



Appeal Decision

Site visit made on 5 January 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/Y3940/W/23/3319034

Land and buildings to the rear of Malthouse Farm, Oak Lane, Easterton SN10 4PD

- 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 A Vyze against the decision of Wiltshire Council.
 - The application Ref PL/2022/07348, dated 21 September 2022, was refused by notice dated 12 January 2023.
 - The development proposed is demolition of pole barn and erection of a replacement building for use as holiday let, along with associated communal space/bike store and general storage for the wider landholding.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of pole barn and erection of a replacement building for use as holiday let, along with associated communal space/bike store and general storage for the wider landholding at Land and buildings to the rear of Malthouse Farm, Oak Lane, Easterton SN10 4PD in accordance with the terms of the application, Ref PL/2022/07348, dated 21 September 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. The main parties have been given the opportunity to make extra representations on this matter, and any comments received have been considered in my determination of the appeal.
3. An additional drawing was submitted at the appeal stage, referred to as Drawing No. 03. It does not seek to amend the proposal but rather compare the scale of the proposed building with the existing and thereby provide additional information. I am satisfied that no party would be prejudiced if I take into account this drawing in my determination of the appeal.

Main Issue

4. The effect of the proposal on the character and appearance of the area, including the Easterton Conservation Area (ECA) and the setting of the grade II listed building known as Easterton Manor¹.

¹ List Entry Number 1035817

Reasons

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the 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.
6. The appeal site is an elevated plot at the southwestern edge of the settlement. Easterton is largely a linear settlement that runs along High Street, which follows the bottom of the valley. A small number of roads depart from High Street and head up the sides of the valley and are also bound by linear development. The settlement is dominated by its agricultural setting and natural springs that give it a verdant appearance. Buildings are mainly vernacular and individually designed, and many are historic. The topography means that many of the buildings rise considerably above the level of High Street. These attributes contribute to the character and appearance of the ECA.
7. Easterton Manor is a timber framed house dating from the 17th century. It is a large dwelling that sits in generous grounds away from the road. As such it does not have a strong presence from High Street, but rather appears to enjoy a spacious and private setting with many mature trees within its grounds. The ground rises up steeply to the west of the house, which enhances the building's verdant setting. Its undeveloped landscape setting is long established and a characteristic that contributes to its special interest.
8. The appeal site sits behind one of these secondary roads and does not front it. It is currently occupied by two modest buildings that have a simple form that do not appear out of place at the settlement edge and in the context of surrounding agricultural and equine uses. The Council refers to the way that the appeal site represents the transitional edge of the settlement. I do accept that the site does not have a domestic character and is between domestic plots and wider areas of agricultural land. However, the building that would be replaced is positioned further into the site than the larger building that is being converted into holiday accommodation. Furthermore, beyond the site and separating it from the open countryside is an area of land that is divided into horse paddocks with field shelters, stables and a training area.
9. The existing building is prominent to view from the east, owing to the way the land level drops away from the site in this direction. It aligns with White Street and can be seen in views along White Street between its junction with High Street and The Clay. In such views it forms part of the skyline where its bulky mono pitched form can be seen and is a characteristic that is at odds with the traditional pitched roof forms of Easterton's buildings.
10. The proposed building would adopt a simpler and more modest dual pitched roof form with a lower eaves level and narrower width. Its prominent siting would be lessened modestly by erecting it three metres away from the site's southeast boundary. This gap would be wide enough for substantial planting to establish that would soften the building's appearance when viewed from High Street and White Street. It would be enclosed by a post and wire fence, which would respect the site's agrarian setting. These changes would also improve

the experience for users of the right of way that runs alongside the site, which is currently dominated by the sheer side wall of the existing building. In these respects the proposal would enhance the character and appearance of the area, including that of the ECA. Its reduced scale and improved form would have less impact on the setting of Easterton Manor than the existing building.

11. The replacement building would have modest areas of glazing and a form that would not appear overtly domestic. It would appear less 'ramshackle' than the existing building, however the use of shiplap boarding and metal framed windows would give the replacement building a similar utilitarian appearance, and tie it to its edge of settlement setting. A condition could ensure that a traditional and modest eaves detail is adopted. Solar panels are becoming increasingly common on industrial and agricultural buildings, and do not necessarily allude to a building in domestic use.
12. A well-considered landscaping scheme, which could be secured by a condition if the appeal is allowed, could ensure that its surrounding land is managed simply to limit and contain the impact of its residential use on the immediate area. As a more modestly proportioned replacement building it would not extend built form into the undeveloped countryside, urbanise the field, or dilute the transitional character of this part of the settlement.
13. The level of activity at the site may increase as a result of the proposal; however, this would be in the context of the conversion of the adjacent building into holiday accommodation, which has already been consented. The impact arising from those using the space around the building as a garden, or from the parking of cars would be limited to the immediate environs of the site and otherwise screened from the wider area by mature trees and other buildings to the north and east.
14. The impact of external lighting could be considerable given the prominent position of the building when viewed from the south and east. However, this could be satisfactorily managed by a condition if the appeal is allowed.
15. In summary, the proposal would modestly improve the character and appearance of the area. It would preserve the special interest of the listed building and modestly enhance the character and appearance of the ECA. In coming to this view I have had regard to the duty placed on me by the LBCA. The proposal would thus accord with Paragraph 205 of the Framework, which establishes that great weight should be given to the conservation of heritage assets. It would also accord with Policies 51, 57 and 58 of the Wiltshire Core Strategy 2015 (WCS), which together seek to ensure that development proposals protect landscape character, are designed to a high standard, enhance local distinctiveness, and protect the historic environment.

Other Matters

16. In locations such as the appeal site Policy CP39 of the WCS establishes that tourist and visitor facilities should be located in or close to local service centres or large and small villages and, where practicable, be located in existing or replacement buildings. The proposal is in a location that is well related to the developed area of Easterton and includes the replacement of an existing building. The Council has assessed the proposal with reference to this Policy and has found it to be acceptable in principle.

17. The proposal would be well related to consented tourism accommodation in the adjacent building. I note that this conversion has not been completed, and this is a cause of concern to many who live locally, however I need to consider the proposal on its own merits. There is nothing in the relevant Policy that requires the need for the accommodation to be justified, and no other reason for the proposal to not accord with the development plan. Any subsequent schemes to use the building as a permanently occupied dwelling would need to go through a further planning process, and should not therefore have a bearing on the proposal before me.
18. The site is sufficiently distant from neighbouring dwellings for the introduction of the new use to not cause harm. The front of the building would be orientated into the site and away from the closest dwelling to the north, and a mature vegetative belt ensures that the living conditions of those who occupy the dwelling to the east would not be harmed. There would be some disruption during the construction phase, however the build would not be complex and plenty of space exists at the site for the storage of materials and vehicles. As such I am not satisfied that a condition to manage construction at the site would be necessary if the appeal is allowed.
19. A protected species survey was submitted with the application. Measures recommended in the report can be secured by a condition if the appeal is allowed, and this would be sufficient to ensure that the impact of the proposal on protected species would be acceptable.
20. Additional vehicle movements arising from the proposal would be modest considering the permitted use of the other building and existing vehicle movements relating to the existing uses at the site and in the adjacent area. A previously agreed passing bay can be secured again through this appeal if successful, which would ensure that two way traffic can pass and there would be no need for a driver to reverse out onto Oak Lane. Additional traffic on Oak Lane would be very low in the context of the number of dwellings that already use the road.
21. Kestrels is a grade II* listed building² to the north of the site. It is remote from the location of the proposed building, and there is no significant intervisibility between the two. The appeal site does not appear to be a significant component to the listed building's setting.
22. For the reasons given there are no other matters that cause me to come to a different view on the acceptability of the appeal proposal.

Conditions

23. I have had regard to the planning conditions suggested by the Council. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed condition 2 to specify the approved plans to give certainty.
24. Conditions 3 and 4 are necessary to safeguard the character and appearance of the area by managing existing vegetation at the site and securing additional planting, to mitigate the building's visual impact and better manage the land that will be associated with the new use.

² List Entry Number 1364630

- 25. Condition 5 is necessary to manage the impacts of the development on protected species.
- 26. Conditions 6 and 8 are necessary to ensure that the building does not harm the character or appearance of the area. Condition 8 also seeks to manage the proposal's impact on protected species.
- 27. Condition 7 is necessary to ensure that the additional traffic generated by the new use does not harm the safe operation of the local highway network.
- 28. Condition 9 is necessary to ensure that the building is put to a genuine tourism use as the site is not suited to a permanently occupied dwelling.

Conclusion

- 29. For the reasons given I conclude that the appeal should succeed.

A Tucker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (dated 26 October 2021 ID: CM-00998815), Drawing No. 1B, Drawing No. 2B, and Drawing No. 03.
- 3) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of:
 - a) Location and current canopy spread of all existing trees and hedgerows on the land, and full details of any to be retained, together with measures for their protection in the course of development,
 - b) A detailed planting specification showing all plant species, supply and planting sizes and planting densities, and where they will be planted,
 - c) Means of enclosure,
 - d) Car park layouts, and
 - e) All hard and soft surfacing materials.

All new planting shall be carried out in accordance with British Standard 3936 (Parts 1 and 4) and 4428.

- 4) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation of the building or the completion of the development, whichever is sooner. All shrubs trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from when they were first planted, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with a programme to be agreed in writing with the Local Planning Authority.
- 5) The development hereby approved shall be carried out in accordance with the mitigation and enhancement measures included within the submitted Protected Species Survey by Malford Environmental Consulting, dated 17 November 2022.
- 6) The development hereby approved shall not be carried out above ground level until exact details and samples of materials to be used for the external walls and roofs, including eaves, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7) The development hereby approved shall not be brought into use until the passing bay shown on Drawing No. 2B has been completed.

- 8) No external lighting shall be fixed to the approved building or erected within its curtilage unless details of such have first been submitted to and approved in writing by the Local Planning Authority.
- 9) Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.