



Appeal Decision

Site Visit made on 16 August 2021

by James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/Y3940/W/21/3274473

Land South of Back Lane, Ramsbury, Marlborough

- 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 E Haskins of Bassett Land Ltd against the decision of Wiltshire Council.
 - The application Ref 20/11244/FUL, dated 15 December 2020, was refused by notice dated 17 March 2021.
 - The development proposed is the construction of single detached dwelling with linked double garage and associated works, including new access and partial re-building of unsafe boundary wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021.
3. As the appeal site is within a conservation area and in close proximity to a number of listed buildings, as per sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving or enhancing the character and appearance of the conservation area and the desirability of preserving the settings of these listed buildings.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the conservation area;
 - the effect of the proposed development on the setting of nearby listed buildings and other heritage assets; and
 - the effect of the proposed development on aspects of archaeological interest.

Reasons

Conservation Area

5. The appeal site is located centrally within the Ramsbury Conservation Area (CA) and comprises an area of grassed land which is enclosed by a brick perimeter wall. It is understood that the land was historically used as a kitchen garden to Parliament Piece, which sits just north of the appeal site.
6. The CA boasts much historical value, which is evident from the prevalence of listed buildings and other heritage assets throughout the area. In the immediately vicinity of the appeal site, Back Lane is primarily characterised by detached houses set within substantial plots, which contribute to the open and verdant quality of the area. The appeal site itself occupies a central position along the lane, and provides a substantial gap in built form within the village, which provides a significant contribution to this sense of openness. Irrespective of the boundary wall around the site, this openness is readily experienced on the approach to the site from the both the east and the west.
7. These key characteristics are reflected in the content of the Ramsbury Conservation Area Statement (2003) (RCAS), which says *"the widely spaced housing in walled gardens and the paddocks along Back Lane contrast with the more dense road frontage development of the High Street. These areas provide additional space for planting and contribute to the open character of the area"*. The RCAS goes on to say that *"the open areas in Back Lane that form the grounds to some of the larger dwellings in the village make a significant contribution to village character and need to remain undisturbed"*.
8. The proposed development would introduce a part 1½ and part single storey dwelling to the appeal site. It would have a significant footprint, spanning the width of almost half of the site. Whilst the dwelling would be a modest height, it would nonetheless protrude well above the existing boundary wall. As a result, the new dwelling would be clearly visible on the approach from both sides along Back Lane, along Burdett Street to the west of the site, and along the footpath that runs from Back Lane to the nearby church to the east. This visual intrusion would significantly interrupt the sense openness in and around the appeal site, which is a fundamental aspect of the CA's character in this part of the village (as identified in the RCAS).
9. For these reasons, the proposed development would cause substantial harm to both the character and appearance of the CA, and would therefore conflict with Policies CP57 and CP58 of the Wiltshire Core Strategy (adopted 2015) (CS). Together, these policies seek to ensure that development protects, conserves and where possible enhances the historic environment, which includes ensuring important views into, within and out of any development site are retained and enhanced.

Heritage Assets

10. There are several listed buildings in close proximity to the appeal site, including Parliament Piece to the north of the site, The Old Vicarage to the east and The Church of the Holy Cross to the south-east. Whilst the perimeter wall which encloses the appeal site is not in itself listed, it is also noted for its positive contribution to the conservation area.

