



Appeal Decision

Hearing held on 26 November 2024

Site visit made on 26 November 2024

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/Y3940/W/24/3348926

Upper Farm, Wexcombe, Wiltshire SN8 3SQ

- 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 Sherbourne Wexcombe Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2023/07710.
 - The development proposed is the demolition of the existing barn and the erection of a dwelling (Use Class C3) car port, repair of former chapel to create a home office, together with landscaping enhancements and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing barn and the erection of a dwelling (Use Class C3) car port, repair of former chapel to create a home office, together with landscaping enhancements and associated works at Upper Farm, Wexcombe, Wiltshire SN8 3SQ in accordance with the terms of the application, Ref PL/2023/07710, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Sherbourne Wexcombe Ltd against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. At the time of the Hearing, an undated version of a Section 106 Unilateral Undertaking (the UU) had been submitted to ensure that the extant planning permission is not implemented in addition to the appeal scheme and to secure and thereafter maintain biodiversity net gain on the appeal site. The appellant has subsequently provided a signed version of the UU dated 11 December 2024.
4. After the close of the Hearing, the North Wessex Downs National Landscape (NWDNL) Principal Planning and Landscape Officer submitted a response in respect of the current appeal. This included evidence of a previously emailed consultation response to the Council in respect of the planning application, confirming an objection to the proposal.

5. In accordance with the planning appeals procedural guidance¹, I have exceptionally accepted this document, in the interests of fairness to all parties, since it relates to confirmation of an earlier emailed planning application response, the existence of which, was queried at the Hearing. Accordingly, I sought further comments from the main parties on this submission.
6. Following the submission of the appeal, the revised *National Planning Policy Framework* (the Framework) was published on 12 December 2024. I have had regard to the latest version in reaching my decision. Whilst paragraph numbers have changed, the policies of the Framework most relevant to the appeal have not substantially altered from the previous version. Therefore, I consider there is no requirement for me to seek further submissions in this respect, and I am satisfied that this approach would not prejudice any party's interests.

Main Issues

7. The main issues are:
 - Whether the appeal site provides a suitable location for the proposed development having regard to the Council's development plan settlement strategy;
 - The effect of the proposal on the character and appearance of the area, having regard to the countryside location of the appeal site within the NWDNL; and
 - If harm arises, whether this is outweighed by other material considerations.

Reasons

Settlement strategy

8. Core Policies 1 and 2 of the *Wiltshire Core Strategy* (January 2015) (CS) respectively set out a Settlement Strategy and a Delivery Strategy for new development within the County. Together, they aim to direct new residential development to settlements at a scale commensurate with their position in the hierarchy described within the CS. The County is split up into community areas in the CS, with each having its own spatial strategy policy. The appeal site lies within the Pewsey Community Area, and CS Core Policy 18 reinforces that development in this area should accord with CS Core Policy 1.
9. Wexcombe is a rural hamlet which is not designated as a settlement within the CS hierarchy. As such, the appeal site lies within open countryside outside of any designated settlement boundary and Core Policy 2 confirms that development is not supported in this location, unless it falls within any of the 'exception policies' listed in Paragraph 4.25 of the CS. In the case of residential development these include rural exception sites (Core Policy 44), specialist accommodation provision (Core Policies 46 and 47) and supporting rural life (Core Policy 48).
10. The appeal scheme comprises a new build dwelling together with extensive building works which essentially amount to a substantial rebuild of the former chapel building. As such, the appellant has not sought to justify the proposal based on any of the above exceptions or on it requiring a rural location. As

¹ Paragraph 10.11.4 - Procedural Guide: Planning appeals – England (updated 17 September 2024)

such, both aspects of the appeal scheme would be clearly in conflict with the above policies of the CS, and accordingly, the appeal site would not provide a suitable location for the proposed development having regard to the Council's development plan settlement strategy.

11. For similar reasons, there would be conflict with the Framework, with whose objectives the aforesaid CS policies accord. These include supporting sustainable transport (Paragraph 110) and conserving the natural environment (Paragraph 187).

Character and appearance

12. The site lies within the NWDNL, and in determining this appeal I have had regard to the great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which together with National Parks and the Broads, have the highest status of protection in relation to these issues in accordance with Paragraph 189 of the Framework.
13. The site lies within the 'Wooded Downland (Chute Forest)' character area according to the Council's Landscape Character Assessment (LCA)². The key characteristics of this area include: a peaceful, tranquil and secluded rural landscape, with sheltered enclosed woodland areas contrasting with more open, remote downland and steep uninhabited scarps; elevated chalk upland; strongly rolling landform; dominant land cover elements of open arable fields and woodland blocks and belts linked by a network of hedgerow and hedgerow trees; large rectangular fields typical of 18th and 19th century enclosure; low density scattered settlement of farmsteads and occasional villages, often within valleys; and varied vernacular built form.
14. Wexcombe comprises a sporadically arranged collection of residential and agricultural buildings and uses and the hamlet is surrounded by extensive pastureland comprising irregularly shaped fields of varying sizes. The appeal site lies on the western edge of the hamlet and comprises part of the former farmyard associated with Upper Farm. It is occupied by a large 20th century pitched roof barn sited close to the northern site boundary with an un-named public road from which vehicular access is obtained.
15. There is also a small, brick built former chapel of ease sited to the rear of and abutting the frontage barn. Notwithstanding its poor state of repair, this is recognised as a non-designated heritage asset.
16. Directly east of the site are a group of historic single storey farm buildings which were also previously associated with Upper Farm and are now in residential use. Notwithstanding that they are now separated from and are within separate ownership, these are curtilage listed in association with the grade II listed 2-storey farmhouse, known as Wexcombe House sited further east.
17. The site is enclosed to the west by a woodland, also within the appellant's ownership, and there is a belt of trees on neighbouring land to the east/southeast of the site. Further west and to the north and south of the site are areas of open farmland.

² Wiltshire Landscape Character Assessment – Kennett District Area (2005)

18. As such, the appeal site, and its immediate environs, are characteristic of the aforesaid prevailing landscape profile identified within the Council's LCA. The Council's concerns in respect of the proposal's impact upon the distinctive character of the locality and the wider area primarily relate to the location, scale, building form and design of the proposed detached two-storey dwelling.
19. Whilst incorporating a large footprint and a substantial 2-storey element, the new building would be set back much further into the site than the existing barn which it would replace, and away from the street in an area where the ground levels drop away significantly towards the rear of the site.
20. The scale of the new building would be comparable to that of other agricultural buildings within the hamlet, including that of the barn to be removed. Also, whilst larger than some nearby residences, the perceived scale of the new building would be reduced by the setting of the ground floor into the rising land to the northwest and the use of basement accommodation under the garage, thereby reducing the visible mass of building in wider views.
21. The building bulk and mass would also be broken up and minimised through the incorporation of distinct single and two storey elements, each with a different roof form and orientation, and through the provision of a flat roof to the two-storey component.
22. The new dwelling design would have a distinctly more contemporary design than that of neighbouring properties and other residential properties within the hamlet. However, that alone is not unacceptable, having regard to the existing variety of building styles within Wexcombe as a whole, much of which comprises unnoteworthy 20th century housing. In addition, the 2-storey part of the dwelling would be perceived as 'standing alone' from its closest neighbours, having regard to separation distances and different land levels. As such, this contemporary element of the scheme would not appear unduly incongruous in direct comparison to neighbouring built development.
23. The appellant, in a supplementary design statement, has demonstrated how the design development process reflects that advocated in the National Design Guide. Moreover, the proposal would incorporate elements of design that reflect its rural location and historic farmstead position, including a site layout which acknowledges that of the former agricultural structures on the site, a simple building layout in keeping with that common to many agricultural buildings, and materials to reflect those which prevail within the locality including vertical timber boarding, zinc, and red brick elements.
24. Moreover, whilst including numerous large window and door openings, these would incorporate a simple glazing design with nominal framing and thin profiles and in many cases floor to ceiling height glazing, resulting in large openings whose design is influenced by those typical of open barns. The proposed green roof to the higher first floor level would further aid with the assimilation of the proposal into its rural surrounds.
25. The existing barn occupies a visually prominent position at the highest point of the appeal site and close to the site frontage onto one of main approach roads into Wexcombe. Whilst it is of a utilitarian agricultural design which is in keeping with a rural landscape, it is a relatively modern structure which is of no particular architectural merit. Moreover, the building's large scale, height and massing and bulky pitched roof form, mean that it appears visually over

dominant both in views from the street and within the context of the adjacent listed residential properties to the south-east, which are at a significantly lower height and are largely obscured by the barn.

26. With the above in mind, I do not object to the barn's removal, which would enable improved visual appreciation of the adjacent listed buildings. This is notwithstanding the previously allowed appeal³ in respect of the proposed conversion of this barn to residential, since the relative merits associated with the removal of the barn were not considered in detail by the appeal Inspector.
27. Moreover, the proposed incorporation of a substantial amount of new planting within the appeal site, including within the area currently occupied by the barn would further screen the new building in wider views from the north and would enhance the immediate landscape environment within which it would be sited. This landscaping would be secured by means of a planning condition which I am satisfied would allay the Council's concerns about its implementation and long-term retention.
28. Dark skies are a significant defining characteristic of the NWDNL, as reflected in the AONB Management Plan⁴ objectives to protect dark skies and minimise light pollution. Accordingly, I have carefully considered the landscape impacts associated with light emissions from the appeal scheme, noting the extensive amount of glazing proposed within the dwelling, including within the north and south elevations of the 2-storey element, the latter of which, according to the evidence before me, would comprise the most exposed part of the dwelling in wider landscape views.
29. The appeal scheme would not result in isolated built development within the NWDNL, and the site does not lie within a designated International Dark Sky Reserve. As such, within the wider context of the NWDNL, I do not find it unreasonable to expect some additional lighting impacts associated with the appeal scheme, which comprises a new dwelling located close to an existing cluster of dwellings within a hamlet of properties which already gives rise to some lighting impacts associated with their residential use.
30. Moreover, the appellant has incorporated measures into the dwelling design to limit the effects of light emissions from internal lighting. These include photocell controlled automatic blackout blinds for the skylights, an overhanging first floor and overhanging roof to reduce upwards light pollution from ground and first floor windows respectively, and the inclusions of louvres to bathroom windows. In addition, at the Hearing the appellant confirmed the proposed inclusion of non-reflective low transmittance/tinted glass which would reduce light pollution emitted from the windows, whilst maintaining views out for the occupants of the dwelling.
31. Whilst some measures, such as the use of black out blinds may be difficult to enforce, I concur with the views of other appeal Inspectors in considering the lighting impacts of other schemes within National Parks, including that cited by the appellant⁵, that this matter is capable of being addressed by means of a planning condition to ensure the inclusion of low transmittance or tinted glass of an agreed specification which would reduce light pollution.

³ Ref APP/Y3940/W/21/3284520

⁴ North Wessex Downs AONB Management Plan 2019 - 2014

⁵ Ref APP/W9500/W/21/3284073

32. Also, both parties are agreed, and I concur, that the amount and design of any new external lighting associated with the appeal scheme can be controlled by means of a planning condition.
33. I have also had regard to the appellant's Landscape Appraisal⁶ which includes an assessment of the visual impact of the proposal on viewpoints from various locations within identified zones of visual influence outside of the appeal site to the north, south and east. This concludes that the proposal would not be visible from the Pewsey Vale to the north of the site and that lighting from the northeast facing windows would be almost completely contained within the site. Moreover, a woodland copse adjacent to the northwest site boundary and mature evergreen trees to the southeast between the site and Wexcombe House would screen the building in views from these directions respectively.
34. The Landscape Appraisal also demonstrates that, whilst it is from the footpaths to the south that the proposal would be most visible, such impacts would not be deemed to be "significant" and would be restricted to a limited number of locations south of the site crossing fields along Footpath GRAF 20 and descending the Wexcombe Down on Footpath GRAF 13, noting that the recent repositioning of the former has lessened the originally identified visual impacts of the scheme when viewed from this path south of the site.
35. On the basis of the methodology before me, and my site visit when I examined the views from the key identified viewpoints in the Landscape Appraisal, I have no substantive reason to dispute the appellant's assertions having regard to factors including prevailing land levels, existing buildings and structures in the site locality, existing and proposed surrounding vegetation, the proposed position of the new dwelling within the site and the design and size of the new building.
36. The Council disputes that the demolition of the modern barn is a landscape benefit and considers that the overall magnitude effect of the appeal scheme on the surrounding landscape character would be greater than that identified in the Landscape Appraisal. However, the Council has confirmed that it does not disagree with the Zones of Visual Influence and public views of the site contained within the Landscape Appraisal. Nor has it provided any substantive evidence of its own to support its assertions, or to evidence its view that the new dwelling would be much more visible within wider views from the southwest and that the building would be seen as a very prominent addition to the village surroundings within a wide range of views.
37. Noting views expressed by third parties, I acknowledge that the proposal could be viewed from other nearby residential properties, including dwellings to the east and south of the site. However, this alone would not be materially harmful within the context of an additional dwelling within an enclave of residential properties where it is not unreasonable to expect to see other nearby built development.
38. For the above reasons, I therefore conclude that the proposal would not materially harm the character and appearance of the area, having regard to the countryside location of the appeal site within the NWDNL. As such, the

