



Appeal Decision

Site visit made on 13 February 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/Y3940/W/23/3315208

White Cottage, 35 Chapel Lane, Hankerton, Wiltshire SN16 9LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Piers Johansen against the decision of Wiltshire Council.
 - The application Ref is PL/2022/01233.
 - The development proposed is demolition of existing house and erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Piers Johansen against Wiltshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. 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 issues of this appeal, so I have not sought the views of the main parties on this matter.
4. The Wiltshire Local Plan is at an early stage of review. I am satisfied that it should attract little weight in the decision making process at this stage.

Main Issues

5. 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* Church of the Holy Cross¹, and
 - 2) Whether the proposal is suitably located with regard to development plan policies.

Reasons

Character and appearance

6. Hankerton is a small rural village. The existing dwelling is at the edge of a small cluster of dwellings that are separated from the larger part of the village by open agricultural land. Built form is generally of a low density and sporadic

¹ List Entry Number: 1022241

layout. Most buildings date from the 20th century apart from some older buildings that include the existing dwelling at the appeal site and a small cluster of buildings to the west of the Church of the Holy Cross, which connects to the appeal site via a small length of footpath.

7. 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.
8. The Church dates from the late 12th century. Its immediate surroundings are rural, with fields to the north, east and south. Despite the majority of the settlement dating from the 20th century, it retains a context of historic buildings to the west and east. Those to the west are close by, and line the primary approach to the Church. To the east, the appeal building aligns with the Church and the two are connected by a short footpath through the intervening field.
9. When approaching the Church from the west - as most would up to the south porch - the modest gable ends of the small cottage are prominent to view across the adjacent field through the gap in the hedge that provides access to the footpath. Although an incidental view, given the alignment with the path to the south porch, it is a perspective that would be readily experienced. It provides context to the Church, emphasising its modest rural setting that is largely free from 20th century incursion and undeveloped for the most part. Given the age of the cottage this view is likely to have existed since at least the early 19th century. It is an important component of its setting that contributes to its significance as a parish Church built to serve a small and modest rural community.
10. The Council refers to the existing building as a non-designated heritage asset (NDHA). I note that this was not raised by the Council previously, however this is not a matter relevant to the appeal, as I need to consider the proposal on the merits of the case and the evidence before me.
11. It is a modest vernacular building with an incidental siting, away from the road. It utilises local rubble stone with a traditional narrow gable width and steep roofs. Internally, elements of historic roof structure remain as well as a large stone fireplace and bread oven that extends out from its north elevation. It retains an historic context that is readily encountered owing to the network of nearby rights of way; it can be seen in the context of the Church tower and the ridge and furrows of the adjacent field.
12. I do accept that the existing cottage is not spectacular. If it was it would be listed, and the purpose of identifying a building as a NDHA is to provide a level of recognition to buildings that are of historic significance but not at such a level that they merit listing. I also agree that it does not exhibit any characteristics that are particularly noteworthy or unusual, and the Planning Practice Guidance (PPG) establishes that only a minority of buildings have enough heritage significance to merit identification as NDHAs². However, based on the characteristics I have already identified it has moderate historic

² Paragraph: 039 Reference ID: 18a-039-20190723

significance that derives from its fabric, form and setting. With further reference to the PPG, the building has a degree of heritage significance that merits consideration in planning decisions. Its significance is of a sufficient level that it should be viewed as a NDHA.

13. The proposal would see the small cottage replaced with a much larger dwelling. The replacement dwelling would occupy a large footprint, with significant single storey elements. Its main range would be perpendicular to the existing cottage, thus making it much more prominent in views from the east and west, particularly as it would no longer sit tight against the plot boundary. The modest siting of the existing cottage, and its incidental relationship with the road to the east and footpaths to the west would be entirely altered by the replacement building. It would face the road and adjacent field in a much more assertive manner and would significantly increase the impact of development on the rural character and appearance of the area.
14. From the Church, the broad west elevation of the main range of the proposed dwelling would be prominent to view upon the approach to the south porch. From across the field, the view would no longer be terminated by the modest and traditional end gables of the existing cottage; instead, the more substantive crisp and contemporary forms of the building would intrude on the existing rural scene. This would significantly erode the historic setting of the Church by introducing a prominent contemporary building into a key view out from the Churchyard, and in doing so would harm its special interest.
15. If considered in isolation, I can see that the design has been developed to respond positively to the broad forms of local buildings. Its massing would be simple, and it would utilise a palette of materials that would not appear out of place. Additionally, the proposal has the potential to be well detailed. It would not be over scaled for the size of the plot and would deliver a very pleasant living environment for its future occupants. However, these characteristics do not outweigh the harmful impact of the proposal on the setting of the Church and the general character and appearance of this part of the settlement.
16. The existing cottage provides accommodation that is well laid out to serve a small household. Matters raised related to its fabric which are dealt with in more detail below are commonly encountered with a building of this age and do not appear insurmountable. Various tried and tested conservation minded approaches could be adopted that would benefit the fabric of the building and ensure that it continues to provide a comfortable home in a pleasant location.
17. Permission exists to significantly extend the existing cottage. I note that this would have a considerable visual impact. However, it would retain the existing cottage and extend it with a parallel range with a link, allowing its original form to be easily appreciated. Its historic perspective from the Church would be respected, and any rebuilding of the cottage that might be required as part of this scheme can be carried out sensitively, adopting conservation best practice. Once extended, the form of the building would be more compact than the appeal proposal. It would continue to stand tight to the plot boundary and thus retain its modest siting, that would still be appreciable from the east and west. Thus, this extant permission does not alter my view on the acceptability of the appeal proposal as the impacts would not be the same.
18. The change to the setting of the Church would be considerable, and for the reasons given the proposal would harm its special interest. In terms of the

Framework, the harm 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.

19. I have established that the existing dwelling is laid out adequately to provide accommodation for a small household. The proposal would create a high standard of replacement accommodation, but it would not increase the number of dwellings at the site and would not therefore increase the supply of housing for the area. Furthermore, I have found that the character and appearance of the area and special interest of the Church would be harmed by the proposal. Therefore, there are no public benefits that would outweigh the harm to the special interest of the listed building.
20. Paragraph 209 of the Framework establishes that the effect of an application on the significance of a NDHA should be taken into account in determining an application. It also suggests that a balanced judgement will be required having regard to the scale of any harm or loss. In this case the loss would be extensive as the whole building would be demolished. This is a matter that should weigh heavily against the proposal and there are no other benefits before me that weigh in favour.
21. In summary, the proposal would harm the character and appearance of the area. It would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building. It would not accord with Policies 51, 57 and 58 of the Wiltshire Core Strategy 2015 (CS). Together these Policies seek to ensure that development proposals do not harm local character, are complementary to the locality, enhance local distinctiveness, and conserve the historic environment.
22. With reference to the National Design Guide, the proposal would fail in relation to the characteristics of context, locality, and built form, for the reasons given above.

Location

23. Ordinarily, the replacement of a dwelling with another would be accepted in an area where a Council would otherwise seek to avoid new homes. This is because such a proposal would not result in an increase in household numbers, and there would be no adverse impacts arising from matters such as the reliance on a private car to meet day to day needs.
24. However, Saved Policy H4 of the North Wiltshire Local Plan 2011 (LP) covers the provision of a replacement dwelling. This Policy provides support for such proposals where three criteria can be satisfied. The first is that the use has not been abandoned, which is not the case with the existing dwelling.
25. The second criteria provides support for situations where the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings. The existing cottage has a traditional vernacular appearance that is pleasant and is illustrative of traditional development in the area.
26. As to whether it is capable of retention in its current state, it is currently occupied and appears to be in good order on the basis of a superficial visual

inspection. It is small but is laid out in a manner that would provide pleasant accommodation for a small household.

27. The Structural Report³ notes that the two lateral walls of the main range lean out, indicating a considerable amount of roof spread in the past. There is nothing however to suggest that this is a live issue. The report refers to a number of inherent issues due to the building's age and construction, and that considerable investment is required to improve its fabric. The matters raised are commonly encountered in historic buildings; particularly those related to damp and insulation. None appear so insurmountable that the existing building should be considered incapable of retention in its current state.
28. With regard to the third criteria, the replacement dwelling would be significantly larger than the existing dwelling. However, I do accept that permission exists to substantially extend the existing dwelling. On this basis I am not satisfied that the proposal should necessarily fall short of this part of Policy H4.
29. I note the reference before me to a replacement dwelling permitted by the Council⁴, despite conflict with parts of Policy H4. In this case the Council found that the level of conflict would be modest, and that the proposal would otherwise not harm the character and appearance of the area. The appellant is concerned with how Policy H4 of the LP is interpreted, and I note the appeal decisions that are before me. In these cases, the level of conflict with Policy H4 was also found to be modest. As discussed in the first main issue I have found that the proposal would cause harm to the character and appearance of the area. These matters do not therefore alter my assessment of the proposal against this second main issue.
30. In summary, Part ii) b. of Policy H4 of the LP is not satisfied. The proposal would not therefore be suitably located with regard to development plan policies. The Council refers to Policies CP1, CP2 and CP13 of the CS in its first refusal reason. These seek to manage the provision of new dwellings and are not largely relevant to a proposal for a replacement dwelling.

Conclusion

31. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh that conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR

³ Project Number: 11191, Date: July 2022

⁴ Council Ref: 17/04125/FUL