11. Parliament Piece is a Grade II* listed house, which sits on a gradual slope running northwards from the appeal site. It is set within substantial gardens, and incorporates a separate barn, together with boundary wall and gates which are also listed. Given its elevated position, its wider setting benefits from the expanse of openness attributed to the appeal site, particularly when travelling northwards along Burdett Street to its junction with Back Lane. Notwithstanding the perimeter wall, along this section of road Parliament Piece is clearly visible, in part due to the uninterrupted views across the appeal site. The proposed development would introduce an expanse of built form which would interrupt these views, causing harm to the setting of this heritage asset.
12. The Old Vicarage is a Grade II listed house, comprising three storeys. Due to its height, it is readily visible above the perimeter wall to the appeal site when travelling eastwards along Back Lane. As a result, the openness of the appeal site once again contributes to its setting, offering clear vistas when travelling along this section of Back Lane. The 1½ storey element of the proposed new dwelling would disrupt these views, again causing a degree of harm to the wider setting of the vicarage.
13. The Church of the Holy Cross is Grade I listed, and sits just beyond the vicarage to the south-east of the site. The church tower can be glimpsed through the trees which sit at the rear of the appeal site, which provides an attractive backdrop to the village when travelling along Back Lane. Such views would be more readily experienced during Autumn and Winter months, when the tree coverage would be significantly reduced. The proposed dwelling would again lead to some interruption to the views of the church from this section of the village, which would harm its setting.
14. The boundary wall which runs around the perimeter of the appeal site dominates a large section of Back Lane, and is consistent with the character of the village where numerous properties benefit from similar boundary treatments. It is noted that there are structural issues with parts of the wall, which would necessitate part removal and subsequent reinstatement. Samples and finishes of the reinstated wall could be appropriately controlled via condition, which would ensure the visual quality of the wall is retained. Whilst a section of the wall would be permanently lost to accommodate access, this section is relatively modest given the extent of the boundary wall which would be retained. I am therefore satisfied that the proposed development would not cause undue harm to the perimeter wall.
15. Whilst I have concluded that the proposed development would not cause an unacceptable level of harm to the wall, for the reasons outlined above, I consider it would harm the setting of Parliament Piece, The Old Vicarage and The Church of the Holy Cross. This harm would be "less than substantial". As a result, the development would conflict with Policies CP57 and CP58 of the CS, which seek to ensure new development protects, conserves and where possible enhances designated heritage assets and their settings.

Archaeological Interest

16. The appeal site is located within an area of high archaeological potential, which is largely attributed to its proximity to an early medieval church and its historical connections to the early Bishops.

17. The Preliminary Archaeological Assessment submitted with the application concluded that any historic building activity identified as part of the study was located to the west and centre of the site. The proposed development would primarily be located on the eastern side of the site, where negative results for such building activity were returned. Given these preliminary findings, I consider that the protection and conservation of any deemed archaeological value of the site could be adequately addressed via a suitably worded condition in this instance.
18. On this basis, I am satisfied that the potential archaeological value of the site could be sufficiently protected as part of the development. In this respect, the development would comply with Policies CP57 and CP58 of the CS, which require new development to protect and conserve the historical environment.

Other Matters

19. The Council cannot demonstrate a five-year supply of deliverable housing, albeit the shortfall is only modest. Nonetheless, paragraph 11(d) of the Framework (2021) is engaged.
20. The Framework (2021) places great emphasis on the preservation and effect of development on designated heritage assets, which include both conservation areas and listed buildings. Paragraph 189 of the Framework (2021) highlights that *"these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance."* Paragraph 199 goes on to say *"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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. The content of the Framework is therefore consistent with the thrust of the Council's Core Strategy, and the conflict between the proposal and Policies CP57 and CP58 should therefore be afforded great weight in this appeal.
21. There would be some limited benefits associated with the proposal. The location of the development would offer good access to local services, and the additional unit would make a minor contribution to the Council's housing stock. The proposed reinstatement of sections of the boundary wall would help ensure its structural longevity. The proposed dwelling would also be a high-quality design, in-keeping with the style of properties in the area. The ground investigation works would help establish the archaeological value of the site, and but for the development, such value might not be known.
22. Nonetheless, these are all minor benefits, and collectively would not outweigh the substantial harm that the development would cause to the character and appearance of the conservation area, nor the harm I have identified to the setting of the listed buildings which, for the purposes of the Framework, I find to be less than substantial. In this particular instance I consider that the resulting degree of harm provides a clear reason for refusing the proposed development and, as such, the limited benefits arising would not justify a departure from this position. Consequently, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR