



Appeal Decision

Site visit made on 14 November 2023

by H Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2023

Appeal Ref: APP/Y3940/C/23/3318889

Woodlands, The Street, Grittleton, Wiltshire SN14 6AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the Act) as amended.
 - The appeal is made by Mr John Pickford against an enforcement notice issued by Wiltshire Council.
 - The notice was issued on 8 February 2023.
 - The breach of planning control as alleged in the notice is, "without planning permission the erection of an outbuilding within the curtilage of a listed building. In the interest of clarity, the outbuilding is shown identified in the photograph accompanying this notice entitled, 'Notice Photograph'."
 - The requirements of the notice are to:
 - a) Demolish the unauthorised building; and
 - b) Remove all resultant materials from the land.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an outbuilding within the curtilage of a listed building, at land at Woodlands, The Street, Grittleton, Wiltshire SN14 6AP, as shown on the notice plan and notice photograph attached to the notice.

Preliminary Matters

2. Planning permission to retain the outbuilding as constructed was submitted under application reference 20/10382/FUL. Revised plans were submitted during the course of that application which proposed cladding the walls of the outbuilding and replacing the tile roof with slate. On the basis of the revised plans, the conservation officer withdrew objections and the planning officer recommended approval. However, the application, with the revised plans, was refused at planning committee (19 August 2021) and the enforcement notice was subsequently served. This appeal relates to the outbuilding as constructed.

The appeal on ground (a) and the deemed planning application

3. The appeal on ground (a) is that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The terms of the deemed planning application are derived from the allegation. Hence, planning permission is sought for the erection of an outbuilding within the curtilage of a listed building.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and the surrounding area, with particular regard to the extent to which it would preserve or enhance the character or appearance of the Grittleton Conservation Area and preserve the setting of the listed buildings known as Woodlands and Grittleton Baptist Chapel.

Reasons

5. Woodlands is a large dwelling set within a generous plot. It is within the Grittleton conservation area. Woodlands is a Grade II listed building which the listing description notes was originally a pair of 18th century cottages, altered in the mid-19th century, and included for group value. To the rear of the site, the garden adjoins the graveyard of Grittleton Baptist Chapel which is a Grade II* listed building. The listing description states it is constructed in rubble stone with a tile roof. The noted external features of the Chapel include windows, a door and a keystone, all in the west, east and south elevations.
6. The outbuilding is located at the southern end of the garden of Woodlands, near the boundary with the chapel graveyard. It is a modest size, proportionate to the scale of the dwelling and the garden. The outbuilding is a simple design, constructed in reconstituted stone, with a tiled roof and a proportionate projection beyond the building to create a covered terrace area. The scale and appearance is that of a domestic outbuilding and it is within a garden setting.
7. The front elevation of Woodlands is finished in stone with slate roofing and provides an attractive traditional frontage which is in keeping with the character and appearance of the conservation area. It is this frontage which contains elements (windows, gabled porch, chimney) noted as being of significance in the listing description. The outbuilding is not visible from the front of Woodlands so has no impact on the streetscene or the significance of the listed building and its setting when viewed from the street.
8. Parts of the rear roof slopes of Woodlands are tiled, rather than slate, and elements of the rear elevations are rendered. The outbuilding is set well away from the rear of the dwelling. This combination of the separation distance and the mix of materials and finishes to the rear of Woodlands, means that the outbuilding is not out of keeping with its immediate context. Consequently, the outbuilding does not have a harmful impact on the setting of the listed building at Woodlands.
9. There is a narrow lane running along the length of the side of the site, which provides the access to the Chapel. At the time of my visit, the gate to the lane was locked and from the growth of vegetation along the lane, it was evident that it had not recently been used with any regularity. Despite this, when access to the lane is possible, the stone wall between it and the site, combined with mature vegetation along much of the boundary, provides screening for much of the outbuilding. The outbuilding is also viewed within a domestic context, and from most of the lane, any visible elements would be seen against the backdrop of the rear of Woodlands.

