



Appeal Decision

Site visit made on 9 June 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/Y3940/W/25/3361260

11 Quemerford, Calne, Wiltshire SN11 0AR

- 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 Alistair Fenwick on behalf of Box Property Group Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2024/07571.
 - The development proposed is erection of a single dwelling for independent active older persons, associated parking, landscaping and other associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for Erection of a single dwelling for Independent Active Older Persons, Associated Parking, Landscaping and other associated works at 11 Quemerford, Calne, Wiltshire SN11 0AR in accordance with the terms of the application, Ref PL/2024/07571, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Councils' Decision Notice refers to the Calne Community Neighbourhood Plan (Feb 2018) (the NP) and more specifically that the proposal does not comply with Policy BE2 of that document, which dealt with Design Principles for Local Distinctiveness. The NP has subsequently been updated, being adopted in March 2025. I have determined the appeal in accordance with the policies in the newly adopted NP, noting that the Policy dealing with Design Principles for Local Distinctiveness has been re-referenced as Policy BE1.
3. Since the proposal is situated adjacent to a Grade II listed building, I have therefore paid special attention to the statutory requirements placed upon decision-makers by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is situated to the rear of an existing two-storey detached property at number 11 Quemerford (No.11), in an area of land that was formerly part of its rear garden.

6. The existing property at No.11, sits in an elevated position fronting the A4 highway but set back some distance and with a tarmacked and landscaped forecourt, and is traditional in form, being constructed from Cotswold stone walls under steeply pitched and gabled roofs. To the north-west of the site is the Grade II listed the 'Talbot Inn' public house (PH), which sits at the front of its' plot close to the public footpath. The physical building of the PH is separated by some distance from No.11 and the appeal site by areas of beer gardens and car parking, forming a gap in frontage development.
7. Adjacent to the PH to the north-west is a detached two-storey dwelling at 7 Quemerford (No.7), set back from the highway and with a small forecourt garden. To its rear is a single storey dwelling (No.7R), an example of backland development created partly from former outbuildings of No.7 but with contemporary extensions to form a separate dwelling. No.7R is clearly visible from the highway both through the wide driveway entrance to the north-west of No.7, through which it shares its vehicular access with No.7, and from views through the large gap between the gables of the PH and No.7 through which the car park to the rear of the PH is accessed.
8. To the south-east of No.11 are a pair of Edwardian semi-detached dwellings at 13 and 15 Quemerford (No.13 & No.15). These properties are separated by some distance from No.11, the intervening gap being secured by an existing high timber close boarded boundary fence which encloses the residential curtilage of No.11, and which has two sets of gates, one serving No.11 and one, closest to No.13, serving the appeal site to its rear. Further south-east is a terrace of older and smaller cottages, though the southern-most dwelling on the terrace appears to be more recently constructed and which forms the corner property with Wessington Park, a highway that provides access to housing development from the 1960's onwards, sitting to the rear of the properties on Quemerford.
9. The character of this section of the village is sub-urban, with development to the north side of the A4 highway, which is outside any conservation area, formed from more traditional and aged properties which front the highway, of a variety of architectural styles, and with variation in the relationship of their principal elevations to the highway. There are significant gaps between the buildings, either for road junctions, for access to the rear of properties, or just as part of the pattern of development. It is common to see through these gaps between properties which front onto the highway to more recent development situated to their rear, contributing to the character of the area.
10. The appeal proposal would be one and a half storeys in height and would be constructed from a mix of stone and timber effect board cladding under a pitched and tiled roof. The upper floor bedrooms would be provided with natural light and ventilation via roof windows. The ground floor layout provides sleeping and living accommodation, making provision for lifetime occupation in a manner confirmed by the appellant as complying with Part M4(2) of the Building Regulations to provide for the changing needs of the occupants.
11. The parties disagree on the pattern of development of the proposal and its effect on the character and appearance of the area. The LPA delegated report has referred several times to the Inspectors comments for an appeal on a previous application

for a dwelling on the site ¹. Whilst the comments and decision of an Inspector for a previous appeal are to be regarded as material, each application must be judged on its own merits, with any differences between proposals fully considered.

12. The previous scheme was for a larger 4-bedroom dwelling, sited in a different location on the site and with a different orientation. It would therefore have been significantly more visible within the street scene. By contrast, the appeal proposal would be orientated parallel with and running along the shared boundary with the adjacent PH. Its form would be more rectilinear, such that it would sit entirely behind the mass of the property at No.11 and would therefore be substantially screened from view from the public realm, as evidenced by the application drawings. The proposal is therefore materially different from the proposal considered in the previous appeal decision in terms of the proposed dwelling's siting, form and visual prominence from the street.
13. The existing, tall, timber close boarded fence would further screen views of the proposed development. Views of the proposal's parking area would be visible if the appeal property's entrance gates were left open, though it would be unclear as to whether this served the appeal property or No.11. Only the very apex of the gable of the roof of the proposal is likely to be visible above the line of the gates and fence. Notwithstanding this, from my site visit, it was evident that due to the gaps between buildings which front the A4 highway, there is an established pattern of seeing through these gaps between frontage properties to development behind, either to development within the gardens of the frontage properties, or views through to the dwellings on Wessington Park behind. The appeal proposal would therefore not be out of character with the pattern of development in the area, even if it was visible.
14. The LPA delegated report and appeal statement, both note that there are no other backland developments like the appeal proposal in the immediate area, and that the proposal is therefore contrary to the pattern of development. The appellant disagrees and has provided evidence regarding the approval of a planning application by the LPA in 2015 ² for a new dwelling to the rear of No.7. Having reviewed this evidence, the application relates to the property I observed at my site visit to the rear of No.7, which I referred to already as No.7R.
15. That property is clearly visible from the A4 highway and public realm as a separate dwelling to the rear of No.7, both from the gap in development formed via its vehicular access, and from the gap in development between No.7 and the PH, where it is clearly visible as being separate to and distinct from No.7. I also note that No.7 and No.7R both share the same vehicular access to the A4 highway, as the proposal would do with No.11. The proposal would therefore not be an outlier in this regard, as stated by the Council.
16. The Council have suggested that the appeal plot and the remaining garden area for No.11 would be irregular compared to the plot style in and around the locality, and would therefore have a harmful effect on the prevailing character of the locality south-east of the PH. However, I find that the appeal site plot and that remaining to No.11, would not be either of an irregular shape or size that would be fundamentally different to the size and shape of plots present to properties within the surrounding area, particularly those on Wessington Park and Wessington

¹ PL/2022/03438) (APP/Y3940/W/22/3303889

² 15/06384/FUL

Court. Further, the limited visibility of the appeal proposal because of its position to the rear of No.11, would not fundamentally display a significant change to the existing plot style referred to by the Council as 'burgage' plots.

17. I therefore find there are limited examples of backland development within the area, and the siting of the proposed development would not reflect the prevailing pattern of development. However, due to the scale and form of the proposed dwelling, together with the significant screening provided by mature boundary treatments and other built form, its visual impact would be very limited. Therefore, the dwelling's siting would not detract from the layout of development within the area. The proposal has been well designed to reflect the architectural language of the area, and to respect and maintain the amenity of occupants of neighbouring properties. The rectilinear form, and siting parallel with the boundary with the PH reflects the pattern of development and relationship of adjacent property with the PH, and therefore the wider area. Therefore, I find the proposal would not harm the character and appearance of the area.
18. It therefore follows that I find that the proposal would accord with Policy CP57 of the Wiltshire Core Strategy (Jan 2015) (the Local Plan), Policy BE1 of the Calne Community Neighbourhood Plan 2 (2025) and with Chapter 12 of the National Planning Policy Framework (2024) (the Framework), which require, amongst other things, development to deliver a high standard of design which enhances local distinctiveness by responding to the value of the historic environment, and which respects the existing dwelling, neighbouring properties and fits within the street scene.

Other Matters

19. An objection has been raised at appeal stage by the occupier of number 38 Wessington Park (No.38), which shares a small section of common boundary with the appeal site. The occupant has raised concerns over perceived potential impacts of the proposal on their property such as overbearing, overshadowing and loss of privacy. I find that due to the intervening distances, relative heights and location of the proposal to the south-west of No.38, that there would be no effects of overbearing or overshadowing on No.38. In relation to privacy, I am satisfied that the positioning of windows within the design of the proposal would maintain the privacy of the occupiers of No.38.
20. The proposal would create a new dwelling which would provide flexible accommodation for persons over the age of 55. Whilst the Council have suggested that there is little evidence of need for this form of development, the appellant has provided evidence which demonstrates significant need and under provision of this form of development within the area. Indeed, the updated Calne Community Neighbourhood Plan 2 (2025) (the NP) has introduced two new policies, Policy H4 – Housing to Meet the Needs of Older People and those Living with Disabilities and Policy H5 – Adaptable and Accessible Housing, to encourage such development to meet the needs of an ageing population within the area. The proposal generally accords with the requirements of these policies, which also reflect policy CP46 of the Local Plan.

21. The Council has confirmed via Briefing Note 24-20 dated 17th December 2024 that it can demonstrate 2.03 years Housing Land Supply, which is significantly below the 5-years supply required by the Framework. Accordingly, paragraph 11d of the Framework is engaged for decision making purposes.
22. However, the application site is immediately adjacent to the Grade II listed 'Talbot Inn' (PH), a designated heritage asset as referenced in paragraph 11(d) (i) and footnote 7 of the Framework. Therefore, the policies within section 16 of the Framework need to be considered, specifically paragraph 212, that requires decision makers when considering the impact of a proposed development on the significance of a designated heritage asset to give great weight to its conservation.
23. The PH is a detached building sitting to the centre of its large plot adjacent to the highway. The building is constructed from stone walls, some of which have been rendered, under steeply pitched roofs covered in a mix of stone tiles to the historic core and slate to the later wing additions, and with red brick chimneys to some of its gables. There is development to three boundaries of its plot and the main A4 highway known as 'Quemerford' to its frontage. I therefore find its significance to come from its age, its architectural detail and its commanding position as a public house on the main thoroughfare.
24. The proposal would be located to the south-east of the PH, separated from the building itself by the PH's beer gardens and car parking. The proposal would be at a slightly lower ground level relative to the PH, would be of restricted height, and orientated in a similar manner to the property at No.7R, which forms the north-western boundary with the PH. Due to the siting and form of development, and physical and visual separation arising from the distance, presence of the intervening car parking and beer gardens, mature boundary treatments, and similarity in the pattern of development with other properties adjoining the PH, I find that the proposal would cause no harm to the setting of the PH.
25. Having regard to my duty under section 66(1) of the Act, and the relevant heritage asset policies in the Framework, based on the evidence before me, my observations on site, and for the reasons highlighted above, I find that the proposal would not harm either the significance of, or the setting of, the Grade II 'Talbot Inn' listed building.

Conditions

26. In addition to the standard time limit for implementation, in the interests of certainty I have attached a condition specifying the approved plans. In the interests of public safety and to ensure the health and safety of site operatives, I have included a condition requiring submission of a Construction Method Statement.
27. As the application is for housing to be occupied by persons over the age of 55, I have included a condition limiting occupancy to persons meeting the designated age criteria.
28. I have not imposed the suggested condition to remove permitted development rights relating to the extension or enlargement of the building. Paragraph 55 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Such a condition would not be necessary to make the proposed development acceptable.

Conclusion

29. For the reasons set out above, I conclude that the appeal proposals accord with policies within the Wiltshire Core Strategy (2015) and the Calne Community Neighbourhood Plan 2 (2025). As such, it is unnecessary to further consider the question of housing supply and presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my determination against the development plan. Therefore, the appeal should be allowed.

D R Kay

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 nos: 1668-120 - Location Plan, 1668-101 A - Proposed Site Plan, 1668-102 A - Proposed Floor Plans & Elevations, 1668-105 - Existing & Proposed Site Sections, 1668-100 A - Existing Site Plan.
- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to in full throughout the construction period for the development.

- 4 The development hereby permitted shall be occupied only by:
 - i. persons of over the age of 55; or
 - ii. persons living as part of a single household with such a person or persons; or
 - iii. persons who were living as part of a single household with such a person or persons who have since died.

***** End of Schedule*****