. From the west the development would be glimpsed to some extent beyond the belt of trees, and in particular the upper storeys and roofs of the houses would be apparent through the trees and between their crowns. As such, when looking at the cottages from the drive leading to them, there would be an awareness of the appeal scheme, and a sense of encroachment of built form into this open, agricultural setting. Consequently, the rural nature of the setting in which the cottages are now seen would be diminished as it would be less extensive.
15. Accordingly, for these reasons I conclude the development would undermine an appreciation of the rural origins of these historic cottages, and so cause harm, albeit less than substantial, to the significance of each. However, the distance involved and the effect of the tree belt mean this harm would be at the lower end of that scale.
16. To the north-east of the proposal is Wrightsbridge House Farmhouse and Coachhouse (the Wrightsbridge complex). This too is Grade II listed and comprises the 2-storey farmhouse with outbuildings to the rear. The dwelling appears to date from 1831 and its special architectural and historic interest lies partly in the way that its architectural style, materials and detailing reflect the fact that it is a relatively simple farmhouse from the early 19th Century. It faces over grassed paddocks that form part of the gap. The visual extent of these paddocks is limited and constrained to a certain extent by the tree belt to the west, but they nonetheless mean the farmhouse is still experienced in an agricultural context and so they add to its significance by maintaining the impression of an isolated rural setting for the building. This is particularly pronounced when crossing the paddocks on Public Footpath 25, and when looking from where the drive to the Wrightsbridge complex (the drive) meets The Marsh. Moreover, I understand a new footpath is to be formed running from The Marsh along the east side of the appeal site, and from there the farmhouse would also be experienced very much in this way.
17. Some farm buildings have been built to the north, but, although of a basic design, their rural nature means they do not compromise this setting to any appreciable degree. There has also been modern development along the east side of the drive, but that does not intrude unduly into views of the front elevation across the paddocks, and the building still appears relatively isolated.
18. The scheme would substantially reduce the extent of the paddocks between the tree belt and the front of the Wrightsbridge complex. Moreover, being large 2-storey dwellings, the houses would project well above any intended boundary treatments. As such, the sense of openness and the rural character of the area in front of the listed building would be very much diminished by the scheme, leading to a reduced appreciation of its agricultural origins.
19. The development would be substantially behind anyone viewing the listed building from Public Footpath 25, but they would still nonetheless have a perception and awareness of the scheme, and an appreciation of the confined nature of the open grassland in front of the Wrightsbridge complex. Moreover, from the new footpath

and to a lesser degree when coming from the north, there would also be a visual appreciation of the closeness of the appeal scheme to the farmhouse.

20. Landscaping is proposed on the remaining paddock to the east of the appeal site. I am not satisfied that this would serve to improve the setting of the Wrightsbridge complex and, whilst it may soften the impact of the development to some degree and further constrain views of the listed building, its effect in this regard would not be sufficient to overcome my concerns.
21. Given the nature of the surroundings, I am not satisfied the scheme would appreciably harm the tranquillity of the setting.
22. Accordingly, I conclude that, by being a notable encroachment of residential built form, the proposal would unacceptably erode the open agricultural setting of the Wrightsbridge complex. It would therefore cause less than substantial harm to its significance, and within that, the more direct relationship of the appeal site to the Wrightsbridge complex means the harm caused in this regard would be much greater than that caused by the scheme to the 2 listed cottages to the west.
23. In an appeal (dated April 2020) for a comparable development on land between Lake Cottage/Moat Cottage and The Marsh, the Inspector did not address any harm from that scheme to the setting of the Wrightsbridge complex. I am unclear as to why that was, and might have just been because its listed status had not been brought to his attention. In any event, despite the similarity of the relationships, it does not prevent me from raising the concern in this case about the effect of this development on the 2 cottages.

Character and appearance

24. The Marsh cluster and the housing along Burycroft do not comprise a single hamlet. Rather, given the width of the gap they form 2 distinct groupings of properties, separated (on the north side of the lane) by the appeal site and the paddocks to either side. Moreover, the open grassed nature of this intervening area, its size and its boundary planting mean the gap contributes positively to the rural character of the locality in general and The Marsh in particular. Although houses may be visible to the east and west of the gap, that can be said of many sites in the countryside and does not necessarily undermine its character or that of its constituent paddocks.
25. When seen from the surrounding footpaths and from The Marsh, the scheme would be readily apparent as an appreciable and discordant urban intrusion into this rural landscape that would stand apart from the existing nearby housing. It would also result in a loss of some of the vegetation that contributes to the lane's character, and would allow views into what would be a cul-de-sac of a relatively suburban appearance, thereby allowing this harmful impact to be further appreciated.
26. Landscaping and soft boundaries are proposed, and I raise no objection to the specific designs of the houses, but these matters would not be sufficient to allay the concerns I have on this issue.
27. Accordingly, I conclude the scheme would unacceptably harm the character and appearance of this area of countryside. It would therefore conflict with Local Plan Policy DE1, which seeks development in line with place-making principles, and Policy EN5 that protects landscape character.

Other matters

28. On the evidence before me I see no reason why this scheme would have a harmful effect on flooding or drainage in the locality. The scheme could also deliver a

biodiversity net gain. It therefore would not be in conflict with Local Plan Policies EN6 and EN4 that require these matters be addressed.

Public benefits and material considerations

29. The Framework states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Moreover, any harm to the significance of any designated heritage assets should require clear and convincing justification. Where less than substantial harm is identified, that should be weighed against the public benefits of the scheme (the heritage balance). I have identified less than substantial harm arising to the significance of the 3 listed buildings because of the effect of this proposal on their settings.
30. To be weighed against this harm, as part of the scheme the development involves landscaping works to the paddock to the east. The appellant considered that, with proposed footpaths and benches, this would encourage public access and allow opportunity for the Wrightsbridge complex to be appreciated better. Mindful though that there is already public access to the front of this listed building along the footpath network, the weight afforded this is limited and it would not outweigh the harm caused from such viewpoints as a result of the reduction in openness and the extent of the paddocks. It is also proposed to move the bus stop and form a pavement from the site entrance, while there would be a maintenance regime in place for the drainage ditches. These though would be primarily appreciated by the residents of the scheme and, whilst the wider public may also experience some benefit, this would only be to a minor degree. I accept though that some habitat enhancement may well occur.
31. Executive housing would be delivered where, I was told, the Council can demonstrate only a 2.7-year supply of deliverable housing sites. However, although I accept the magnitude of the housing land supply shortfall and the Government's objective to boost significantly the supply of housing, as only 5 dwellings would be delivered the benefit of the scheme in these regards is limited when weighed against the harm identified to the Wrightsbridge complex in particular. There is clearly an important role for small-scale housing development in housing delivery, and I appreciate the scheme would be low-density. However, for the reasons stated, these points would not help assimilate it into the setting of these listed buildings or otherwise offset the harm. Moreover, in the appeal decision concerning a site at Upper Inglesham the Inspector merely said he attached '*greater*' weight to the policies that sought to boost significantly the supply of housing. As such, the weight he afforded that matter was a relative one, and so again does not provide a basis to overcome the harm identified.
32. The appellant has signed a legal agreement contributing £30,000 towards sports facilities in the surrounding parishes. However, no policy basis for this contribution was offered and I had no specific information as to how it would be used. Therefore, I cannot be confident it satisfies the relevant tests in the *Community Infrastructure Levy Regulations*, and so it does not contribute to outweighing the identified harms. The development would bring economic benefits through the construction phase and support for local services but again this would be limited because of its size. It may also trigger payment under the New Homes Bonus but there is no evidence of a connection between that payment and the development to enable it to be given significant weight.
33. Of the final matters, it was contended that the development utilised underused land as the site was no longer needed by the farm of which it was a part. No evidence relating to the operation of the farm or the marketing of the site has been forthcoming though to support this contention. It was also said that it would

contribute to the community feel of this part of the Marsh, but as it would be an inward-facing cul-de-sac standing apart from other houses, I see no reason why it would be beneficial in this regard.

34. Accordingly, in the light of the above and having regard to the various other potential benefits mentioned by the appellant, under the heritage balance I conclude that the public benefits of the scheme, even if assessed together, do not outweigh the less than substantial harm I have identified to the significance of the Wrightsbridge complex, Moat Cottage and Lake Cottage that has arisen because of the scheme's impact on their settings. As such, the proposal conflicts with Policy EN10 in the Local Plan, which seeks to safeguard the Borough's historic environment, and also with the Framework.
35. In the light of my findings on the heritage balance, the application of a policy in the Framework provides a clear reason for refusing the development. As such, although the Council accepts it cannot demonstrate a 5-year supply of deliverable housing sites, the so-called 'tilted balance' in paragraph 11(d) of the Framework is not to be applied in this case.
36. Turning to a wider planning balance, section 38(6) of the *Planning and Compulsory Purchase Act 2004* says any determination must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance a development plan conflict has been identified in relation to all 3 main issues above.
37. The material considerations in this case reflect those I have discussed as public benefits in making the heritage balance. For the reasons given in arriving at that balance, I consider these material considerations would not be sufficient to justify allowing the scheme in the light of the identified development plan conflicts.

Conclusions

38. For the reasons given above I therefore conclude the proposal would conflict with the development plan when taken as a whole, and in the absence of any material considerations to outweigh this harm the appeal should be dismissed.

JP Sargent

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr L Durrant	Planning consultant
Mr V Rathod	Planning consultant
Mr R Sutton	Heritage consultant

FOR THE LOCAL PLANNING AUTHORITY:

Ms K Corps	Deputy Service Manager with the Council
Ms E Gibbons	Senior Conservation Officer with the Council
Ms O Kerr	Urban Designer with the Council
Mr E Snook	Senior Planner with the Council

DOCUMENT SUBMITTED AFTER THE HEARING

- 1 The advertisement associated with the development affecting the settings of listed buildings submitted by the Council