⁶ Indigo Landscape Architects Landscape Appraisal Ref: 1072-LVA Rev C 17 July 2023 and subsequent part amendment in respect of Viewpoints 4, 5 and 6 included as Appendix I of the appellant's statement of case, to reflect the realignment of Footpath GRAF 20 since the refusal of the planning application.

appeal scheme would accord with CS Core Policies 51 and 57, in so much as these policies seek to ensure that new development is of a high standard of design which is complimentary to the locality, and that it protects, conserves and where possible enhances landscape character, affording great weight to the conservation and enhancement of landscapes and scenic beauty in National Landscapes, and that any negative impacts are mitigated as far as possible through sensitive design and landscape measures.

Is harm outweighed by other material considerations?

39. Section 38 (6) of the Act sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, there is an extant permission⁷ for the conversion of the existing agricultural building to a residential dwelling (C3 Use Class). The evidence before me is that there is a realistic prospect of the extant consent being implemented, should the current appeal fail. This is based on the expiry date of the consent and lack of pre-commencement planning conditions, together with confirmation from the appellant of a clear intention to develop the appeal site with a dwelling after having purchased the site once it had already achieved residential land value following the approval of the extant permission.
40. Whilst acknowledging that the extant permission constitutes a fallback position which is a material consideration, the Council's view is that it does not justify approval of the appeal scheme because it would provide greater benefits than the appeal proposal having regard to the environmental objectives of the Framework.
41. I have considered the relative merits of both schemes having regard to the economic, social and environmental aims of the Framework. They would both result in similar social and economic benefits through the provision of one additional dwelling to contribute towards addressing the Council's housing shortfall, economic benefits during its construction and economic and social benefits as a result of its future occupation.
42. As I have come to a different conclusion to that of the Council in respect of the impact of the appeal scheme upon landscape character, I find that both schemes would similarly amount to no material harm in respect of this particular environmental objective of the Framework.
43. The Council's reasons for refusal do not specifically refer to harm to heritage assets. However, the officer report and statement of case confirm that the Council consider there would be harm to the settings of the historic farmstead and nearby listed buildings, but that, as confirmed at the Hearing, this would be 'less than substantial' harm, and given that there would be a moderate conservation benefit from the chapel restoration, the overall heritage impact is considered by the Council to be neutral.
44. I have a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special attention to the desirability of protecting the setting of the Grade II listed Wexcombe House, within the setting of which the appeal site is located. The statutory list description confirms that Wexcombe House is a detached farmhouse dating from the late

⁷ LPA Ref PL/2021/04069

18th Century. Whilst its significance is largely derived from its architecture and aesthetic qualities, an important part of its significance relates to its historic association with agriculture and the role it has played over time in rural society.

45. The appeal site comprises part of the original farmyard, but much of the wider historic farmstead that contributed to the setting of the farmhouse no longer exists. A range of ancillary buildings to the northwest of the farmhouse and historically associated with it are now in separate ownership and in residential use. Also, part of the original farmyard to the southwest of Wexcombe House has been incorporated into the garden of that property.
46. Former agricultural buildings in the southern part of the appeal site have been removed and the site is no longer in active agricultural use. The relatively modern barn sited near the road frontage of the appeal site contributes little to the significance of the listed building but is obviously agricultural in nature and has a neutral impact overall. Given the above and the amount of change that has occurred to the setting of the farmhouse building, the appeal site only makes a limited contribution to the significance of the listed building as part of its historic association and as part of its wider rural context.
47. The proposal would remove the existing barn on the appeal site, which is representative of its historical agricultural use. However, this large building is visually dominant at the front of the site, and its removal would enable increased visibility and appreciation of the adjacent lower height curtilage listed former farm buildings which are currently largely obscured by the barn. As such, this aspect of the scheme would have a broadly neutral impact upon the setting of the listed building.
48. The green flat main roof of the new dwelling and the setting of the building into rising topography would contribute to the building having a low visual impact when read in conjunction with the nearby historic buildings to the north. The new building would also incorporate design elements which take their cue from the historic agricultural setting, including building layout, materials, and a more traditionally designed single storey ancillary element.
49. However, its predominantly contemporary design would set it aside as distinct from the neighbouring historic buildings which would continue to be perceived as important for their historical value and the position of the two-storey main building would be such that it would result in a clear break between the listed buildings and the contemporary element of the new property. As such, the eligibility of the curtilage listed buildings would not be harmed and the new dwelling would preserve the setting of Wexcombe House.
50. The former chapel of ease, whilst in a poor state of repair, has kept some historic fabric which is indicative of the former ecclesiastical use. It has historical interest in its representation of a small chapel which would have enabled local people in a scattered settlement geographically remote from the parish church to worship. Moreover, it is sited at the end of a former stable and coach house range that were historically associated with Wexcombe House. As such, this building has some historic significance derived from its social and religious use as well as probably having formed part of the farmyard buildings serving the listed building. In accordance with Paragraph 216 of the Framework, I have taken account of the effect of the appeal scheme on the significance of this non-designated heritage asset.

51. The former chapel positively contributes towards the significance of the listed building due to its historic association, but only a small part of the historic fabric of the chapel remains, with much of the roof and the whole of the southeast elevation having been lost. As such, its poor condition notably reduces its ability to reveal the significance of the heritage asset.
52. Paragraph 210 of the Framework requires that, in determining applications, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Significant building work, involving major rebuilding with the introduction of new materials is proposed to restore the former chapel to an approximation of the religious structure, including scale, location, and appearance, as part of its transformation into a home office. However, some surviving historic building fabric would remain, and a long-term use would be secured for the heritage asset. A sympathetic restoration would better reveal the historic significance of the chapel and enhance its positive contribution to the setting of Wexcombe House. Accordingly, there would be a modest heritage benefit arising from the appeal scheme which weighs in its favour.
53. With the above in mind, I conclude that both schemes would result in similar heritage benefits associated with the restoration of the non-designated heritage asset of the former chapel as a home office and neutral heritage impacts associated with the creation of the new dwelling.
54. Both proposals would include additional new soft landscaping. However, based upon the evidence before me, the new landscaping associated with the extant scheme would be primarily limited to boundary trees and hedging. The appellant has provided details of a notably more comprehensive landscaping scheme for the appeal proposal, which spreads across a wider area, to include wildflower meadows as well as new native hedging and trees, and which is capable of being secured by means of planning conditions. As such, the enhanced landscaping associated with the appeal scheme would comprise a greater environmental benefit than that associated with the extant permission.
55. Moreover, whilst the proposed development incorporates a greater overall amount of glazing than that of the extant permission, the lighting impacts of the proposal are capable of being controlled by means of planning conditions to ensure that light pollution from both internal and external lighting is minimised. As no such conditions are attached to the extant permission, this represents an environmental benefit of the appeal development.
56. In addition, the appellant has evidenced⁸ the ability to incorporate a biodiversity net gain (BNG) of circa 28% into the appeal scheme, a figure which is not disputed by the Council. I am satisfied that this can be secured through the submitted UU. This significantly exceeds the statutory 10% BNG requirements and represents a considerable benefit of the appeal scheme in relation to the extant permission which has no BNG obligation.
57. The extant scheme has no specific requirement to incorporate sustainable design or renewable energy measures into the development. However, the appellant has demonstrated⁹ that the appeal scheme could provide a circa 84% improvement in carbon emissions over the minimum that the extant

⁸ Biodiversity Net Gain Assessment - Davidson-Watts Ecology 28 February 2024

⁹ Energy and Sustainability Statement – JAW Sustainability 5 March 2024

scheme is required to provide as required by Part L of the Building Regulations 2021.

58. This, together with the proposed inclusion of a ground-mounted solar array, individual air source heat pump and electric vehicle charging facilities, all of which can be secured by means of planning conditions, would represent considerable sustainability and energy efficiency benefits in comparison to the extant scheme.
59. Planning law requires that application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the fallback position of the extant permission is a significant material consideration. Like the appeal scheme, this would also result in a new dwelling in a countryside location with poor access to facilities and services and heavy reliance upon the private motor car.
60. However, there are no mechanisms in place to require the extant scheme to deliver the substantial landscaping, biodiversity, and sustainability benefits of the appeal scheme that I have identified above. Whilst the appellant may choose at a later date to incorporate some of these measures, this cannot be relied upon and could further be affected by factors such as time delays, cost, or need to seek further consent to amend the scheme.
61. As such, I therefore conclude that, having regard to the particular circumstances of this case, the harm I have identified in association with conflict with the development plan in respect of the location of the proposal is outweighed by the substantial environmental benefits that the appeal scheme would provide, which would significantly outweigh those associated with the fallback position of the extant scheme. On this basis, I conclude that the appeal site is a suitable location for the appeal scheme.

Other Matters

62. I have taken account of third-party objections in respect of other matters not related to the main issues above. The issue of protected species has been addressed through the appellant's submission of an Ecological Impact Assessment¹⁰ and an appropriate planning condition. I saw on my site visit, that the siting of the proposed solar array would not necessitate tree removal.
63. Having regard to concerns about a precedent being set, planning applications must be determined on their own merits. Accordingly, this matter attracts little weight.
64. I appreciate that a history of withdrawn and refused planning applications has resulted in longstanding uncertainty for local interested third parties in respect of any future redevelopment of the appeal site. However, this is not a determining factor in my consideration of this appeal, which I must determine based on the merits of the appeal scheme before me, taking into account what I have identified within the planning history as materially significant to my decision.

¹⁰ Davidson-Watts Ecology Ltd – 17 July 2023

Conditions

65. In the event that the appeal was allowed, the Statement of Common Ground contains a number of conditions, the majority of which are agreed by the main parties, but some of which remain in dispute. I have considered these in the light of the tests set out in Paragraph 56 of the Framework and the National Planning Practice Guidance (PPG) and imposed them where I consider them to be necessary and reasonable, incorporating amendments and deleting and/or amalgamating conditions for the sake of clarity and precision and to avoid duplication. Some conditions require scheme pre-commencement submission and approval in the instances where such details need to be considered in the construction of the development, and therefore go to the heart of the planning permission.
66. In addition to the standard implementation condition (1), it is necessary to define the plans for certainty (2). During the Hearing it was confirmed by both main parties that drawing ref: 1072-SW-01 rev B, titled BNG Detailed Planting Proposals should be included within the list of plans which were considered by the Council. Condition no.2 is worded accordingly.
67. In order to protect the character and appearance of the area and having regard to the sensitive location of the site within the NWDNL, conditions are necessary to ensure certainty in respect of the finished levels of the scheme (3), appropriate external materials (4), an appropriate hard and soft landscaping scheme (5), restrictions on external lighting (6) and measures to restrict light spill from within the property (7).
68. To ensure the heritage benefit of the restoration of the former chapel, in addition to the limited schedule of works for the chapel which has been submitted, further details would need to be approved to secure that a sympathetic restoration is carried out (8). It would be in the interests of highway safety to ensure the provision of appropriate vehicular access to the development (9).
69. Conditions are necessary in the interests of safeguarding protected species and maintaining and enhancing biodiversity (10) and (11). Condition 6 above would also be necessary in the interests of protected species.
70. Conditions are necessary in the interests of sustainable construction and to secure the level of carbon emission reduction and energy efficiency measures cited as a significant benefit of the appeal scheme in comparison to the extant permission (12) and (13).
71. In order to secure the biodiversity net gain cited as a significant benefit of the appeal scheme in comparison to the extant permission, the appellant has submitted a UU to ensure the long-term implementation of a local planning authority approved Biodiversity Net Gain Plan. As such, a planning condition in respect of this matter is not necessary.
72. The UU would also ensure that the fallback extant permission would not be implemented in addition to the appeal scheme, having regard to the countryside location of the site and the council's development plan settlement policy. Accordingly, a planning condition to this effect is not necessary.
73. The Council has suggested a further condition to prevent the 'guest/staff bedroom' being occupied as a separate dwelling unit. However, in broad terms

such sub-division and separate use is likely to need specific consent. As such, I am not persuaded that such a condition would meet the test of necessity and I have not imposed it.

Conclusion

74. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it.
75. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no 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: Site Location Plan - 4270-001; Proposed South and East Elevations – 4270-006B; Proposed Site Sections – 4270-004F; Proposed Site Plan – 4270-003H; Proposed North and West Elevations Colour – 4270-007C; Proposed North and West Elevations – 4270-007C; Proposed Floor Plans with Dimensions – 4270-005K; Proposed Floor Plans – 4270-005K; Proposed Drainage Layout – 23460-GAP-XX-XX-DR-C9000P01; Proposed Chapel Floor Plan and Elevations – 4270-011; Landscape Masterplan – 1072-MP-01F; and BNG Detailed Planting Proposals – 1072-SW-01B.
3. No development shall take place until detailed plans and site cross-sections confirming the finished floor/slab level of the dwelling hereby approved, site access levels and garden levels (shown relative to neighbouring properties) shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be completed and maintained in accordance with the approved details.
4. No development above slab level shall take place until full details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials details.
5. The dwelling hereby permitted shall not be occupied until the scheme of hard and soft landscaping shown on drawing nos. 1072-MP-01F and 1072-SW-01B has been carried out. Thereafter, the development shall proceed in accordance with the approved details and timetable. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. Notwithstanding the details of the submitted documents, no external lighting shall be installed, or existing external lighting replaced, within the site of the development hereby permitted unless details of such are first submitted to and approved in writing by the local planning authority. The lighting shall then be installed, maintained, and operated in accordance with the approved details.
7. No development shall take place until details of the glazing to be installed in the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. These details shall include specifications for low transmittance or tinted glass which reduces light pollution. The glazing shall be installed in accordance with the approved details.
8. No development above slab level shall take place until a schedule of works for the repair and restoration of the former chapel shown on drawing nos. 4270-010 and 4270-011 shall have been submitted to and approved in writing by the local planning authority. Thereafter, the dwelling hereby permitted shall not be occupied until the chapel restoration and repair works have been completed in accordance with the approved schedule.
9. The dwelling hereby permitted shall not be occupied until the means of access for vehicles has been constructed in accordance with the details shown on drawing no.4270-003H. The existing vehicular accesses shall be stopped up and returned to hedge concurrently with the provision of the approved access. Vehicular access shall be retained thereafter in accordance with the approved details.
10. The development hereby permitted shall be carried out in accordance with the Ecological Impact Assessment by Davidson-Watts Ecology Ltd dated 17 July 2023.
11. No development shall take place, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the local planning authority. This shall include:
 - i. The location of proposed mitigation measures included on technical drawings showing the location and orientation of the bat tiles and bat/bird boxes;
 - ii. Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds and pre-commencement checks for protected species and any reasonable avoidance measures for reptiles; and
 - iii. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, such as exclusion fencing, to ensure protection of the adjacent priority woodland habitat.

The development shall be carried out in accordance with the approved details.

12.No development shall take place until a Design-Stage Sustainable Construction Report is submitted to and approved in writing by the local planning authority. This shall demonstrate that the development will:

- a. Reduce predicted CO2 emissions by at least 83 per cent due to energy efficiency measures and on-site renewable energy, compared with the maximum allowed by Part L 2021;
- b. Provide 1 no. electric vehicle (EV) charge point in a suitable location to ensure simultaneous charging with a minimum power rating output of 7kW and a universal socket;
- c. Have predicted water consumption of no more than 105 litres per person per day; and
- d. Be built to adapt to climate change including overheating risk and incorporating sustainable materials within the building.

The development shall be carried out in accordance with the approved details.

13.Within one month of the first occupation of the dwelling hereby permitted, a Post-Construction Stage Sustainable Construction Report, demonstrating how the development has been carried out in accordance with the requirements set out in condition 12 above shall be submitted to and approved in writing by the local planning authority.

*****End of Conditions*****

APPEARANCES

FOR THE APPELLANT:

- Dan Roycroft – Atlas Planning Group
- Jody O'Reilly – HCUK Group
- Nicholas Lowe - Llewellyn Harker Lowe Architects
- Mark Gibbins – Indigo Landscape Architects

FOR THE LOCAL PLANNING AUTHORITY:

- David Millinship – Senior Planning Officer, Wiltshire Council

INTERESTED PARTIES:

- Tim Brew – local resident
- Ann Dudney – Grafton Parish Council
- Cllr Stuart Wheeler