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# Appeal Decision

Site visit made on 30 January 2024

**by Bhupinder Thandi BA (Hons) MA MRTPI**

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

**Decision date: 11 March 2024**

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**Appeal Ref: APP/Y3940/W/23/3325927**

**Withy Tree Cottage, Knowle, Pewsey, Wiltshire SN9 5JH**

- 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 Joe Stewart against the decision of Wiltshire Council.
  - The application Ref PL/2023/01030, dated 9 February 2023, was refused by notice dated 18 May 2023.
  - The development proposed is demolition of existing thatched cottage with replacement dwelling together with associated alterations and formation of parking.
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## Decision

1. The appeal is allowed and planning permission is granted for demolition of existing thatched cottage with replacement dwelling together with associated alterations and formation of parking at Withy Tree Cottage, Knowle, Pewsey Wiltshire SN9 5JH in accordance with the application Ref PL/2023/0130, dated 9 February 2023 subject to the conditions set out in the schedule at the end of this decision.

## Preliminary Matters

2. I have taken the description of development from the appeal form. It simply and accurately describes the proposal.
3. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.

## Main Issue

4. The main issue is the effect of the proposed development on the significance of Withy Tree Cottage as a non-designated heritage asset.

## Reasons

5. The proposal is for the replacement of the existing cottage with a new dwelling built to Passivhaus standards. The Council's case essentially rests on the demolition of Withy Tree Cottage, which they consider to be a non-designated heritage asset.
6. The hamlet of Knowle is accessed by a narrow sunken lane that is revealed once past a railway bridge. It is made up of a small number of dwellings comprising a mix of traditional vernacular dwellings and more modern built form. Knowle does not relate to an ancient farmstead but can be traced back to 1773 depicted by one or two buildings.

7. Withy Tree cottage forms one half of a pair of traditional thatched cottages alongside Little Acorns. Based on the evidence before me it appears that the cottage was built between 1773 and 1839.
8. Whilst the cottage dates back some 200 years it is evident that it has no formal or historic association with the surrounding landscape. I acknowledge that part of the cottage comprises traditional materials, including the thatched roof. However, the appellant's Heritage Assessment indicates that few dateable features exist in the property and the original core is limited to the sitting room.
9. What remains of the original cottage has been subsumed by twentieth century extensions and alterations, in the form of a two-storey side extension, conservatory and modern fenestration. Whilst the thatched roof remains it is apparent it has not been laid in a traditional style. As such, very little of the original cottage remains and has been unsympathetically extended and altered over the years.
10. It is likely that Withy Tree Cottage and Little Acorns once would have been mirror images of one another. However, both properties have been significantly altered and extended in styles that are not in keeping with their original vernacular. These alterations have visually unbalanced the pair undermining their architectural and historical significance, their value as a group and the contribution they make to the area.
11. Despite the above as the proposal would result in the demolition of the building, the scheme would have an adverse effect on the significance of the cottage.
12. Consequently, the proposal would result in substantial harm to the significance of non-designated heritage asset Withy Tree Cottage. It would be in conflict with Core Policies 57 and 58 of the Wiltshire Core Strategy (2015) which, amongst other things, seek to protect and conserve the historic environment.

### **Other Matters**

13. I have been made aware of the planning history of the site which includes planning permission for replacement extensions, conservatory and new extensions to the cottage, approved under application Ref PL/2022/05942. Whilst this proposal is for alterations and extensions to the host property it nonetheless represents a legitimate fall-back position and a material planning consideration to which I afford great weight.
14. The proposed development would largely replicate the proportions of the scheme already permitted when viewed from the street. Moreover, it would incorporate traditional features including the thatched roof and chimney. The proposed dwelling would retain its thatched cottage appearance and to the casual observer it would not be obvious that the cottage is a modern replica. The rear projection whilst more modern would not be out of keeping with the character of the area, given the variety of architectural styles and building forms that exist locally. As such, I am satisfied that the proposed development would be sympathetic to the character and appearance of the area.
15. Whilst providing modern living accommodation would largely be a personal benefit. The proposal would, nonetheless, result in improved housing stock in

the area that would benefit the local community long after the circumstances of the appellant ceased to be material.

