



Appeal Decision

Site visit made on 28 November 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/Y3940/W/22/3313650

Land rear of Arms Farm, High Street, Sutton Benger SN14 6BD

- 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 O Inskip of Arms Farm LLP against the decision of Wiltshire Council.
 - The application Ref PL/2022/05823/FUL, dated 28 July 2022, was refused by notice dated 22 November 2022.
 - The development proposed is erection of 4 dwellings and associated works.
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Decision

1. The appeal is dismissed.

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 representations on this matter, and any comments received have been considered in my determination of the appeal.
3. Reference before me is made to an emerging Neighbourhood Plan for Sutton Benger. It is however at an early stage, so I have attached limited weight to its contents in my determination of the appeal.

Main Issues

4. The main issues are:
 - 1) The effect of the proposal on the character and appearance of the area, including the setting of the grade II listed buildings at Arms Farm¹, and the Sutton Benger Conservation Area, and
 - 2) Whether the site is suitably located for the development proposed, with regard to the development plan.

Reasons

Location

5. The appeal site is a portion of land at the edge of the existing settlement and alongside a recently constructed development of 14 dwellings. Sutton Benger is classified as a large village. Large villages are defined by Core Policy 1 of the Wiltshire Core Strategy 2015 (WCS) as settlements with a limited range of

¹ This includes Arms Farmhouse (List Entry Number 1300665) and Barn at Arms Farm to South (List Entry Number 1363787)

employment, services and facilities. The Policy establishes that development at large and small villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. There is limited evidence to demonstrate any particular need for additional housing in the village. I note that various developments have recently taken place, and the recent appeal decisions referred to in the submissions² have allowed a total of 45 additional dwellings. The proposal would therefore be contrary to Core Policy 1.

6. The site is outside the village's limits of development defined by the development plan. Core Policy 2 of the WCS establishes that development will not be permitted outside the defined limits unless permitted by other Policies of the WCS. Core Policy 44 provides for an exception for affordable housing schemes, which the proposal would not be. There are no other Policies within the WCS that would provide an exception for the proposal. The proposal would therefore not accord with Core Policy 2.
7. Saved Policy H4 of the North Wiltshire Local Plan 2011 provides further exceptions for new dwellings outside development limits. The proposal would also not accord with these exceptions.
8. The proposal would adjoin a recently constructed residential development, with which it would share an access. It would not be isolated as it would be well related to the built-up area of the village and would be a similar distance to existing services and facilities as the recently constructed dwellings, and may modestly contribute to sustaining the vitality of the village. Furthermore, it would be possible for future occupants to access nearby settlements by bus, and thus not be dependent on a private car. However, given the scale of the village and the limited nature of its facilities and services, as well as the frequency of bus services and the general rural character of the area, it is highly likely that future occupiers would use a private car day-to-day to access employment, education and pursue leisure activities.
9. In summary, additional growth in the village is significantly restricted by the Policies of the development plan. The proposal would not meet any of the exceptions, and the material considerations before me are not sufficient to allow me to make a determination on this main issue that is not in accordance with the development plan. The proposal would also be contrary to Policies 60 and 61 of the WCS, which seek to reduce the need to travel by car.

Character and appearance

10. The site area is close to and for a short length abuts the boundary of the Sutton Benger Conservation Area (SBCA) and is to the south of the listed farmstead of Arms Farm. 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.
11. The appeal site is a strip of agricultural land that runs parallel to the recent residential development. The existing development comprises a narrow strip of

² Planning Inspectorate References: APP/Y3940/W/21/3285458 and APP/Y3940/W/22/3292118

- dwellingings that are arranged tightly alongside the older development to the east. The northern part of this development faces out over the undeveloped land to the west and forms a good definition to the edge of the settlement in this area. Limiting the development from spreading further west has allowed a significant swathe of agricultural land to remain undeveloped behind the farm.
12. Arms Farm is a stone built 18th century farmhouse that fronts the road side on. To its rear stands a substantial stone barn of a similar date that is also listed. The barn faces towards the road and thus the two buildings look over a shared farmyard space that would have been the centre of agricultural activity when the farm was functioning. This has been retained as an undeveloped space following the conversion and refurbishment of both buildings, and is key to the historic integrity of the farmstead.
 13. The view from the road gives a clear impression of the interrelationship of the two buildings and the intervening yard. Beyond the barn the undeveloped agricultural land can be seen. The lack of a developed backdrop retains a clear association between the farmstead and the agricultural land upon which it would have been dependent. This aids our understanding of the important historic relationship between the built form and the landscape, which enabled the farm to function; and is a component of the setting of the farmstead that contributes considerably to its significance. Arms Farm is prominently positioned within the SBCA and a key contributor to its historic character and appearance. It follows that the undeveloped land beyond the site is also an important component of the setting of the SBCA that contributes to its significance.
 14. The proposed dwellingings would face the rear of Arms Farm side on, and they would extend away from the farm to the south in a broadly linear arrangement. Despite this, the submitted photomontage shows that they would be easily observed from the road and would significantly erode the open aspect as viewed from the north. A portion of land would be retained to the front of the proposed dwellingings that would be beyond their residential curtilages. However, the presence of the buildings would still give the farmstead a more developed setting and would separate it from its adjoining agricultural landscape. It would introduce a new depth of built form to the land behind the farmstead, exacerbated by the linear layout of the proposal.
 15. Furthermore, the photomontage represents the optimum scenario, with maturing planting and no other identifiable impacts. However, further impacts would be likely to arise over time as a result of additional domestic paraphernalia such as garden play equipment, lighting, additional means of enclosure and the parking of vehicles. Consequently, the setting of the farmstead would change considerably to be within the developed envelope of the village, rather than at its edge and still associated with its open agricultural landscape.
 16. An area of land would be retained between Arms Farm and the appeal site; and when compared with previous schemes it is certainly much better that access would not puncture through the historic farmyard. However, given the linear layout of the proposal and the level topography, the retention of the undeveloped intervening land would not be sufficient to mitigate against the proposal's urbanising impact.

17. The existing development to the east of the appeal site is well related to the existing built form further east. It does however become visible beyond the farmstead when moving westward along High Street, and therefore the relationship between the farmstead and its backdrop has already been modestly diluted. The proposal would however result in a much more harmful extent of change to the farmstead's setting.
18. My attention is drawn to recent development to the rear of Gate Farm, which is a listed building nearby to the west of the appeal site. The details relating to this scheme are limited; however, the relationship between the farmhouse, its buildings and the surrounding land appears to differ considerably from that at Arms Farm. Therefore, development at Gates Farm has little bearing on my assessment of the appeal proposal.
19. This change to the setting of the farmstead would be considerable; it would harm the special interest of the listed buildings and the setting of the SBCA. In terms of the Framework, the harms would be less than substantial, but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
20. The proposal would deliver four new dwellings. In the context of the Government's objective to significantly boost the supply of new homes, this is a clear public benefit that should attract reasonable weight.
21. There would also be economic benefits arising from the construction phase and as future occupants of the dwellings make use of local services and facilities. These should however attract only modest weight given the small scale of the proposal.
22. The appellant suggests that a contribution could be made to the provision of affordable housing off site if the site is considered alongside the recent development for 14 houses. The Council disagrees with this position. Even if I take the appellant's position, the contribution offered would be small and should therefore only attract modest weight.
23. The submissions include a proposed new right of way that would extend away from the site to the south across land that is within the appellant's control. The proposed route is marked on the submitted Unilateral Undertaking. Providing an additional route such as this for recreation can constitute a public benefit; however, the details before me relating to this are very limited. At a most basic level, there is nothing to show the existing rights of way network and how the proposed route would connect with an existing route. Neither do I know how the existing route is used, and what the benefit of the new route would be. Accordingly, I should give this matter only modest weight.
24. Together the public benefits attract considerable weight. I need to weigh this against the harm that the proposal would cause, and take into account Paragraph 205 of the Framework, which states that great weight should be given to the conservation of a heritage asset. The harm relates to both the special interest of the listed building and the character and appearance of the SBCA. It would be considerable and permanent, and Paragraph 195 of the Framework recognises that heritage assets are an irreplaceable resource. In this context the benefits of the proposal would not be sufficient to outweigh the harm.

25. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building. It would also harm the setting of the SBCA and would be contrary to Paragraph 135 of the Framework and Policies 57 and 58 of the WCS, which seek to ensure that development proposals are sympathetic to local character and history, and protect and conserve the historic environment.

Other Matters

26. I have reviewed the other appeal decisions included in the submissions. Regarding those recently approved in the village, the Inspector found that both were contrary to the development plan relating to the location of new development. Both were allowed when the Council's undersupply of deliverable housing sites was considered, with reference to Paragraph 11d) of the Framework.
27. The Council is still unable to demonstrate a 5-year housing land supply. This assessment has changed following the publication of the new Framework, where Paragraphs 77 and 226 establish that for those Council's that are at Regulation 19 stage with an emerging local plan a 4-year supply needs to be demonstrated. The Council is at this stage and is of the view that it can demonstrate a 4-year supply of deliverable housing sites. However, I do not need to consider this further as an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the special interest of the listed building and the setting of the SBCA. It would not therefore accord with the Framework and the tilted balance does not apply.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

A Tucker

INSPECTOR