10. The outbuilding is visible from immediate neighbouring dwellings, primarily from upper floor windows. However, it is viewed within the context of a domestic garden, where such structures are common, and is partially screened by trees, both at the site and in neighbouring gardens. I do not consider the visual impact of the outbuilding on neighbours to be unacceptable.
11. The outbuilding and the Chapel building are separated by the Chapel graveyard area, which is not mentioned in the listing description as being of any significance. There are also trees and bushes between them. None of the external features noted in the listing description as being of significance at the Chapel are in the north elevation. It is the north elevation which faces towards the outbuilding. I also note that the roof of the Chapel is tiled.
12. A dwelling just to the west of the Chapel appears to be more modern than most dwellings in the area and is constructed in stone of a similar colour to the outbuilding. Within the garden of this dwelling, as well as in the wider complex associated with Grittleton House (also to the west of the Chapel), there are a number of ancillary buildings with corrugated sheet roofs. All of these elements are closer to the Chapel than the outbuilding.
13. As set out above, there is a variety of roofing materials and stone colour in the immediate vicinity of the site. Consequently, the tiled roof of the outbuilding and the reconstituted stone walls are not out of keeping with the surrounding area. In addition, the colour and texture of the walls and roof will soften over time, further integrating the outbuilding into its surroundings. The block size and coursing used in the walls of the outbuilding does have a more modern appearance than the older surrounding buildings, but this is only really evident at close quarters and does not have a significant visual impact. These factors and the separation distance means that the outbuilding does not have a harmful impact on the setting of the listed Chapel.
14. The combination of the above factors means that the outbuilding, as currently constructed, is of a design, siting and exterior finish that is appropriate to its context. It integrates into its setting and has a neutral effect on the site and the surrounding area. Therefore, the outbuilding preserves the character and appearance of the Grittleton conservation area and preserves the setting of the listed buildings at Woodlands and Grittleton Baptist Chapel.
15. The statutory duties in Section 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, relate to the preservation of designated heritage assets, and are a matter of considerable importance and weight. The National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and any harm to the significance requires clear and convincing justification. As set out above, I do not consider that the outbuilding results in harm and the significance of the heritage assets and their settings is preserved. Therefore, it is not necessary to weigh public benefit against harm.
16. I conclude that the development preserves the character and appearance of the Grittleton conservation area and preserves the setting of the listed buildings at Woodlands and Grittleton Baptist Chapel. Consequently, the development complies with Core Policy 57 (Ensuring high quality design and place shaping) and Core Policy 58 (Ensuring the conservation of the historic environment) of the Wiltshire Local Development Framework (Adopted 2015).

17. Together, amongst other things, these policies seek to ensure that development is well designed, responds positively to the local context, and conserves and where possible enhances designated heritage assets and their settings, in a manner appropriate to their significance. In addition, I find no conflict with paragraphs 199 to 202 of the Framework.

Other matters relating to ground (a)

18. Any noise or lighting which may result from the use of the outbuilding would not be materially different to use of the garden in general.

Conditions

19. The Council have indicated that conditions could not overcome their objections to the outbuilding. The appellant has indicated that they would be willing to accept a condition, to secure the cladding and re-roofing of the outbuilding, as set out in the revised plans submitted under application 20/10382/FUL. The enforcement notice, and hence this appeal, relates to the outbuilding as constructed. As set out above, I consider the outbuilding as constructed to be acceptable. Therefore, it is neither reasonable nor necessary to seek to secure the changes set out in the revised plans by way of a condition. Consequently, I do not need to determine whether the alternative scheme is before me under this appeal, whether it would be preferable to the current situation, or whether third parties have had the opportunity to comment on it.

Conclusion on ground (a) and the deemed planning application

20. The appeal on ground (a) succeeds and planning permission is granted, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Other Matters

21. Any alleged matters relating to tree removal or changes to the boundary wall are not the subject of the enforcement notice. Hence, they are not matters for consideration under this appeal.

Conclusion

22. For the reasons given, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

H Davies

INSPECTOR