



Appeal Decision

Site visit made on 30 May 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/Y3940/W/25/3362227

Land adjacent to 8 Bishopstrow Road, Warminster, BA12 9HQ

- 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 Mr and Mrs Mark Mesnard (Context Planning Ltd) against the decision of Wiltshire Council.
 - The application Ref is PL/2024/09050.
 - The development proposed is a new dwelling with detached garage and associated works following the demolition of the existing structures.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposed development would conserve or enhance the character or appearance of the Bishopstrow Conservation Area; (ii) whether the proposed development would be in a suitable location, taking account of the Council's spatial strategy and access to services and facilities; and (iii) whether the proposed development should provide a 10% increase in biodiversity net gain (BNG).

Reasons

Conservation Area

3. The appeal site is located within the Bishopstrow Conservation Area, which is centred around a predominantly residential village, close to the edge of Warminster. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of Bishopstrow and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of the buildings that comprise the Conservation Area.
4. The appeal site is located outside of the village, on the edge of linear development along Bishopstrow Road. Development is more sporadic in this location and the large green spaces that exist add to the character of the surroundings. The appeal site is occupied by various structures, including a former piggery. However, these are fairly innocuous looking buildings, being of limited height. As such, the site does have a sense of openness which contributes to local character and also complements the appearance of a terrace of three small cottages that are located immediately to the north west.

5. The proposed development would involve the demolition of the existing structures on site and the construction of a detached two storey, five bedroom house and an associated detached double garage. It is clear from the plans that the dwelling would be a very sizeable structure, both in terms of width and depth. Indeed, as a result of its overall mass, it would clearly be seen as an overly dominant and imposing edifice which would erode the spaciousness of the edge of village surroundings, and also detract from the appearance of the much smaller terrace of cottages nearby. I acknowledge that there are examples of two storey detached homes in the surroundings, however, these generally appear to be of a more moderate size than the very large executive style home proposed here. The proposed garage would also be a sizeable structure which would add further built form to the site, and result in additional harm.
6. Furthermore, the plans show that the majority of the rear elevation of the dwelling, and part of the north west and south east elevations, would be clad with zinc. This would provide the home with a highly modern appearance which would be at odds with the character of other buildings within the Conservation Area. It is highly likely that this modern feature would be readily apparent from Bishopstrow Road, particularly during the winter months. The appellant has noted that the cladding could have been amended to a different material via the use of conditions. However, given the proposed extent of the zinc cladding, this would be a fundamental change to the proposed development which could not be dealt with through conditions. Overall, due to its significant mass and modern design, the proposed dwelling would undoubtedly appear as an incongruous and out of place feature within the street scene.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this instance, due to the limited scale of the development, the harm would be relatively localised. However, the appeal site is located close to a prominent entry point to the Conservation Area, and so this localised harm would also be harmful to the character and appearance of the Conservation Area as a whole. The proposal would have a negative effect on the significance of a designated heritage asset and would result in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
8. In this instance, the development would provide a single new dwelling, although this would not represent a net increase in housing stock given the existence of an extant permission to convert and extend the existing piggery¹. There would be some economic benefits associated with the development and there is potential for the inclusion of various sustainable design features such as an air source heat pump and solar panels. The proposal would also provide nutrient neutrality. However, given the scale of the proposed development, these benefits are fairly limited.
9. I therefore conclude that the public benefits do not outweigh the less than substantial harm I have identified. The proposed development would therefore fail

¹ Council ref: PL/2022/01863

to preserve or enhance the character or appearance of the Conservation Area and would result in harm to its significance. This would fail to satisfy the requirements of the Act and the relevant aspects of the Framework, and would conflict with Policies 57 and 58 of the Wiltshire Core Strategy, 2015 (the CS). Taken together, these policies seek to protect designated heritage assets and ensure that development is of a high quality design.

Location

10. CS Policies 1, 2 and 31 seek to direct new development towards existing settlements. The appeal site is situated outside of any designated Limits of Development, and as such, is regarded as being within the open countryside for planning purposes. In such locations, open market dwellings are generally considered to be inappropriate.
11. The purpose of these policies is to promote sustainable patterns of development, including reducing reliance on the private car to access service and facilities. In this instance, the appeal site is within walking distance of facilities in Boreham including a nursery and primary school. Extensive facilities are also widely available in Warminster town centre which can be reached via a short drive. Furthermore, there is a bus stop within easy walking distance on Boreham Road which provides services to Warminster and Frome, albeit on a fairly irregular basis. With this in mind, the actual harm associated with the location of the site is limited.
12. Nevertheless, the proposal would conflict with CS Policies 1, 2, 31, 60 and 61 which seek to direct new development to sustainable locations with good access to services and facilities via sustainable means.

Biodiversity

13. At the time of determining the application, the appellant had not provided a unilateral undertaking (UU) to secure the proposed dwelling as self-build which would have exempted the scheme from mandatory BNG requirements.
14. I note that the appellant has now submitted a UU as part of their final comments. It does not appear that the Council has objected to its content. As such, I am satisfied that the UU is both necessary and appropriate and secures the property as a self-build dwelling. As such, the proposal would conform with CS Policy 50, which in part, seeks to protect and enhance biodiversity.

Other Matters

15. As already noted, the existing piggery building on the site benefits from an extant permission for its conversion and extension into a dwelling. There is a greater than theoretical prospect of that development coming forward should this appeal fail. The appellant has noted that there would be several benefits to the appeal scheme when compared to the fallback position. These include sustainability benefits and the potential to provide better living conditions for future occupiers.
16. I do note that the existence of the fallback scheme completely negates the limited harm that I have identified in relation to the location of the appeal site. However, the fallback scheme would be a single storey dwelling which would be much more in keeping with surrounding character and it would erode the existing spaciousness of the immediate surroundings to much lesser extent. As such, any benefits of the appeal scheme are clearly and heavily outweighed by the additional

harm to character and appearance, and to the significance of the Conservation Area, that would be caused. I therefore attribute little weight to the existence of the fallback position.

17. The Council has noted that the proposed development has the potential to affect the integrity of the River Avon Special Area of Conservation. I note that progress has been made on this matter, but as I am dismissing the appeal I am not required to consider it further.

Conclusion

18. The Council cannot currently demonstrate a 5-year supply of deliverable sites, and at only 2.03 years, the current shortfall is significant. I have no evidence before me to suggest that this position is likely to improve in the short-term. The test set out within Paragraph 11(d)(ii) of the Framework is not invoked, however, because Paragraph 11d(i) and footnote 7 seek to protect both areas and assets of particular importance, which include designated heritage assets. In this instance, I conclude that the identified harm provides a strong reason to dismiss the appeal.
19. As such, the proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR