



Appeal Decision

Site visit made on 18 January 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 21 February 2022

Appeal Ref: APP/U3935/W/21/3282350

The Brown Jack, Priors Hill, Wroughton, Swindon, SN4 0RT

- 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 Red Oak Taverns Limited against the decision of Swindon Borough Council.
 - The application Ref S/20/1427/TB, dated 11 November 2020, was refused by notice dated 30 June 2021.
 - The development proposed is erection of one detached dwelling (C3) on land to the rear of existing public house (Sui Generis) with associated parking and landscaping, utilising existing access off Priors Hill.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application, the vehicular access serving the proposed development was changed from The Pitchens to Priors Hill. This subsequently changed the proposed layout and, in agreement with the Council, the description of development was amended. The description in the banner heading reflects the agreed revised description.

Main Issues

3. The main issues are whether the development would preserve or enhance the character or appearance of the Wroughton Conservation Area and the impact on the significance of a non-designated heritage asset, and whether the proposals makes adequate provision for parking and the effect of any lack of provision on highway safety.

Reasons

Whether the development would preserve or enhance the character or appearance of the Wroughton Conservation Area and the impact on the significance of a non-designated heritage asset

4. The Brown Jack public house (pub) is a detached brick built building situated in a prominent corner plot at the junction of Priors Hill and The Pitchens. The principal façade faces Priors Hill. A range of single storey buildings extend out to the rear and the car park associated with the pub lies to the side and rear of the site. It is within the existing car park that the proposed dwelling would be sited.

5. The site is situated within the Wroughton Conservation Area (CA). The Wroughton Conservation Area Appraisal and Management Plan (adopted February 2009) states that it is centred on a very old street pattern which lends interest and character to the district. It also states that the narrow width of the lanes and absence of kerbs add to the area's rural atmosphere. The CA was originally designated in 1990, with the boundary extended in 2009 to include, amongst other buildings, the Brown Jack pub. This was due to the special historic interest arising from the pub's significant associations to the village's horse racing past. The Brown Jack pub has also been identified as a key building of interest in the adopted appraisal and is a non-designated heritage asset.
6. The National Planning Policy Framework (the Framework) (2021) 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
7. The siting of the proposed development would be to the rear of the pub site, with a pedestrian access from The Pitchens and the vehicular access from Priors Hill, through the reconfigured pub car park. As illustrated by the appellants Built Heritage Statement, historically, the parcel of land where the proposals would be sited has remained undeveloped over the years and whilst I appreciate that the setting of the pub is currently dominated by the existing car park, it is related to the pubs function. The more modern additions appear to have been respectful of the original layout of built form on the site. The undeveloped nature of the site contributes to its setting and is reflective of how the site has developed over time. Furthermore, whilst there may have previously been green space with trees before it was a car park, I do not consider that the use of the space as a car park has 'truncated' the setting of the pub, rather than to provide a space which serves as a functional need associated with the pub.
8. The proposed dwelling would have one of its main frontages to Priors Hill, with the appellant stating that the dwelling has been designed to be read as an extension of the row of houses on Priors Hill. However, it would be set further back from the highway than the properties along Priors Hill that it would sit alongside. The Priors Hill dwellings adjacent have driveways with grassed front gardens open to the highway frontage whereas the proposals would be accessed through the pub car park, with a 1.8m acoustic fence enclosing it. This arrangement would be entirely out of keeping with the character of the surroundings.
9. Presently the single storey extensions/outbuildings that lie to the rear of the site allow the principal pub building to have a degree of primacy on the site. However, the proposed two storey dwelling would conflict with this hierarchy of buildings on the site, with the proposals competing within the main pub building, harming the significance of the non-designated heritage asset.
10. Turning to the effect on the CA, whilst the car park itself makes a neutral contribution to the character and appearance of the CA, the pattern of development in the settlement forms part of the character of the CA. The siting of the proposed development would not respond to the existing context or the

character of the area. For the same reasons as above, the proposal would fail to preserve or enhance the character or appearance of the CA. The appellant notes that the CA covers a large area and that the proposal would only cover a small part, and also considers that the site does not contribute to any key views within or towards the CA. However, be that as it may, harm would still be caused within the CA. Such harm would be less than substantial.

11. Paragraph 202 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Paragraph 203 states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. Although the proposed dwelling would make a very modest contribution to the supply of housing in the borough and would generate social and economic benefits, in my view such public benefits would be minimal, and insufficient to outweigh the less than substantial harm to the significance CA. Furthermore, such benefits would also not outweigh the harm caused to the Brown Jack.
13. Therefore, I conclude that the proposals would harm the significance of the non-designated heritage asset and would fail to preserve or enhance the character or appearance of the Wroughton CA. This would be contrary to Policy EN10 of the Swindon Borough Local Plan 2026 (Local Plan) (adopted 2015) which states that development should conserve the special character or appearance of a Conservation Area or a non-designated asset. It would also conflict with the overriding objective of Policy DE1 of the Local Plan which sets out the design principles that all proposals will be assessed against. These include the existing built characteristics and surrounding context, and the layout and form of the development. It would also conflict with the guidance within the Swindon Residential Design Guide Supplementary Planning Document (SPD) (adopted June 2016) in relation to context and character, siting and scale.

Whether the proposals makes adequate provision for parking and the effect of any lack of provision on highway safety

14. The Parking Standards for New Development Supplementary Planning Document (SPD) (February 2021) sets out a minimum level of parking expected for new development. Where lower levels are sought, these will only be accepted in exceptional circumstances. The standards require a 4 bedroomed house in this area to provide a minimum of 3 car parking spaces. There are no minimum standards for non-residential uses. The proposed development would be provided with 2 car parking spaces on site, a shortfall of one car parking space against the adopted parking standards. The development proposals would reduce the capacity of the pub car park from 20 car parking spaces to 12. Therefore, as acknowledged by the appellant, the proposals have the potential to add 9 additional vehicles parking off site.
15. At the time of my site visit, there were 7 cars in the pub car park, despite the pub not being open at the time. It is also worth noting that 2 of the existing parking spaces were currently being used as additional outside seating.

16. As part of the planning application, the appellant carried out a parking survey to establish the availability of on street parking. There were a number of disagreements between the parties regarding the parameters of the survey. However, based on the evidence before me, I consider that the use of a 200m walking distance is acceptable in this case. However, I also consider that it is unlikely that the patrons of the pub or future occupants of the proposed house would utilise the Ellendune Car Park due to its position on the other side of Devizes Road and there being closer and more convenient on street parking opportunities.
17. The appellant amended their parking survey results to address the Council's concerns regarding parking bay size and vehicle crossovers. The revised parking beat survey calculates that at peak occupancy, there would be between 44-51 on street parking spaces available. It has been demonstrated therefore that there is the potential for the surrounding roads to accommodate some of the potential off site parking.
18. However, in the circumstances of the appeal, I have concerns over the use of on street parking to assist with the shortfall. The site is situated close to a junction of 3 roads – Priors Hill, The Pitchens and Devizes Road. Priors Hill is a narrow two way road with a pavement running on one side. Opposite the pub is the church hall which houses the Wroughton Preschool. It is also worth noting a number of houses on the western side of Priors Hill do not have any off street parking so already utilise Priors Hill for on street parking.
19. If an occupier of the proposed dwelling or a customer/staff from the pub are unable to park on the site, naturally they would look to park in the most convenient available on street parking, which would be Priors Hill. This is also the street which the appellants survey shows has the most available unrestricted parking (25 parking spaces). According to the survey, at peak occupancy, there would be 11 on street parking spaces available along Priors Hill. However, as the survey suggests, and as confirmed by my site visit, cars already use Priors Hills for on street parking which means that for those sections of the highway, Priors Hill is a single car width, resulting in cars having to pull in whilst waiting for the car coming in the other direction to pass. It is also a through road, leading to the surrounding residential areas to the south of Wroughton.
20. On my site visit, which I accept is a snapshot of time, a few vehicles had parked up on the pavement, resulting in an obstruction for pedestrians, especially those with small children or a pushchair travelling to and from the preschool. The potential for 9 additional vehicles parking off site would put extra unnecessary pressure on the on-street parking in the vicinity, most notably Priors Hill. This is likely to cause an obstruction to cyclists and vehicles due to the nature of the highway and would increase the potential for footway parking, which would be harmful to the safety of pedestrians.
21. The appellants refer to the parking standards, stating that their purpose isn't to avoid the use of the highway for parking. However, the standards state that they have been drawn up reflecting the guidance within the Framework, based on local evidence, and that the parking standards reflect the accessibility of sites. It is also worth noting that the parking standards are a minimum rather than a maximum which further supports the requirement for the parking to be accommodated on site, rather than using off site on street parking to offset any

shortfall. While I note evidence relating to differing sites, each case must be considered on its own merits and it is not considered that the proposals have demonstrated the 'exceptional circumstances' required to accept a lower parking level than that set out in the adopted standards.

22. I therefore conclude that the proposed development would not have adequate provision for parking and would have a consequential unacceptable impact on highway safety. Whilst there may be capacity for on street parking to accommodate any under provision, I do not consider that this would represent 'exceptional circumstances' to justify non-compliance with the recently adopted parking standards. The development would be in conflict with the parking standards and thus it would also be contrary to Policy TR2 of the Local Plan, which states that parking associated with new development should be provided in accordance with adopted parking standards. It would also conflict with Chapter 9 of the Framework which states that development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles. Paragraph 111 of the Framework supports the refusal of development where there would be an unacceptable impact on highway safety.

Conclusion

23. The proposed development conflicts with the development plan. Under the terms of the Framework, the proposal would cause less than substantial harm to the significance of the Wroughton Conservation Area and would cause harm to the non designated heritage asset of the Brown Jack. Such harm would not be outweighed by the benefits. The proposal would also have an unacceptable impact on highway safety.
24. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR