



Appeal Decision

Site visit made on 20 April 2021

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 14th May 2021

Appeal Ref: APP/U3935/W/20/3262320

Land at Burytown Lane, Blunsdon, Swindon SN26 7DQ

- 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 L Wheeler against the decision of Swindon Borough Council.
 - The application Ref S/20/0818/TB, dated 6 July 2020, was refused by notice dated 15 October 2020.
 - The development proposed is the erection of 2 no. dwellings together with associated ancillary development.
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Decision

1. The appeal is allowed and permission is granted for the erection of 2 no. dwellings together with associated ancillary development on Land at Burytown Lane, Blunsdon, Swindon SN26 7DQ, in accordance with the terms of the application, Ref S/20/0818/TB, dated 6 July 2020, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the impact on the setting of Broad Blunsdon Conservation Area (CA) and nearby listed buildings.

Reasons

Character and appearance/impact on heritage assets

3. The proposal is for a pair of three-bedroom detached houses with double garages on a broadly rectangular shaped grass paddock on the southern side of Burytown Lane. The paddock lies adjacent to the 'rural settlement boundary' of the village as defined by the Swindon Local Plan 2015 (SLP) and the emerging Blunsdon East Neighbourhood Plan (eBENP). As such, the site is defined as countryside for planning policy purposes where Policy SD2 of the SLP and Policies 2 and 3 of the eBENP strictly limit housing development to certain categories, none of which apply in this case.
4. The site also lies immediately to the east of the Broad Blunsdon CA which includes the adjacent property 'Crackerbury', a large modern detached house set in a good sized plot, and the late 19th century Grade II listed Old Rectory in well treed grounds on the other side of the lane just to the west. This part of the CA is focused around the Grade II* listed St Leonards Parish Church in its churchyard and the Grade II* listed Manor House, both further away from the appeal site beyond the Old Rectory.

5. To the north of the site on the opposite side of the lane lies open countryside whilst to the east beyond a thick tree belt lies the village cemetery with a centrally located Grade II listed war memorial. Importantly, a large 70 dwelling housing estate is under construction to the south of the appeal site which is substantially changing the character of the area notwithstanding an area of open space to be provided within the layout to ensure a degree of separation from the new houses. This scheme, also outside the rural settlement boundary, represents a major encroachment of built development into the hitherto rural setting of the village to its east.
6. The two new plots would be a good size, very similar to that of Crackerbury next door and larger than Nos 5 and 4 beyond, and the proposed houses would be well screened from Burytown Lane by the substantial frontage hedgerow and from the cemetery by a thick tree belt. Indeed, the hedgerow along the lane would be enhanced by further planting and the two houses accessed from a single driveway running behind the hedgerow rather than each having an individual access directly from the lane. The single access would involve removal of a section of hedge and some cutting back for a visibility splay but this would be located adjacent to Crackerbury almost opposite the rear access drive to the Old Rectory rather than further along the lane, thus preserving the rural character of the main part of the lane leading to the cemetery. The site plan¹ also shows treeplanting between the access driveway and the new houses which would further increase the amount of screening.
7. As a result of this layout and the landscaping proposed, the new houses would be well screened from passers-by using Burytown Lane, protecting its rural character, and would have a negligible impact on the setting of the Old Rectory opposite which occupies its own spacious grounds. The access point would be diagonally opposite the rear access to the Old Rectory but adjacent to that of Crackerbury and consequently not out of place given the existing pattern of access points along the lane.
8. Contrary to the views of the Council, the dwellings would not be excessively large scale or bulky. In fact, traditionally designed, with just three bedrooms, dropped eaves, gables breaking up the roof line and subsidiary side projections for a utility room/ensuite, the new houses would be modest compared to Crackerbury next door and their adjacent double garages simple in form. The criticisms that there would be 'a number of differing projections resulting in a complex appearance', 'little articulation to some elevations' and the garage of plot 1 would be at a slight angle to the road are just quibbles.
9. The primary concern of the Council is that the proposal would result in new built form on currently open paddock land. However, the two dwellings in generous, landscaped plots, would not amount to a significant urbanisation of the area, rather they would be regarded as a natural extension of the housing along the lane, maintaining its character, linking the cemetery with the village it serves, and completing the development of the area in the context of the new housing estate to the south.
10. In relation to heritage assets, the appellant has submitted a robust Heritage Statement dated July 2020. The site is not included in the CA and is thus not of any special interest in itself. The frontage hedgerow, enhanced by further planting, would screen the new houses in views out from the CA along the lane,

¹¹ 19-088 PL050 Rev B

thus preserving its significance as the core of an historic village retaining vestiges of its pastoral setting with views towards the Upper Thames Valley and open countryside to the north east. With modern housing already to the south of the Old Rectory and the church within the CA, two further houses beyond these would not harm its setting or the appreciation of its significance.

11. Similarly the frontage hedgerow would screen the new houses from the nearest listed building, the Old Rectory. Whilst the site forms a small part of its setting it makes no appreciable contribution to its significance which primarily derives from its spacious grounds, proximity to the church and open countryside to the north east. The impact on the setting of the more distant listed buildings, the Church and Manor House, would be negligible, and the listed war memorial to the east is understood in the context of the surrounding cemetery with the appeal site located behind a thick tree belt.
12. For these reasons the proposal would not significantly harm the character and appearance of the area, would preserve the character and appearance of the adjacent Broad Blunsdon CA and would not adversely affect the understanding or significance of any nearby listed building through change to its setting. The scheme would therefore comply with SLP Policies DE1 and EN10 which seek to ensure all development is high standard design and conserves the significance and setting of heritage assets. It would also meet the legislative requirement to preserve the character or appearance of the CA and the setting of nearby listed buildings. In the absence of any harm to heritage assets, the public benefits of the proposal do not need to be considered.

Other matters

13. The proposal would provide two additional dwellings in a sustainable location with social and economic benefits for the village. It would also make a small but useful contribution towards housing land supply in the Borough which is currently only about 2.7 years, well short of the five year requirement. This shortfall means the most important policies for determining the application are out of date and the 'tilted balance' applies. Whilst the proposal conflicts with Policy SD2 of the SLP and Policies 2 and 3 of the eBENP which seek to protect the countryside beyond the rural settlement boundary, as explained above, two dwellings on the appeal site would be well screened and would not harm the character and appearance of the area given the context of the new housing estate to the south. There are consequently no adverse impacts of the proposal in this case to weigh against the benefits.
14. It is appreciated that the Blunsdon East Neighbourhood Plan has now been approved by local referendum and will be 'made' imminently. The relatively minor proposal conflicts with this plan but no account appears to have been taken of the new housing estate which changes the context of the site. In the unusually specific and unique circumstances of this case the eBENP would not be decisive even when formally 'made' and this appeal consequently sets no precedent for any other site in the plan area, large or small.
15. The Council suggests a series of conditions should the appeal be allowed and these have been assessed against the relevant tests, with minor amendments made as necessary. In addition to the standard implementation time limit conditions are necessary to define the approved plans in the interests of certainty and to control the materials to be used, boundary treatment, slab levels, landscaping and hard surfacing to ensure the scheme has a satisfactory

appearance. Conditions are also necessary to require a scheme of archaeological investigation to record any remains and bird/bat enhancement measures to improve biodiversity. Further conditions are necessary to control hours of working and to require a construction management plan to protect the amenity of nearby residents and road users. Finally, conditions are necessary to require the provision of the access, visibility splays, on-site parking/turning and surface water drainage in the interests of highway safety and electric charging points to promote sustainable travel.

Conclusion

16. The proposal would not significantly harm the character and appearance of the area nor cause any harm to the setting of any heritage asset. In the absence of any identified harm the social and economic benefits of two additional dwellings in the village and a small contribution towards housing land supply are material considerations that outweigh the conflict with the development plan in this case. The planning balance is firmly in favour of the proposal and the appeal should therefore be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: 19-088 EX05, 19-088 EX10, 19-088 PL050 Rev B, 19-088 PL100 Rev B, 19-088 PL105 Rev B, 19-088 PL150 Rev B, 19-088 PL155 Rev B and 19-088 PL200 Rev B received by the Local Planning Authority on 6th July 2020.
- 3) No development above slab level shall take place until full details of all external facing materials (including doors and windows) have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall then be carried out in accordance with these approved details.
- 4) No development above slab level shall take place until a plan indicating the positions, design, materials and type of boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be implemented before the dwellings are first occupied and shall be retained in the approved form at all times thereafter.
- 5) No development shall take place until the slab levels of the proposed dwellings and garages in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved slab levels.
- 6) No development above slab level shall take place until a scheme of landscaping to include a planting schedule and timetable of works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on and overhanging the land, detailing those to be retained, together with measures for their protection during development. The approved scheme shall then be implemented as per the approved timetable. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted shall be replaced by one of a similar size and species in the next planting season.
- 7) No development above slab level shall take place until details of the hard landscaping of the site including the surface treatment of any roadways, pathways and other hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 8) Construction work associated with the development hereby permitted shall only take place between 08:00 - 18:00 Monday - Friday and 09:00 - 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- 9) No dwelling shall be first occupied until it incorporates at least 1 bird nesting box and 1 bat roosting brick.

- 10) No development, including any ground works, shall take place until (a) a written programme of archaeological investigation, which shall include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority and (b) the approved programme of archaeological work has been carried out in accordance with the approved details.
- 11) No dwelling shall be first occupied until the vehicular access has been laid out and constructed in accordance with the approved drawing no. 19-088 PL050 Rev B with any gates situated at least 5m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5m of the carriageway edge of the public road surfaced in bound material. The access arrangements shall then be retained at all times thereafter.
- 12) The vehicular access shall not be brought into use until visibility splays have been provided in accordance with the submitted details as shown on approved drawing no. 19-088 PL050 Rev B with the area within the splays cleared of all obstructions to visibility between 0.6m and 2.1m above the adjoining carriageway. The splays shall then be maintained at all times thereafter.
- 13) No dwelling shall be first occupied until the vehicular parking, turning facilities and garages have been provided in accordance with the approved drawing no. 19-088 PL050 Rev B and those facilities shall then be maintained and made available for those purposes at all times thereafter.
- 14) No dwelling shall be first occupied until electric vehicle charging points have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall then be maintained and made available at all times thereafter.
- 15) No development shall take place, including any ground works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall:
 - i. specify the type and number of construction vehicles;
 - ii. specify the point of construction access and access routes to the site;
 - iii. set out details of the parking of vehicles of site operatives and visitors;
 - iv. set out arrangements for the loading and unloading of plant and materials;
 - v. set out arrangements for the storage of plant and materials used in constructing the development;
 - vi. set out arrangements for wheel washing facilities; and
 - vii. specify the intended hours of construction operations.
- 16) No dwelling shall be first occupied until surface water drainage measures to ensure no discharge of water onto the public highway have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be maintained at all times thereafter.