



Appeal Decision

Site visit made on 22 May 2023

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2023

Appeal Ref: APP/U3935/W/22/3295855

Land adjacent to Manor Down Farm, Whatleys Orchard, Bishopstone, Swindon SN6 8QB

- 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 Wothers and Mrs Hampton against the decision of Swindon Borough Council.
 - The application Ref S/21/1291/RACH, dated 9 August 2021, was refused by notice dated 28 January 2022.
 - The development proposed is erection of two dwellings and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the setting of the Bishopstone Conservation Area and the setting of the non-designated heritage assets, Charlbury Cottage and West End Cottage.

Reasons

Character and appearance

3. The appeal site is a small agricultural field, bounded by dense hedgerows and accessed via a gate onto Whatleys Orchard. It is directly adjacent to the built-up area of the village, with two traditional cottages, Charlbury Cottage and West End Cottage, to its south. To its west, there is a more recent residential development, Whatleys Orchard, suburban in character arranged as a cul-de-sac, comprising detached houses of between one and two-storeys. The village has a semi-rural character and despite more recent and formal developments, retains a significant number of old and traditional buildings which form a more varied and informal pattern of development which contribute to its character. The appeal site forms part of the rural landscape in which it lies. Visibility of the site from the public realm is however limited due to its hedgerow enclosure.
4. The proposal comprises two detached dwellings, designed to appear as a farmstead. One dwelling would be single-storey, would have a roughly U-shape as if built around a courtyard. It has been designed to appear as an agricultural building, with stable doors to one elevation but full glazing to the others. The

other dwelling would be a two-storey property, designed to appear as the farmhouse. It would be double-fronted, with a formal and symmetrical appearance.

5. The combination of a farmhouse and farm outbuildings as a farmstead is not an uncommon form of development. However, the large footprint of both buildings and the substantial areas of parking adjacent to the site access would occupy a significant area of the site. It would also provide limited separation between the buildings. Furthermore, the U-shaped dwelling would be positioned very close to the boundary hedge to the north and west. This would make the development appear cramped within the plot, which would have an urbanising effect within this semi-rural location.
6. The large two-storey dwelling would be visible in views along Whatleys Orchard, including from its junction with Icknield Way where it would be conspicuous at the far end of the road due to its size. This would detract from the rural character of the village. Furthermore, its imposing appearance would be out of character with nearby dwellings, both the traditional cottages and the more suburban properties along Whatleys Orchard. It would also be taller than the hedgerows enclosing the site, indicated to be some 3.5m to 4m tall. This would be visible on the approach to the village where it would extend the built form into the transitional area between the built-up area of the village and the rural landscape beyond. This would detract from the rural character of the area and the setting in which the village lies.
7. My attention has been drawn to examples of farmstead developments in the locality comprising a farmhouse and associated farm buildings. Whilst these demonstrate a similar relationship of buildings, the examples provided appear to be more spaciouly arranged than the appeal scheme which appears shoehorned into the plot with limited external space. They do not lead me to a different conclusion in respect of the appeal proposal.
8. I therefore conclude that the proposal would adversely affect the character and appearance of the area. It would conflict with Policies DE1 and EN5 of the Swindon Borough Local Plan 2026 (2015) (the LP) and the National Planning Policy Framework (the Framework) which together seek development that is a high standard of design, including its layout, siting and scale; sympathetic to local character; protects the intrinsic character and local distinctiveness of the landscape and avoids unacceptable impacts upon it. It would also be contrary to the Swindon Residential Guidance Supplementary Planning Document 2016 which requires residential schemes to ensure design responds to existing context and character.

Heritage assets

9. The appeal site is outside but adjacent to the boundary of Bishopstone Conservation Area (BCA) and to the rear of a pair of semi-detached cottages, Charlbury Cottage and West End Cottage. These are both non-designated heritage assets (NDHAs). It therefore lies within the setting of both heritage assets.
10. The BCA extends over the whole of the built environment of Bishopstone village. The Bishopstone Conservation Area Appraisal 2006 (BCAA) identifies that the village has historic links to agricultural activity but with recent decline in this activity, the village is now predominantly residential. It is a rural village,

surrounded by open countryside and mature farmland, predominantly pastureland. This rural landscape forms an important part of the setting of the BCA. The quality of individual buildings and their irregular and informal pattern of development, together with its rural setting on the edge of the North Wessex Area of Outstanding Natural Beauty (AONB) contribute to its significance.

11. The appeal site forms part of the agricultural and rural setting of the BCA. Views of the site from the main road into the village were obstructed by the tall enclosing hedge which I observed had a somewhat formal appearance. However, when viewed through the access gate off Whatleys Orchard, it has a more rural character. The absence of visible development within the appeal site makes a positive contribution to the setting of the BCA and its significance.
12. The BCAA identifies that the character and appearance of the BCA is particularly vulnerable to damage from unsuitable development because of the area's attractiveness and historic ambience, particularly where this would be visible from public roads and footpaths.
13. Whatleys Orchard is described in the BCAA as uncharacteristic and alien due to its scale, materials and detailing. It is out of character with the pattern of development within the BCA, which is more intimate and informal. The appeal proposal would be seen within the context of these dwellings.
14. The BCAA refers to West End Cottages as conventional late 19th century two-storey red brick cottages, characteristic of their period. These buildings retain their original form and provide a link to the early 20th century development of the village. They also mark the entrance to the built form of the BCA and the built-up area. These cottages retain their traditional appearance, and make a positive contribution to the character of the BCA. The rural landscape in which they are viewed forms their setting.
15. The appeal site, whilst an open field, is enclosed by the boundary hedge which limits views of the rural landscape beyond. In addition, within the rear garden of Charlbury Cottage, there is a substantial detached building which reduces the open character to the rear of these properties. The appeal site therefore makes a limited positive contribution to the setting of these buildings.
16. The proposal has been designed as a farmstead and does not seek to replicate the unsympathetic form of development on Whatleys Orchard. However, as I have set out in my first main issue it would result in an imposing form of development, that due to its scale, footprint and cramped arrangement would detract from the rural setting of the village. This would adversely affect the setting of the BCA and the two NDHAs.
17. There would be some harm to the BCA arising from development within its setting and similarly for the NDHAs. As such, the proposal would fail to preserve or enhance the character or appearance of the BCA and would harm its significance. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
18. The harm the proposal would cause to the significance of the BCA would be less than substantial. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

19. The proposal would deliver 2 market dwellings with associated economic and social benefits. However, this is a small scheme and the public benefits carry limited weight and they would not outweigh the less than substantial harm to the significance of the BCA that would arise.
20. I have also had regard to paragraph 203 of the Framework which sets out that the effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required to have regard to the scale of any harm or loss and the significance of the heritage asset.
21. The proposal would result in built development on open and agricultural land within their rural setting. This would erode the rural character around the NDHAs, some limited harm would arise from this.
22. I conclude that the proposed development would adversely affect both a designated asset and NDHAs. It would therefore conflict with Policy EN10 of the LP and the Framework which together seek to sustain and enhance the historic environment and to conserve and enhance the significance of heritage assets.

Planning Balance

23. The Council cannot demonstrate a 5 year supply of deliverable housing sites. However, given my conclusions on the harm to a designated heritage asset, in accordance with footnote 7 to paragraph 11 of the Framework, the tilted balance does not apply.
24. The scheme would deliver 2 market dwellings. However, my finding is that the proposal would harm the BCA and the NDHAs through adversely affecting their settings. The harm to heritage assets would attract significant weight in the planning balance. In addition, the proposal would cause harm to the character and appearance of the area.
25. This would be in conflict with both development plan policies and the Framework policies that seek to achieve well-designed places and protect heritage assets. This would not be outweighed by the benefits of the scheme. My conclusion is therefore that the scheme conflicts with the development plan as a whole.

Conclusion

26. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR