

# Appeal Decision

Site visit made on 30 July 2024

**by Tamsin Law BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 22 August 2024**

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**Appeal Ref: APP/Y3940/W/24/3341350**

**Land adjoining 53 Compton Bassett, Wiltshire, SN11 8RH**

- 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 Ms T Taylor against the decision of Wiltshire Council.
  - The application Ref is PL/2022/08092.
  - The development proposed is the erection of dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became "National Landscapes". The legal designation and policy status of AONBs are unchanged, but I have replaced reference to the North Wessex Downs AONB with the North Wessex Downs National Landscape in my decision to reflect this change.

## Main Issues

3. The main issues are;
  - The effect of the proposed development on the character or appearance of the Compton Bassett Conservation Area, including on the setting of the North Wessex Downs National Landscape;
  - Whether the location of the proposed development would be acceptable with specific regard to the principle thereof, the Council's spatial strategy and access to services; and
  - The effect of the proposed development on biodiversity, including trees and hedgerows.

## Reasons

### *Character and Appearance*

4. The Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. The building is located within the Compton Bassett Conservation Area (CA), which covers a large

area including Compton Bassett Park, agricultural land and the built form of Compton Bassett. The significance of the CA is derived from it being an attractive traditional village with characterful buildings, linear housing development and larger houses set within spacious grounds.

5. When approaching Compton Bassett from the north, the surroundings are predominantly rural in character, with narrow winding roads, boundary hedgerows and agricultural fields. As you get closer to Compton Bassett a linear development of large residential dwellings on large plots are located to the east of the road. To the west of the road are open agricultural fields bound by hedgerows. The low-density development, large wide plots with side gardens and hedgerows gives the area a spacious feel which makes a positive contribution to the street scene which adds to the significance of the CA.
6. No 53 Compton Bassett is a detached dwelling situated on a large, wide plot. The street scene is characterised by a mix of detached and semi-detached two-storey dwellings. Properties are set back from the highway behind a front garden and driveway generally leading to a garage. The design of the proposed development would be similar to nearby properties. However, these properties are set within larger plots with side gardens and thus cannot be directly compared to the proposal.
7. The character of properties along the road is varied, but it is characterised by rows of similarly designed buildings separated by side gardens displaying a strong simple rhythm. The introduction of a dwelling in the side garden of No 53 would result in a narrow plot which would appear out-of-keeping with the character of the row of buildings, which are set within generous, wide plots. Within the context of the neighbouring properties the scheme would appear cramped and would remove a spacious plot which is a characteristic feature that contributes positively to the area and CA.
8. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial within the meaning of paragraph 208 of the National Planning Policy Framework (the Framework).
9. The appellant suggested that the harm would be at the lower end of a spectrum of less than substantial harm as the CA is large and covers areas that should not be designated. Even if that were the case, the Framework does not provide any rationale for apportioning varying weight to differing degrees of less than substantial harm, and convincing justification for any development that would cause harm to the significance of a designated asset will be required however slight. In any event, I have found that the appeal site contributes positively to the CA. In this context, I give great weight to the harm that I have identified.
10. The proposed development would fail to preserve the character or appearance of the CA. Paragraph 208 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I will come back to this matter later in my decision.
11. The site lies within the setting of the North Wessex Downs National Landscape (NL), the designation of which is afforded the highest status of

protection, as explained in paragraph 182 of the Framework. The replacement of an area of open garden with a single dwelling would intensify the dwellings along the road, eroding the simple rural character of the street scene, harming the landscape and scenic beauty of the NL.

12. In relation to the character and appearance of the area and the impact on the NL, I conclude that the proposed development would be contrary to Policies 51, 57 and 58 of the Wiltshire Core Strategy (2015) (CS), Policies 1, 7 and 10 of the Compton Bassett Neighbourhood Plan (2016) (NP), and the Policies DSP3, DSP4, DSP6, DSP7 and DSP12 of the Compton Bassett Design Statement (DS). These together seek, amongst other things, to ensure that developments enhance local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development. The proposed development would also be at odds with paragraph 135 of the Framework which seeks to ensure developments are visually attractive and sympathetic to local character. It would also be contrary to paragraph 182 of the Framework which seeks to ensure that great weight is given to conserving and enhancing landscape and scenic beauty in NL's.

#### *Location*

13. CS Policy 1 sets out the settlement strategy for the Wiltshire Council area. Compton Bassett is defined as a small village and CS Policy 1 states that small villages have a low level of services and facilities and that development will be limited to that needed to help meet the housing needs of settlements.
14. CS Policy 2 states that in small villages development will be limited to infill within the existing built area provided they meet the housing needs of a settlement and that they respect the existing character and form of the settlement, do not elongate the village and do not consolidate existing sporadic loose knit areas of development.
15. It is the Council's contention that the appeal site is not located within the small village of Compton Bassett, but in the open countryside. Compton Bassett is a largely linear village, made up of residential buildings, farms and a small cluster of buildings comprising the village hall and public house. The NP described Compton Bassett as a ribbon village. The appeal site forms part of the linear development to the north of the village hall. Apart from side gardens and a right of way there are no gaps in development from the village hall to the appeal site. Based on the context of the appeal site, and its relationship with the linear built form, I consider the appeal site to form part of the small village of Compton Bassett.
16. The appellant asserts that the proposal is for a self-build dwelling. Whilst this did not form part of the original application to the Council the submission advises that they are on the self-build register and that they would support a condition restricting the dwelling to self-build. As such it is likely that a self-build dwelling would meet a housing need in the settlement.
17. Nevertheless, CS Policy 2 requires that, in order for the location to be acceptable, it would also need to respect the existing character and form of the settlement. As I have found that the proposal would have a harmful

impact on the character and appearance of the area, it would not therefore comply with the policy.

18. Due to its location, within a small village and that the proposal would harm the character and appearance of the area, it would be contrary to the strategy of the development plan. It would conflict with CS Policies 1, 2, 8, 60 and 61 and Wiltshire Local Plan (LP) saved Policy H4 which seek, amongst other things, to focus development in sustainable locations that would not harm the character of small villages.

#### *Biodiversity and Trees*

19. During my site visit I noted that a number of small trees were located on the appeal which was bound by trees and hedgerows on three sides. In support of the appeal the appellant has provided an Ecological Impact Assessment (EIA) and an Arboricultural Report (AR).
20. The EIA notes that the appeal site is a vegetated garden with trees and native boundary hedgerow. In order to accommodate the proposed development a number of trees would be removed and an area of grassland would be lost. The EIA concludes that the proposed development would have a minor negative impact on hedgerows on the site and no impacts on protected species. It goes on to state that biodiversity on the site would be enhanced by further the creation of a 30-metre hedgerow along the southern boundary of the site.
21. The AR states that six trees and two groups would be removed in order to accommodate the construction of a dwelling. It notes that these trees are low-quality trees that have little impact on the landscape. Subject to works being undertaken in line with an arboricultural method statement, which includes protective fencing, root protection areas and exclusion zones, the retained trees would be safeguarded during construction.
22. The trees to be felled appear to be small trees of a fair structural condition. Whilst they all have a life expectancy of in excess of 20 years, their small stature and limited canopy spread mean they have limited view in the wider landscape. As such, their loss would not have a harmful impact on the wider area.
23. Whilst these reports were not submitted with the application, they nevertheless provide information relating to the Council's reasons for refusal. The Council were concerned regarding the lack of information pertaining biodiversity and trees. In light of the submission of these reports, I am satisfied that, subject to appropriate conditions, that biodiversity and trees would be safeguarded during the construction and lifetime of the proposed development.
24. I conclude that the proposed development would comply with CS Policies 50, 51, and 57, NP Policy 4, DS Policy DSP1 and LP Policy NE14. These together seek, amongst other things, to ensure that developments demonstrate how they protect features of nature conservation and do not result in the loss of trees or ecological features that could be successfully incorporated into the development.

## Other Matters

25. Paragraph 208 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I have already found that the proposed would have a less than substantial harm on the CA and I give great weight to this harm.
26. In weighing the public benefits of the proposal against the harm identified, the appellant has suggested that the proposal will provide a self-build dwelling. Whilst this was not brought up at the time the application was dealt with by the Council it is a public benefit proposed by the appellant.
27. Under Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended) the Council is required to grant sufficient planning permissions to meet the demand for self-build and custom housebuilding in the authority's area in each base period. The Council's submission does not provide information in relation to the numbers of self-build plots required. Nevertheless, the appellant proposes the dwelling as a self-build and states that the appellant is on the self-build register, this would meet their need. I afford this moderate weight.
28. The appellant believes that the Council is failing to meet its housing delivery requirements. The proposal would provide one dwelling. The socio-economic benefits associated with the construction and use of the dwelling would be limited by its scale. Even with the suggested shortfall, in light of the scale of the development, I ascribe only moderate weight to the benefits associated with the delivery of a single dwelling.
29. As set out above the proposal would cause harm to the CA. The impact would be considerable. The proposal would result in a significant and permanent change to the character and appearance of the CA. In this context I find that the public benefits of the proposal would not be sufficient to outweigh the degree of harm identified.
30. Whilst I have given the appellant's personal circumstances careful consideration, in general planning is concerned with land use in the public interest. I consider it highly probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this would not be sufficient to outweigh the harm that I have identified above.

## Conclusion

31. For the reasons given above the appeal should be dismissed.

*Tamsin Law*

INSPECTOR