16. Comments have been made that the scheme could set a precedent for similar developments in the area. Every appeal must be considered on its own merits, as I have done, and there is no substantive evidence to indicate that the proposal would result in a precedent.
17. Matters relating to party walls and structural integrity are not matters for me in consideration of this appeal as they are subject to different legislation.

### **Planning Balance**

18. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
19. Any significance of Withy Tree Cottage as a non-designated heritage asset lies in its contribution to the architectural and social history of the area. I acknowledge that the proposed development would result in the total loss of significance of this non-designated heritage asset and the loss of one of the earliest buildings in the hamlet. Nevertheless, Withy Tree Cottage does not feature on a local list, nor on the Historic Environment Record or in a Conservation Area. Moreover, given the much altered condition of the property and limited extent of the original form of the building it has limited significance, and so the weight I give to this harm would be limited.
20. The proposed development would be constructed to Passivhaus standards achieving high standards of energy efficiency. This is supported by Energy Reports and Carbon Comparisons Calculations which indicates that heat demand per year and operational carbon emissions over a 60-year period would be significantly lower compared to the existing dwelling and a retrofitted building. The conclusions of this comparison have not been disputed by the Council and in the absence of any substantive evidence to indicate otherwise I give full weight to this assessment.
21. Whilst there is no adopted policy for developments to achieve Passivhaus standards, the move towards a low carbon future cannot be underestimated in terms of addressing climate change and aligns with local and national strategies aimed at doing so. This, therefore, weighs in favour of the proposal.
22. The development would provide jobs, albeit this would largely be limited to the construction phase. I therefore afford this moderate weight in the overall balance.
23. Drawing all of the above together I find that, on balance, the benefits of the proposed development, albeit modest, would outweigh the limited harm that would result from the loss of this non-designated heritage asset of limited significance. Consequently, these material considerations outweigh the conflict with the development plan resulting from the loss of the non-designated heritage asset.

## **Conditions**

24. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
25. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
26. A condition for a construction management statement has been imposed in order to safeguard the living conditions of nearby occupiers and highway safety. This needs to be a pre-commencement condition as it affects the early stages of construction.
27. A condition in relation to the roof materials is necessary in order to ensure the satisfactory appearance of the development. A condition relating to the vehicle parking area has been imposed in the interests of highway safety.
28. In the interests of biodiversity conditions in relation to external lighting and for bat roosts and access points to be installed have been imposed.
29. The Council has suggested a condition limiting daily water consumption. However, such a matter is subject to different legislation i.e. Building Regulations, as such I do not consider it reasonable to impose this condition. The Council has also suggested a condition for a satisfactory visibility splay, however, the road serves just a small number of properties and vehicle speeds along it are likely to be very low, therefore, it is not necessary to impose the condition.

## **Conclusion**

30. For the reasons set out above the appeal succeeds.

*B Thandi*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Dwelling Drawing Number 2012 P001; Proposed Dwelling Drawing Number 2012 P002; Existing and Proposed Site Drawing Number 2012 P003 Issue C; Proposed Block Plan Drawing Number 2012 P004 and Thatch Detail Drawing Number 2012 A501A.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall commence, above slab level, until details and samples of the materials to be used in the construction of the roof hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be brought into use until the parking and turning area for vehicles has been consolidated and surfaced in a bound material. This area shall then be retained thereafter for the life of the development.
- 6) The development hereby permitted shall not be occupied until bat roosts and bat access points have been implemented in accordance with Existing and Proposed Site Plan Drawing Number P003 Issue C.
- 7) No external lighting shall be installed and brought into use until details of its nature and luminance have first been submitted to and approved in writing by the local planning authority, and any external lighting shall then be installed and used in accordance with the approved details only.

END OF SCHEDULE