



Appeal Decision

Site visit made on 10 June 2025

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/Y3940/W/25/3363149

Land at Gate Farm, Sutton Benger, Chippenham SN15 4RE

- 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 H. Richardson against the decision of Wiltshire Council.
- The application Ref is PL/2024/07903.
- The development proposed is described as: erection of two new dwellings and associated ancillary development.

Decision

1. The appeal is allowed and planning permission is granted for the erection of two new dwellings and associated ancillary development at Land at Gate Farm, Sutton Benger, Chippenham SN15 4RE in accordance with the terms of the application, Ref PL/2024/07903, subject to the standard Biodiversity Gain Plan (BGP) condition set out under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (TCPA 1990), and the conditions in the attached schedule.

Preliminary Matters

2. Since the Council's decision, the Sutton Benger and Draycot Cerne Neighbourhood Plan (NP) has been made and now forms part of the development plan. The appeal site is within the NP's Neighbourhood Area, and therefore the NP's policies are relevant considerations in the determination of this appeal.
3. The Council has submitted the Wiltshire Local Plan for examination. In the absence of details of the extent of any unresolved objections or conclusions regarding the degree of consistency with the National Planning Policy Framework (the Framework), I afford limited weight to the policies of the emerging local plan.
4. The Council refused the application for three reasons. Reason for refusal (RfR) 3 related to the lack of evidence regarding the potential risk of groundwater flooding to the site. However, the appeal submission includes percolation testing, based on 2 no trial holes. The Council has subsequently confirmed that based on this, including the lack of groundwater within 2.2m of the site surface, the third RfR has been satisfactorily addressed. I find that the additional evidence adequately addresses the RfR and, as such, I need not consider this issue further.
5. I have had regard to the statutory duty set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, has special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The listed buildings, identified in evidence are 5 High Street and Gate Farmhouse.

Main Issues

6. The main issues are:
- whether the proposed development would be in a suitable location, having regard to the local development strategy; and
 - the effect of the proposed development on the character and appearance of the area including designated heritage assets; and
 - whether other material considerations outweigh any harm identified such as to justify the development.

Reasons

Locational Policy

7. Core Policy (CP)1 of the Wiltshire Core Strategy (January 2015) (WCS) establishes the Council's approach to the distribution of housing across the area. It seeks to focus housing within its principal settlements of Chippenham, Trowbridge and Salisbury followed by market towns, local service centres, large and then small villages. CP2 of the WCS sets out the development delivery strategy for the Council. The delivery strategy seeks to provide for the most sustainable pattern of development, which reduces the need to travel and redresses the imbalance between jobs and homes. Sutton Benger is an identified 'Large Village' within Policy CP10 of the WCS. Large villages are defined as having a limited range of employment, services and facilities and development is limited to new housing that is needed to help meet housing needs.
8. The appeal site is beyond the settlement boundary of Sutton Benger and for the purposes of planning policy, is within the countryside. CP2 of the WCS identifies that development will not be permitted outside settlement boundaries, unless permitted by other policies within the WCS as set out at CP2 Paragraph 4.25 of the WCS. Saved Local Plan Policy H4 of the North Wiltshire Local Plan (NWLP) limits new dwellings in the open countryside to those related to agriculture or forestry or as a replacement dwelling.
9. With respect to the NP policies, these support infill housing development within the settlement boundary and affordable housing that meets a local housing need. However, it is silent with respect to the approach for new housing beyond the boundary, which is therefore a matter addressed through the WCS.
10. Whilst outside the settlement boundary, the proposed dwellings would abut the built area of the village at the High Street. The appeal site is therefore functionally and visually linked to the village and would not lead to isolated homes in the countryside.
11. The High Street is served by a footway and has a 30mph speed limit. Therefore, the location of the site would allow future occupiers access to a reasonable range of village services within walking or cycling distance, such as public houses, a church, village hall, salon, primary school, and medical centre, along with bus services to other settlements.
12. However, to meet their day-to-day needs, future occupants would likely be generally dependent on use of a private car to access services and facilities in

larger settlements, the proposal would therefore make a modest contribution to reducing the need to travel.

13. As set out above, there are no policies which positively favour a development of this type in this location, and therefore the proposed dwellings would not be in a suitable location.
14. Accordingly, the location of the proposed development would conflict with WCS Policies CP1, CP2 and CP10 and NWLP Saved Policy H4, whose objectives have been outlined above.

Character and Appearance

15. Sutton Benger comprises both residential and commercial development constructed primarily from Cotswold stone and accompanying slate roofs. The buildings are generally two storeys in height with both large and small front facing gables forming a key vernacular detail throughout the village and many are individually designed. The village is of a nucleated form set around High Street which runs through the middle. Dwellings primarily directly address and are set back from the highway with frontages consisting of gardens and parking. No consistent building line exists along High Street.
16. The appeal site is located on the south-western edge of the village, adjacent to the settlement boundary and is bordered by residential development. The Council suggest the open character of the site's existing agricultural use contributes to the village's setting. However, the site comprises land associated with the recent development to the rear, as the remaining undeveloped plot of a previously approved mixed-use scheme. The site is a modest parcel of land, laid with grass, and enclosed by modern residential development and the carriageways of High Street and Gate Court. The site is not in active agricultural use and is distinct from the village's wider agricultural landscape setting.
17. Situated across the road from the appeal site is 5 High Street, a Grade II listed building. Its significance derives from its architectural interest as an 18th century rubble stone house with slate roof. 5 High Street is located adjacent to the access road that leads into Gate Court where 8 modern dwellings are located. The appeal site is located on the opposite side of the access road. With the modern houses to the rear and diagonally opposite, this more recent development has changed its setting over time. Consequently, notwithstanding the appeal site's proximity to 5 High Street, the intervisibility between the two and the Council's assertion that the proposal would have less than significant harm to the building's setting, given the separation between them due to Gate Court, I consider that the appeal proposal would preserve the setting of 5 High Street, the significance of which would not be harmed.
18. The appeal site is situated within the wider proximity of Gate Farmhouse, a Grade II listed building. Gate Farmhouse's significance derives from its architectural interest as a 17th and 18th century farmhouse of rubble stone and imitation slate roof with coped gables, end stacks alongside mullion and casement windows. The significance of both lies primarily in their age, vernacular construction, and design, alongside the survival of historic fabric form and features. Gate Farmhouse is located to the east of the appeal site and is behind modern development in Gate Court and the adjacent Bluebell Cottage, which is sited perpendicular to High

Street. Gate Farmhouse is significantly set back from High Street. The appeal site is not read in the same context or setting as the Farmhouse.

19. Limited views of the building are available from the appeal site and are compromised due to intervening built form. The main view of the Farmhouse is from High Street itself. With the modern development, located behind 5 High Street and adjacent to the rear of the farmhouse and its garden, this more recent development has changed its setting over time. Consequently, notwithstanding the appeal site's proximity to Gate Farmhouse, I consider that the appeal proposal would preserve the setting of Gate Farmhouse, the significance of which would not be harmed.
20. Most of the village is within the Sutton Benger Conservation Area (SBCA). The appeal site is outside, but adjacent to the boundary. The SBCA covers an area encompassing the traditional heart of the village along High Street, Chestnut Road and Seagry Road and includes the primary school and recreation ground. During my site visit I observed that the special interest and significance of the SBCA is largely derived from the architectural richness of domestic buildings within their rural village setting.
21. The expansion of the settlement to the west beyond the SBCA boundary has already taken place with the development sat behind the appeal site. The proposed development, which forms part of the wider mixed use consent including offices, sits between the village boundary and the existing dwelling at Cowley Cottage. Cowley Cottage forms a marker for the edge of the village despite being outside the settlement boundary.
22. The Council's officer report identifies that the proposed development would cause less than substantial harm to the SBCA which would be at the lower end due to the scale of development and loss of the open parcel of land. However, planning permission has previously been granted for development on the appeal site for a single storey office development, which remains extant. Whilst this development would be lower in scale, mass, and height than the proposal before me, the development of the site and therefore the loss of the open land has been previously established. I also recognise that the previously approved scheme did not identify any harm to the designated heritage assets with respect to the loss of this open parcel. This was due to intervening built form and because their most significant view is from the road, resulting in no harm being identified to the heritage assets.
23. The appeal site sits above the level of the adjacent highway. This level difference would increase the perceived scale and mass of the proposed dwellings when viewing the site from High Street and across the agricultural field opposite. However, their scale and mass would be consistent with the housing development to the rear. The dwellings would not appear visually prominent as these are two storeys in character which would be in keeping with the scale of most built form within the village. Although on an elevated position, the increase in ground level is only marginally higher than the highway and would not therefore appear obtrusive. Furthermore, due to their separation from the SBCA boundary created by Gate Court. Accordingly, they would not be harmful to the character and appearance of the village, the sensitive location at the edge of the village or the SBCA.

24. The proposed dwellings would be set back from the carriageway, behind front gardens and the highway verge, and would be behind the building line of the adjacent 5 High Street. This separation from the highway, along with the proposed landscape boundary treatment, would soften the development's visual impact from the highway and would retain a green and rural appearance to the approach to the village.
25. From the west, the approach to the village shows a variety of buildings with differing forms, scale, and setbacks from the road. Due to the curvature of the highway when entering the village from Draycot Cerne to the west, the appeal site is viewed set back and to the side of High Street. The proposed set back of the two dwellings with front gardens and a wild flora area adjacent to the footway would still allow the approach to the village to remain as the key viewpoint, despite the two-storey development being located on the appeal site. When exiting the village towards Draycot Cerne, the proposed development would be read as part of the wider housing development constructed on the edge of the village.
26. As a result, the proposed dwellings would not impede long range views into the SBCA, which are already compromised due to intervening built form. Furthermore, 5 High Street and the properties beyond, located within the SBCA at its southwestern edge, would remain visible directly ahead from views to the front of the site. On this basis, the proposed development of the site would not harmfully alter the open character of the village edge and would preserve the setting of the SBCA.
27. The proposed development does not appear to have been informed by a contextual analysis of the area. The Council's officer report identifies that whilst the design of the dwellings is acceptable, it is their identical design at this sensitive location that is objected to as it would create a suburban character on the edge of a rural village.
28. However, the proposed dwellings, whilst of an identical design to each other, are also of a consistent design, scale, and mass to those located to the rear of the appeal site. Whilst this approach would not reflect the traditional village characteristic of individually designed dwellings, they would include design details in relation to window form, door configuration and materiality that complement the rural design of local development alongside the use of matching materials to the village. Whilst individually designed dwellings form a characteristic of the village and, in turn the SBCA, the village both inside and outside the SBCA, contains a considerable proportion of dwellings that are identical in design to each other. The proposed development would not increase the urban form or suburban character from that which currently exists as a result of the development to the rear. The dwellings would also address the highway, completing a development scheme that at present, turns its back to High Street.
29. As set out above, the proposal would include a suitable provision of landscaping and open space around it, and the dwellings would be of a scale consistent with the predominantly two-storey development within the village. Their location would not have an urbanising effect on the village edge further to the existing development which surrounds the appeal site. Consequently, proposed development would not harm the character and appearance of the area and would have a neutral effect on the SBCA and listed buildings and their settings, thus preserving their significance.

30. Accordingly, I find no conflict with WCS Policy CP57 or NP Policy SB7. These policies, among other matters, seeks high quality design that responds to, and integrates with surrounding buildings, and reinforces local distinctiveness.

Other Considerations

31. Set against the harm identified, the proposal would deliver an additional two housing units toward the area's housing supply.
32. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure of future occupiers in the local economy and through council tax payments. The development would also assist in supporting the facilities, including the medical practice, within the village.
33. A BNG matrix has been submitted within the evidence that shows that additional landscaping would provide biodiversity enhancements. The matrix concludes that the proposal would achieve a 33% biodiversity net gain on site.

Other Matters

34. The Council has drawn my attention to three appeal decisions across Wiltshire that have been refused on grounds of character and appearance and are outside of settlement boundaries. Land off Church Road in Luckington was set apart from existing residential development and was within a conservation area, whilst land to the south of 1 Townsend in Great Cheverell was dismissed as the appeal site was on the best and most versatile agricultural land and harmed the character of the countryside. The final decision at 16 Kings Avenue, Corsham was dismissed due to its disharmony to the existing building line, loss of the side space and the overall cramped appearance of the development. Whilst these decisions have some similarities to the proposal, the sites referred to me are read in a different context to the appeal site. Consequently, none are directly comparable with this appeal, which I have determined on its individual planning merits having regard to the site's specific characteristics.
35. Third parties have brought to my attention the previous mixed use planning approval and the purpose of the offices that were granted consent. The appellant has identified that as existing office space is available to rent within the village, the provision of further office space is not required. No further evidence on this issue has been provided and the Council has not contested the appellant's assertions.
36. I note the objection from Sutton Benger Parish Council. Sutton Benger has had recent housing development, and the emerging Local Plan allocates no further growth for village. However, the proposal would contribute to meeting the significant shortfall in housing supply in the area.

Planning Balance

37. The Council has a housing land supply position of 2.03 years. Therefore, there is a very significant shortfall against the requirement to demonstrate a five-year supply of deliverable housing land, as set out at paragraph 78 of the Framework.
38. In this circumstance, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for

refusing the development, and (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

39. As set out above, I have found the proposal would not harm designated heritage assets. Therefore, the Framework's policies that protect areas or assets of importance do not provide a strong reason for refusing the development.
40. As discussed above, the proposed development would be located on the edge of the village's built area, in walking and cycling distance of local services. The proposed development would not be isolated, and the development would be in an accessible location with opportunities for travel by public transport. Whilst future occupiers would be likely to use a private car to access services located in larger settlements, paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and paragraph 83 of the Framework recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. The proposal would therefore accord with paragraphs 84 and 110, and therefore I afford only limited weight to the proposal's conflict with WCS Policies CP1, CP2 and CP10 and NWLP Saved Policy H4.
41. The proposed development would not harm the character and appearance of the area, and therefore would satisfy the Framework's key policies at paragraphs 129, 135 and 139 which together support development that is well-designed and makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting, and is sympathetic to local character and history, including the surrounding built environment and landscape setting.
42. In addition to those key policies, paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The proposal would provide two additional dwellings, thus making a small but important contribution toward the area's housing requirement. In light of the magnitude of shortfall in the area's housing supply, the provision of two dwellings carries moderate weight in favour of the proposal. I also afford modest weight to the scheme's economic and environmental benefits.
43. Consequently, the adverse impacts of the proposal associated with its location outside the settlement boundary would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Conditions

44. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of clarity and enforceability.

45. To ensure certainty and clarity, I have imposed the standard conditions relating to the commencement of development and approved plans. I have also imposed conditions relating to foul and surface water drainage and materials. These conditions are necessary to ensure that the site is adequately drained and that the materials used are appropriate for the site and surrounding area. A condition relating to the proposed access points, turning areas and car parking are necessary in the interests of highway safety. A cycle storage condition is required in the interest of reducing the reliance on the private car in accordance with the transport objectives of the Framework.
46. The application was submitted after the statutory requirement for a 10% biodiversity net gain (BNG) for minor developments was imposed and the BGP condition set out in Part 2 of Schedule 7A of the TCPA 1990 (inserted by the Environment Act 2021) applies to this appeal. An Ecology condition requiring the lighting to be in accordance with guidance relating to bats and lighting specifications is necessary to avoid disturbance to bats. To secure ecological enhancements to the site and ensure that the site is appropriately landscaped a condition is also considered necessary. Further to the BNG requirements, a condition requiring the submission of a habitat management and monitoring plan, and subsequent monitoring report is necessary to ensure that the development delivers the BNG on site in accordance with the standard BGP condition set out under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.
47. A condition relating to construction hours is necessary to protect adjacent residential occupiers from undue noise and disturbance. The removal of permitted development rights for gates, fences, walls, and other means of enclosure is also necessary to protect the open aspect of the site's frontage.
48. The Council also requested the imposition of a condition that would remove permitted development rights for all domestic outbuildings. However, the imposition of this condition is not considered to meet the Framework tests as it would be unnecessary based on the relatively generous size of these plots.

Conclusion

49. 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. For the reasons given above, the appeal should be allowed and planning permission approved subject to the attached conditions.

P Brennan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers:
 - 2335-TYP-LP-01/P2: Location Plan
 - 2335-TYP-SP-02/P2: Proposed Site Plan 1-2
 - 2335-TYP-BP-02/P1: Proposed Block Plan 2-2
 - 2335-TYP-GA-01/P2: Plot 1 and 2 Proposed Floor Plans
 - 2335-TYP-GA-02/P1: Plot 1 and 2 Proposed Elevations
- 3) No development shall be undertaken until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the foul water drainage has been constructed in accordance with the approved details. The foul water drainage shall thereafter be maintained in accordance with the approved scheme.
- 4) No development shall be undertaken until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme. The surface water drainage shall thereafter be maintained in accordance with the approved scheme.
- 5) No development shall be undertaken above ground level until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:
 - a) The roles and responsibilities of the people or organisation(s) delivering the HMMP.
 - b) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
 - c) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the development.
 - d) The monitoring methodology and frequency in respect of the created or enhanced habitat.
 - e) A timetable for implementation of the HMMP.

The HMMP shall be implemented in accordance with the approved timetable, and this shall be evidenced within a completion report submitted to and approved in writing by the Local Planning Authority. The created and/or enhanced habitat shall thereafter be managed, maintained, and monitored in accordance with the approved management measures and monitoring methodology.

- 6) No development shall be undertaken above ground level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -
- location and current canopy spread of all existing trees and hedgerows on the land.
 - full details of any to be retained, together with measures for their protection during development.
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities.
 - finished levels and contours.
 - means of enclosure.
 - car park layouts.
 - other vehicle and pedestrian access and circulation areas.
 - all hard and soft surfacing materials.
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines indicating lines, manholes, supports).
 - 3no. trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Part 1) and BS4043 and BS4428.

All soft landscaping shall be undertaken in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner and in accordance with the approved details. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall be undertaken in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. All landscaping on site shall thereafter be maintained in accordance with the approved details.

- 7) No development shall be undertaken above ground level until details and samples of the proposed elevation and roof materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter maintained.
- 8) No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.
- 9) The development hereby approved shall not be occupied until details of secure and covered cycle storage has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design, and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall be provided and thereafter maintained in accordance with the approved details

and made available for use prior to the first occupation of the development hereby permitted.

- 10) No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- 11) All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 0.5 lux.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site without prior grant of planning permission.

End of Conditions