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# Appeal Decision

Site visit made on 3 April 2023

**by A J Sutton BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 June 2023**

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**Appeal Ref: APP/Y3940/W/22/3303426**

**Bishop Wordsworth's School Playing Fields, Britford Lane, Salisbury SP2 8AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Bishop Wordsworth's School against the decision of Wiltshire Council.
  - The application Ref PL/2022/02691, dated 1 April 2022, was approved on 23 June 2022 and planning permission was granted subject to conditions.
  - The development permitted is described as 'proposed preconstructed toilet building to be provided'.
  - The condition in dispute is No 1, which states that: The building hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this decision.
  - The reason given for the condition is: In the interests of amenity, in order to secure the restoration of the land upon removal and a use for which permission can be justified only on the basis of a special temporary need.
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## Decision

1. The appeal is dismissed.

## Background and Main Issue

2. Planning permission was granted for a toilet block. The appellant was seeking to install the toilet block for a temporary period of five years and stated that this period was required to provide time to finalise plans to redevelop the existing sports pavilion at the appeal site. However, the Council found that five years would be excessive in this case, and that a three year period is sufficient. The Council concluded, the temporary development was considered to be acceptable and would not result in any adverse harm which could warrant refusing planning permission.
3. The main issue, therefore, is the effect of the proposed modification of condition 1 on the character or appearance of the area, having regard to the Salisbury Conservation Area.

## Reasons

4. The appeal site is adjacent to a small sports pavilion at the southern edge of a large sports field. The field is within the Salisbury Conservation Area (CA), and forms part of an open treelined meadow environment which provides long views towards the spire of Salisbury Cathedral. The verdant, spacious and largely undeveloped quality of this area also contributes to the significance of this part of the CA.

5. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
6. The development approved comprises toilet facilities housed in a portacabin. The Council highlighted the unsightly visual appearance of this structure. However, in granting planning permission, a number of factors were taken into account. These include the modest size of the structure and that it will be sited for temporary period only. The structure will be located behind the sports pavilion and partially screened by the boundary hedge. The structure will also be coloured in green.
7. Given the size and location of the toilet block, the block will not interfere in distant views of the Cathedral. However, the block with a utilitarian aesthetic, will be a detracting feature set next to the relatively traditional form of the existing sports pavilion. The unsightly addition would not complement its immediate surrounding in this part of the CA.
8. Condition 1 currently ensures that the impact of the approved uncharacteristic structure in the area would be for a limited period only. Also, condition 1 provides certainty that the Council could reconsider the temporary structure if the block was to fall into a poor state of repair, and, as result, was to have a greater visual impact on the area, which is a designated heritage asset.
9. The three year period, stated in condition 1, also provides a reasonable timeframe for the appellant to pursue a permanent solution that is sensitive to the character of the area. For this reason and the reasons outlined above, condition 1 is reasonable and makes this development acceptable. In this regard I find that condition 1 satisfies the test for a planning condition as set out in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance.
10. A five year period would be significantly longer than the approved temporary period in this case, and this would significantly prolong the presence of an uncharacteristic structure in this area. In turn, this would not preserve the character or appearance of the CA. Wrapping the building as proposed by the appellant would not nullify this harm. The proposed modification to condition 1 would not be acceptable for this reason.
11. The Framework requires when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
12. The effect of the development is localised, and the harm caused to the significance of the CA as a whole would be less than substantial. In accordance with the Framework, this harm needs to be weighed against the public benefits of the proposal.
13. There are public benefits in the provision of adequate facilities at the school, for both boys and girls, and in assisting the school's expansion. Although significant, these benefits alone would not outweigh the harm to the CA identified in this case, to which I attach great weight.
14. The appellant asserts that the school would not be in the position to fund a permanent replacement of the sports pavilion within three years. I note the

financial commitments at the main school site. However, very limited information has been presented, and it has not been possible to consider this matter in detail in this appeal process. In any event, I find no compelling evidence that would prevent the appellant applying to extend this planning permission, in the event that the school is not able to fund the provision of such facilities following the three year period.

15. Also, while the planning permission is temporary, it would address the school's requirements for a significant period of time. Moreover, there is no substantive evidence before me that suggest that if the time period of the planning permission was not extended that this would harm the future expansion of the school. This matter has not altered my findings for this reason.
16. The appellant suggests that the toilet facilities could be relocated to the south of the pavilion. However, such a proposal would be materially different to the approved development subject of this appeal. To consider that alternative proposal in this appeal would deprive those who should be consulted on these matters an opportunity to comment on the alternative proposal. I have not considered that proposal for this reason.
17. In light of the above, I find that the proposed modification of condition 1 would have a harmful effect on the character or appearance of the area, having regard to the Salisbury Conservation Area. In this respect, the proposed modification of condition 1 would conflict with Policies 57 and 58 of the Wiltshire Core Strategy. These policies collectively seek high quality design and to ensure the conservation of the historic environment. The proposed variation would also be inconsistent with the Framework in respect of conserving the historic environment.

### **Other Matters**

18. I note that the toilet block will be plumbed in. Although this may address local residents' concerns about odour and pollution, this does not alter the external appearance of the structure. This matter has not weighed in favour of the proposal for this reason.

### **Conclusion**

19. For the reasons outlined above and having regard to the development plan and other material considerations, including the Framework, condition 1 should not be modified and the appeal is dismissed.

*A J Sutton*

INSPECTOR