
Appeal Decision

Site visit made on 20 April 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2022

Appeal Ref: APP/Y3940/W/21/3283452

Court Close Farm, 2 White Street, Easterton, Wiltshire SN10 4NZ

- 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 and Mrs Lloyd against the decision of Wiltshire Council.
 - The application Ref PL/2021/05888, dated 3 June 2021, was refused by notice dated 19 August 2021.
 - The development proposed is the demolition of an existing pole barn and erection of a single dwelling with creation of new access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area, having particular regard to landscape and the significance of designated heritage assets; and,
 - Whether the site would be a suitable location for housing having regard to local planning policies; and,
 - If harm arises, whether this is outweighed by other material considerations.

Reasons

Character and appearance

3. The site is partly within the Easterton Conservation Area (CA), which primarily covers the historic core of the village. Its significance is derived from a combination of factors including the distinctive rural setting of the settlement. The Easterton Conservation Area Statement, September 2003 mentions this setting and further outlines the importance of agriculture to the evolution of the settlement. Accordingly, the relationship between the many traditional buildings in the village and their rural surroundings, results in an attractive verdant, rural character to the village and CA.
4. Court Close Farmhouse is a Grade II listed building lying north of the appeal site and in close proximity to it. It is a detached timber framed dwelling dating from the 16th or early 17th century and extended in the 19th century. Together

with a series of associated buildings it evolved into a farmstead on the edge of the village.

5. In addition, as shown in the aerial view¹ in the submitted Heritage Statement there is a further Grade II listed building in relative proximity to the appeal site. Easterton Manor is situated on the opposite side of the High Street and is an impressive, detached timber framed manor house dating from the 17th century.
6. Both listed buildings possess significance due to their aesthetic value and historic fabric. Additional value is derived from the connection they give to the past as they reveal information regarding the status, use and organisation of land. It follows that the rural agrarian setting is important to how both assets are experienced. The parties generally accept that the appeal site falls within the setting of Court Close Farmhouse. However, despite the limited analysis in the Heritage Statement provided, my observations were that the appeal site also falls within the wider setting of Easterton Manor.
7. As part of my determination, I am required² to have special regard to the desirability of preserving listed buildings or their settings as well as preserving or enhancing the character or appearance of conservation areas.
8. Notwithstanding the presence of a pole barn at the appeal site, I observed that it otherwise consists mostly of grassland with some hedgerows and trees resulting in a strong countryside character at the periphery of the settlement. The elevated land is clearly visible on the approach to the village, and the proximity to the listed buildings mentioned means it forms an important part of the rural setting to the village, CA and listed buildings.
9. The elongated pole barn on the site is a rudimentary timber framed building, clad in metal sheeting. It is obviously a utilitarian building of lower status to the listed farmhouse and manor. However, its prominent position on higher land is somewhat out of keeping with its secondary use and functional appearance. This, together with its poor state of repair, has a minor negative impact. Nevertheless, overall, the prevailing verdant and open appearance of the appeal site contributes positively to the rural character and appearance of the area, as well as the significance of the designated heritage assets.
10. The proposed development would create a new residential curtilage extending a considerable distance to the south of the pole barn partly into an area which the historic mapping provided shows as a separate field, which was consistent with my observations. The severing of the land from its former association with Court Close Farm and incursion into the field would undermine the legibility and appreciation of the historic use of the land.
11. Moreover, its domestic use would be likely to bring associated paraphernalia, ornamental planting, parked cars, lighting and activity that would markedly dilute the prevailing informal, agricultural character. The proposed vehicular access drive would be particularly harmful to the existing landform, as the challenging topography would necessitate a disproportionate level of engineering works to achieve the requisite gradient for an access. It would also accentuate and elongate development at the settlement in conflict with Core Policy 51 of the Wiltshire Core Strategy, January 2015 (CS). This specifies,

¹ Image 2, Heritage Statement prepared by Armour Heritage, May 2021

² Sections 66 and 72, Planning (Listed Buildings and Conservation Areas) Act 1990

amongst other things, that development must not have a harmful impact upon landscape character and expressly refers to the locally distinctive character of settlements and their landscape settings. To a limited extent, additional harm would result from an erosion of the modest gap between Easterton and the nearby edge of Market Lavington to the south.

12. The detached dwelling would comprise a substantial building of brick and slate. Although shorter than the pole barn, it would have a solid, imposing presence occupying a prominent position at the entrance to the settlement that would not be tempered by a secondary or agricultural use. Consequently, it would detract attention away from the listed farmhouse and manor which would run counter to their higher status.
13. The appellants explain that the design approach is intended to reflect a traditional farm building³. However, the evidence presented indicates that the pole barn was erected in the latter half of the 20th century and there is little otherwise to suggest that a traditional farm building existed at the position proposed. Furthermore, the dwelling would be a new build rather than a conversion. In this context, the scale and elevated position of the dwelling would appear incongruous and would lack authenticity. The resultant harm would not be fully surmounted by additional roadside planting, use of post and rail fencing nor the careful use of materials.
14. Taking these factors together the development would have an adverse impact on the rural character and appearance of the site and CA and would cause unacceptable harm to the surroundings within which the listed buildings are experienced. Hence, I cannot agree with the findings in the Heritage Statement⁴ that there would be no harm to the significance of designated heritage assets. However, given the relatively modest scale of the proposal, the resultant harm would be less than substantial.
15. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that in such circumstances the harm should be weighed against the public benefits of the proposal. I acknowledge that there would be some limited public benefit arising from the removal of the pole barn, the condition of which is presently unsightly.
16. In addition, there is no dispute between the parties that the Council is unable to demonstrate a five year supply of housing. The development would provide an additional house thereby contributing to overall housing supply. Paragraph 69 of the Framework recognises that small and medium sized sites can make an important contribution to meeting housing requirements. Furthermore, there would be economic benefits arising from the construction and economic activities of future occupants. Even so, as the development comprises a single dwelling, the degree of such benefits would be limited. Overall, I attribute limited weight to these cumulative public benefits.
17. The appellants also assert that the garden area has been tightly drawn and no garage would be provided. However, the comparative benefits of the proposal relative to other more harmful, yet unapproved development, amounts to conjecture rather than a public benefit and would do little to negate the harm that has been identified. It is also suggested that if the condition of the site

³ Paragraph 8.7, Appellants' Statement of Case

⁴ Paragraph 7.7 & 7.10, Heritage Statement prepared by Armour Heritage, May 2021

were to deteriorate further in the future this could potentially be detrimental to the CA. Be that as it may, there are other powers available to the Council regarding the proper maintenance of land that could be employed if such events were to occur. As such, I am not persuaded that this carries weight in favour of the proposal as a public benefit.

18. Although less than substantial, paragraph 199 of the Framework stipulates that harm to the significance of designated heritage assets attracts great weight. Therefore, the limited public benefits identified would not outweigh the harm.
19. Accordingly, I find that the proposal would be unacceptably harmful to the rural character and appearance of the area. Furthermore, it would fail to preserve or enhance the character and appearance of the CA and would be detrimental to the setting and therefore, the significance of two Grade II listed buildings. This would be contrary to Core Policies 51, 57 and 58 of the CS. In combination, and amongst other things, these policies seek to protect and conserve landscape character and the historic environment and seek to enhance local distinctiveness.

Location

20. Core Policy 1 (CP1) of the CS sets out a settlement strategy based on a hierarchy of settlements. Together with the delivery strategy in Core Policy 2 (CP2) it seeks to direct a level of development commensurate with the degree of accessibility to jobs, facilities, services and public transport to the respective settlements in the county. Core Policy 12 (CP12) outlines the Spatial Strategy for the Devizes Community Area whereby Easterton is defined as a small village for the purposes of the CS. CP2 stipulates that development in small villages will be limited to infill within the existing built area. This is defined⁵ as the filling of a small gap within the village that is only large enough for not more than a few dwellings and generally, only one dwelling.
21. The parties disagree whether the proposal would constitute infill development within the existing built area of the village. Essentially, this requires the exercise of judgement, which in turn is based upon an assessment of factors on the ground. The appellant relies upon the comments of the Inspector⁶ at a previous appeal concerning the site. Although the appeal site was different to that before me, the Inspector did refer to the pole barn as sitting within the historic plot of Court Close Farmhouse and stated that this lent weight to the view that it is within the built area of the village. Nevertheless, he did not conclude on this matter, nor did he specify the amount of weight that it attracted. Notably he went on to outline the ultimately more persuasive attributes which led him to find the site before him was placed beyond the village. Therefore, paragraph 8 of the decision taken in isolation carries limited weight in my determination.
22. My own observations of the appeal site are broadly consistent with the description given by the previous Inspector. It is in a peripheral area at the edge of the village. Although I observed the non-habitable, utilitarian structure of the pole barn on some of the appeal site, its prevailing characteristics are of sloping grassed land with some trees and hedgerows. As such, it comprises neither an existing built area nor a small gap within the village. It follows that

⁵ Paragraph 4.29

⁶ Appeal reference APP/Y3940/W/19/3234856

the proposal to replace the pole barn with a dwelling does not fall within the definition of infill development in the CS.

23. Even if I were to accept the appellants' assertion regarding the built area of the village, the proposal would nevertheless fail to fulfil all the requisite criteria set out in CP2. These include that the development respects the existing character and form of the settlement and does not elongate the village or impose development in sensitive landscape areas. For the reasons set out in relation to the first main issue, the proposal would fall considerably short in these respects.
24. Reference is made to several appeal decisions and an officer report⁷ that consider infill development and the application of CP2 of the CS. However, these all relate to different settlements than Easterton. As the assessment on the ground will be particular to the respective sites in question, the findings in those cases have had little bearing when considering the built area of Easterton and the merits of the proposal before me.
25. Accordingly, I find that the proposal would not provide a suitable location for housing as it would conflict with the residential development strategy for small villages contained in CP1, CP2 and CP12 of the CS.

Other considerations

26. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites⁸. Footnote 8 to paragraph 11 of the Framework confirms that in these circumstances policies which are most important for determining the application should not be considered up-to-date. The presumption in favour of sustainable development means that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or (ii) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
27. Footnote 7 to paragraph 11 d)(i) indicates that the policies relating to designated heritage assets are relevant to its application. For the reasons outlined above, I have found, having undertaken the balancing exercise set out in paragraph 202 of the Framework, that the proposal would result in harm to the significance of several designated heritage assets. This provides a clear reason for refusing the proposal. In these circumstances the tilted balance in paragraph 11d)(ii) does not apply.

Planning balance and conclusion

28. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁹. I have previously outlined the benefits arising from the proposal, chief amongst them would be the provision of an additional dwelling where there is deficient housing supply. There would also be some economic

⁷ Appendices F, G, H and I, Appellants' Statement of Case

⁸ Paragraph 3.1, Council's Appeal Statement

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

advantages, albeit not specifically quantified. However, the extent of benefit likely to be accrued from a single dwelling attracts limited weight.

29. Balanced against this is the harm that would result to the significance of designated heritage assets and to the rural character and appearance of the area. The conflict with CP51, CP57 and CP58 of the CS attracts significant weight. Additionally, in line with national policy, great weight is given to the conservation of designated heritage assets.
30. Furthermore, additional harm would arise from the conflict with the strategy for residential development outlined in the CP. However, the shortfall in housing land means that the strategies contained in policies CP1, CP2 and CP12 are out of date. In recognition of this, the conflict with these policies attracts moderate weight.
31. Accordingly, the benefits arising from the proposal would not provide sufficient justification to find other than in accordance with the development plan policy. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Helen O'Connor

Inspector