



Appeal Decisions

Site visit made on 28 November 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 January 2024

Appeal A Ref: APP/Y3940/W/23/3315756

Springfield, Church Lane, Box, Wiltshire SN13 8NR

- 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 & Mrs Richard & Lindsay Ketteridge & Booth against the decision of Wiltshire Council.
 - The application Ref PL/2022/07499, dated 27 September 2022, was refused by notice dated 22 December 2022.
 - The development proposed is new door opening and replacement roof in existing outbuilding. Proposed parking area to front of house, with widened opening in existing stone boundary wall.
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Appeal B Ref: APP/Y3940/Y/23/3315755

Springfield, Church Lane, Box, Wiltshire SN13 8NR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Richard & Lindsay Ketteridge & Booth against the decision of Wiltshire Council.
 - The application Ref PL/2022/05796, dated 27 July 2022, was refused by notice dated 22 December 2022.
 - The works proposed are new door opening and replacement roof in existing outbuilding. Proposed parking area to front of house, with widened opening in existing stone boundary wall.
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Decision – Appeal A

1. The appeal is dismissed insofar as it relates to the proposed parking area.
2. The appeal is allowed insofar as it relates to the outbuilding and planning permission is granted for new door opening and replacement roof in existing outbuilding at Springfield, Church Lane, Box, Wiltshire SN13 8NR, in accordance with the terms of the application, Ref PL/2022/07499, dated 27 September 2022, subject to the following conditions:
 - 1) The development hereby approved shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: SPR/00, SPR/01, SPR/04, SPR/05, and SPR/07.

Decision – Appeal B

3. The appeal is dismissed insofar as it relates to the proposed parking area.

4. The appeal is allowed insofar as it relates to the outbuilding and listed building consent is granted for new door opening and replacement roof in existing outbuilding at Springfield, Church Lane, Box, Wiltshire SN13 8NR, in accordance with the terms of the application, Ref PL2022/05796, dated 27 July 2022, and the plans submitted with it insofar as they relate to the outbuilding, subject to the following conditions:
 - 1) The works hereby approved shall begin not later than 3 years from the date of this decision.
 - 2) No works to repair, reinstate or make good areas of stonework shall be carried out until details of such have been submitted to and approved in writing by the Local Planning Authority. This shall cover the making good around the new doorway including details of the lintel, samples of materials and details of mortar. The works shall be carried out in accordance with the approved details.
 - 3) No works to reinstate or fit new rainwater goods shall be carried out until details of such have been submitted to and approved in writing by the Local Planning Authority. This shall include manufacturers details, details of fixing and finish. The works shall be carried out in accordance with the approved details.

Preliminary Matters

5. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. Its content is largely unchanged in relation to the main issue of this appeal, so I have not sought the views of the main parties on this matter.
6. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issues

7. The effect of the proposal upon the significance of the grade II listed building known as Springfield and Church Cottage¹, the setting of the adjacent Church², whether the proposal would preserve or enhance the character or appearance of the Box Conservation Area (BCA), and its effect on the special qualities of the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

8. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. The appeal building is listed as two attached houses but seems to now exist as a single dwelling known as Springfield. It occupies a plot that falls steeply from

¹ List Entry Number 1022734

² To include the grade 1 Church of St Thomas A Becket (List Entry Number 1180500), the grade II Gatepiers at East Entry to Churchyard of Church of St Thomas(List Entry Number 1022735), and numerous grade II churchyard monuments.

High Street at the rear down to Church Lane. The rear garden of the property that extends up to High Street is terraced with significant changes in level. The long front garden that faces Church Lane slopes down towards the lane at a more gentle gradient, though the building is still significantly raised above the road level. The building dates from the early 18th century. It has a strong linear form that fronts Church Lane, with prominent roof mounted coped gables and a broadly symmetrical composition to its main range. It is built of squared and neatly coursed rubble stone with a stone tiled roof. Windows take the form of timber casements within stone mullions. These characteristics are primary contributors to the building's special interest.

10. It enjoys a rich and multi layered historic setting owing to its elevated position over a long front garden that is alongside the Churchyard and close to other historic buildings. Views from the Lane across the front garden towards the Churchyard show how spatially similar the garden and Churchyard are, divided by a very low stone wall that is difficult to see when looking back from the Churchyard. They follow a similar gradient and have an open appearance, framed as a single area by the surrounding historic buildings. The open appearance of the front garden is thus strongly associated with the Churchyard. These open spaces are aspects of the setting of the surrounding listed buildings that contribute considerably to the way they are experienced and enjoyed, and thus to their special interest.
11. The Lane itself is a modest no-through road that adds to the historic and intimate appearance of the group of buildings and intervening spaces. To the north side of the appeal site the approach to the Church and setting of the gatepiers is enhanced by a stone cobble path. These characteristics and the rich mix of historic buildings in the area surrounding the appeal site define this part of the BCA. It is clearly an area that contributes significantly to the wider character and appearance of the BCA.
12. In some respects, the proposal would see the front garden of the appeal site only modestly altered. An enlarged opening would be formed in the front wall, but the levels would be little changed and other boundaries would be retained. However, altering the way that the front part of the garden functions to allow it to be used for the parking of cars is a significant change given the open appearance of the front garden and its strong relationship with the Churchyard. Cars parked in this area would be prominent and intrusive. The formation of a parking area and vehicular access would introduce an urban arrangement that would considerably erode the existing picturesque scene. Views across the site towards the Churchyard and views back from the Church towards the gatepiers would be adversely affected by the presence of parked cars, in an area that has been largely unharmed by modern interventions.
13. I accept that parked cars on Church Lane already have an adverse impact. However, these are currently contained within the confines of the carriageway and do not extend onto the Churchyard or the appeal site. The visual impact of parked cars would be significantly worsened by this aspect of the proposal.
14. Cars would not necessarily be parked in the area permanently. However, it would be possible for two cars to be parked in the area for a significant length of time, depending on the way the house is occupied or the working patterns of its occupants. Therefore, the fact that the parking of cars in the area would be transitory is not a matter that significantly lessens the proposal's impact.

15. The proposal would also see a section of wall removed to facilitate the wider access. This would result in the loss of historic fabric and would dilute the strong and traditional roadside definition that the wall currently provides, harming the setting of the buildings and the character and appearance of the area. The new gate would have a modern appearance, particularly as it would slide behind the wall to open rather than sitting within the reveals in a traditional manner. It would thus appear out of place alongside the traditional form of the Church gates.
16. I note that the Council's conservation officer did not object to the proposal when it was formally submitted. There is however nothing to substantiate this position, and in particular to explain the change in view given that the pre-application response was not positive. In any case, I find that the proposed parking area would cause a considerable level of harm for the reasons given.
17. The proposal includes the repair of the small outbuilding at the southern end of the site. This stone building is currently without a roof and missing some of its coping stones. The proposal would see the roof reinstated and the building repaired. A door would be introduced so that the outbuilding can be accessed from the garden. The repair of this building would halt further decay. The new opening would greatly improve its usability and would not harm its appearance. This element of the proposal would thus not be harmful.
18. I have however found that the proposed parking area would cause considerable harm to aspects of the setting of the listed buildings that contribute to their significance, and there would be some direct harm owing to the loss of historic fabric. For the same reasons the proposal would also fail to preserve the character or appearance of the BCA and would harm the locally distinctive character of an historic settlement within the AONB. In terms of the Framework the harms would be less than substantial. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
19. The proposal includes work to restore the outbuilding. This is a heritage related public benefit which weighs in favour of the appeal, however the weight I give to this is limited by the fact it is unrelated to the proposed parking area and there is no mechanism before me that would ensure the repair work is completed while or before the parking area is formed.
20. The new access would prevent drivers from parking adjacent to the Church entrance, which would improve access to the Church for pedestrians and would allow vehicles to turn more easily at the end of the road. This is a public benefit that carries weight given the reported problems. However, the area is already marked as 'keep clear' and there are other methods available that would improve the situation such as the erection of bollards or introduction of further parking restrictions.
21. I give weight to the suggestion that an electric vehicle charging point could be fitted within the parking area. I note however that this would require planning permission as it would be within the curtilage of a listed building, and it has the potential to cause further harm given the open nature of the front garden. Furthermore, as this does not form part of the proposal there is nothing before me to guarantee that there is a realistic likelihood that such a benefit would be realised.

22. Together the public benefits carry some weight. I need to balance this against the considerable level of harm identified that includes harm to the setting of the grade 1 Church, taking into account Paragraph 205 of the Framework, which states that great weight should be given to the conservation of a heritage asset. On this basis, the public benefits of the proposal would not be sufficient to outweigh the harm.
23. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of several listed buildings and fail to preserve the character or appearance of the BCA. It would also harm the special qualities of the AONB. It would be contrary to Policies 51, 57 and 58 of the Wiltshire Core Strategy 2015, which together seek to ensure that development proposals conserve local distinctiveness, including the locally distinctive character of settlements within the AONB, and protect and conserve the historic environment.

Other Matters

24. The appeal site is within the Green Belt. The Council is of the view that the proposal would not be inappropriate development in the Green Belt. There is no relevant development plan policy relating to the Green Belt. Paragraph 154c of the Framework establishes that the extension or alteration of a building can be accepted within a Green Belt providing it does not result in disproportionate additions over and above the size of the original building. The changes to the outbuilding would not increase its size. The work to form the parking area would result in a gate that would be no higher than the existing wall. On this basis I am satisfied that I should agree with the Council's position, and this matter does not therefore need to constitute a main issue of the appeal.

Conclusions and Conditions

25. For the reasons above, I conclude that the appeals should be allowed insofar as they relate to the outbuilding. However, in relation to the proposed parking area they should be dismissed. The two elements of the proposal are both physically and functionally severable. I therefore consider split decisions to be a logical outcome.
26. I have had regard to the references within the Council's submissions to matters it considers should be covered by conditions if the appeals are allowed. I have considered this against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition for the planning permission that specifies the approved plans as this provides certainty, although I have only included the plans that are relevant to the outbuilding.
27. I have also included conditions to cover details of materials and methods for the outbuilding repairs. These are necessary to ensure the special interest of the listed building is not harmed by using inappropriate materials or the poor execution of the work. I have not included a condition to cover details of new joinery, as the details submitted relating to the new door to the outbuilding on drawing No. SPR/07 are sufficient, and no other new joinery is proposed.

A Tucker

INSPECTOR