
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: 06 August 2025

Appeal Ref: APP/U3935/D/25/3363974

The Rails, Oxon Place, Bishopstone, Swindon SN6 8PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Rozalind Flanagan against the decision of Swindon Borough Council.
 - The application Ref is S/HOU/25/0027/JP.
 - The development proposed is the erection of a 1.8-metre-high perimeter fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description in the heading above from the Council's decision notice. This describes the appeal development accurately and more succinctly than the application form.
3. During my site visit it was apparent that the appeal fence was already in place and therefore, the appeal is for retrospective works.
4. I note that the Council have referred in their delegated report to the length of the appeal fence as being in all around 86m, noting it as being to the north, west and south of the appeal property's rear garden. The appellant has identified on the application drawings that their fences are to the northern and southern boundaries only, and that the fence to the west, separating the appeal property from the adjacent property known as 'Winding Wood', is the property of their neighbour. I have therefore only considered the two fences identified on the application drawings within this appeal.

Main Issue

5. The main issue is the effect of the appeal development on the character and appearance of the Bishopstone Conservation Area (CA) and on the setting of the Grade II listed 'Dingle Cottage'.

Reasons

6. The appeal property is located on a corner plot at the junction of Icknield Way and Oxon Place, sitting at the heart of the Bishopstone CA, the village of Bishopstone being in the North Wessex Downs National Landscape (NL).
7. The appeal dwelling is a detached two-storey cottage constructed from a mix of stone and brickwork walls, some of which are painted, and with red brick quoin

details to its corners and around window and door openings. The property has a pitched slated roof and red brick chimneys.

8. The property is not listed but is noted as a 'key building of interest' on the CA map, it is therefore, classed as a non-designated heritage asset. To the north side of Icknield Way, at its junction with Church Walk is 'Dingle Cottage', a Grade II Listed thatched cottage dating to the 18th century, whose front elevation faces that of the appeal property directly opposite, across the road junction. I find 'Dingle Cottage's' significance derives from its age, its architectural detail and its prominent location as one enters this section of the village.
9. There are several other Grade II Listed Buildings of varying ages and architectural styles on Oxon Place, Icknield Way and Hockerbench. These front onto the southern, western and northern sides of the village duck pond respectively, together with a small number of more recent early and mid-20th century buildings, whilst the eastern side of the pond is bounded by a small, wooded area. The significance of the CA at this location, is therefore derived from the historic buildings surrounding the green, verdant open space around the village pond, creating the special historic character of a quintessential English country village.
10. According to the Council, historic Google street-view imagery shows the appeal development has removed much of the dense green shrub, hedge and tree planting which previously formed the appeal site's northern boundary with Icknield Way, exposing a low-level masonry wall constructed from a mix of brickwork and concrete blocks. This former planted boundary also precluded much of the views into the rear garden of the appeal property.
11. The appeal development has replaced this enclosed mature green boundary with a timber close board fence of around 1.8m in height, which runs the length of this boundary immediately behind the boundary wall, joining with the existing fence of the same design at the western boundary with 'Winding Wood'. The close board fence is supported on a timber post and rail system, though the posts and rails are located on the outer face of the fence, presenting the unsightly elements of the structure to the public realm.
12. The garden to the rear of the appeal property has been significantly re-modelled under a different planning application. However, due to the removal of the mature green boundary with Icknield Way, the garden and the landscaping works carried out within it are clearly visible from vantage points on Icknield Way and Church Walk and particularly in views from outside 'Dingle Cottage', as is the new close board fence that has been erected on the southern boundary of the appeal property.
13. The appellant has drawn my attention to other developments they consider are similar, notably a timber close board fence on the opposite side of Icknield Way from the appeal site, as justification of the development works. They also state that the new fence has been executed to match the existing fence previously erected on the common boundary of the site by their neighbour at 'Winding Wood'. The appellant also states the appearance of the fence will mellow in time.
14. Having viewed the fence on the opposite side of Icknield Way at my site visit, that fence is set back from the highway by several metres, behind significant vegetation and to the other side of the public footpath. The fence also presents its close board elevation to the public realm. By contrast, the appeal development is erected

- immediately behind the masonry boundary wall, presenting its structure to the public realm. I find it is therefore significantly more prominent in the street scene and CA.
15. The appellant has submitted an illustration suggesting planting would soften the effect of the appeal development. However, at my site visit, as the fence posts are erected immediately behind the boundary wall, there appeared to be very little space for any meaningful mitigation planting to thrive. I therefore give little weight to this argument.
 16. In relation to the appellant's comments regarding the existing western boundary fence between the appeal property and 'Winding Wood', whilst there may be logic in maintaining a consistent aesthetic to the existing neighbour's fence in the appeal development, the latter, particularly that part which fronts onto Icknield Way, is significantly more prominent within the street scene.
 17. I find the removal of the mature green shrubs, hedges and trees on the Icknield Way boundary and their replacement with the prominent timber fence has resulted in an urbanising effect, causing harm to the CA and the setting of the Grade II listed building of 'Dingle Cottage'. This is particularly evident in views down Icknield Way looking towards 'Dingle Cottage' and the duck pond beyond. The view from Church Walk and 'Dingle Cottage' to the appeal property is also harmed by the development.
 18. Whilst I have found harm to the CA and the setting of the listed building, I would assess this as being less than substantial harm for the purposes of the National Planning Policy Framework (the Framework), with the level of harm being at the lower end of this category. Paragraph 215 of the Framework requires this harm to be weighed against any public benefits of the development. I have not been provided with any evidence of public benefits that would outweigh the harm I have found to the CA and the setting of the listed building which result from the appeal development.
 19. Having regard to my duties under Sections 72(1) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to pay special attention to preserving or enhancing the character or appearance of conservation areas, and to preserve listed buildings or their settings respectively, I conclude that the appeal development would cause less than substantial harm to the character and appearance of the CA and to the setting of 'Dingle Cottage' as designated heritage assets.
 20. It follows therefore, that I find the appeal development is contrary to Policies DE1 and EN10 of the Swindon Borough Local Plan (2015), and Chapter 16 of the Framework. These require, among other things, high standards of design that respects the context and character of existing built characteristics and the surrounding public realm, to conserve and enhance the significance and setting of heritage assets, and for great weight to be given to the conservation of heritage assets.

Other Matters

21. The appellant has submitted letters of support for the appeal development from residents of the village. I have covered many of the points raised already. However, in relation to comments regarding security, visual screening and privacy I find that

as the boundary with Icknield Way is secured by a masonry boundary wall, the retention of the mature hedge, trees and vegetation along this boundary would have provided all these benefits already, in a manner which was more sympathetic to the CA and the setting of 'Dingle Cottage'.

22. Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amended the duty placed on relevant authorities required by the Countryside and Right of Way Act 2000 (CRoW Act), requiring relevant authorities and decision makers to 'seek to further' the statutory purposes of protected landscapes, of which the North Wessex Downs NL is one. It requires, as far as is reasonably practical, relevant authorities to seek to avoid harm and to contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of Protected Landscapes.
23. Paragraph 189 of the Framework requires great weight to be given to protecting the scenic beauty of NL's. However, having regard to my duties under the LURA and CRoW Acts, due to the location of the appeal development within the centre of the village, within a group of other residential dwellings and with significant woodland to its periphery which screens the appeal development from wider landscape views, I judge the appeal development not to have a detrimental effect on the scenic beauty of the wider North Wessex Downs National Landscape.

Conclusion

24. For the reasons set out above, I conclude that the appeal proposal would be contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR