



Appeal Decision

Site visit made on 29 October 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/Y3940/W/25/3367873

Land off Ashton Road, Hilperton, Wiltshire BA14 7QY

- 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 C Stone against the decision of Wiltshire Council.
 - The application Ref is PL/2024/09371.
 - The development proposed is Erection of 1 No dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by the appellants against Wiltshire Council and by Wiltshire Council against the appellants. These applications are the subject of separate decisions.

Preliminary Matters

3. Whilst a draft Statement of Common Ground was submitted with the appeal, it has not been agreed by the Council. I have considered it on that basis.
4. Since the Council issued its decision it has adopted and submitted a 'Trowbridge and Westbury Bat Mitigation Strategy' (TWBMS). The appellants have had the opportunity to comment on the application of the TWBMS to the appeal and as a consequence have submitted a unilateral undertaking (UU) under Section 106 of the Act¹ to make a financial contribution towards strategic habitat mitigation. As the TWBMS replaces the Trowbridge Bat Mitigation Strategy Supplementary Planning Document, I have had regard to it and the UU.
5. The lawful use of the site is a matter of dispute between the Council and the appellants. Whilst some information has been provided by the appellants, it is not within my remit in the context of an appeal under section 78 of the Act to formally determine the lawful use of the site. The appropriate route is through an application for a certificate of lawfulness of existing use or development. Therefore, I have dealt with the appeal on the basis that the nature of the lawful use of the site is not agreed.
6. A diagram showing a section view from Hilperton Grange towards the site was submitted by an interested party shortly before I made my site visit and some weeks after the deadline for the submission of comments. As neither the

¹ Town and Country Planning Act 1990 (as amended)

appellants nor the Council had the opportunity to comment on the diagram, I have not had regard to it in my decision.

7. I am aware that there are two other current appeals² on the site. These will be the subject of separate decisions.

Main Issues

8. The main issues are

- The effect of the development on the character and appearance of the site and its surroundings with particular regard to the separate identity of Hilperton village;
- The effect of the proposed development on the significance of the Hilperton Conservation Area as a designated heritage asset through development within its setting;
- The effect of the proposal on the significance of The Grange as a non-designated heritage asset through development within its setting; and
- The effect of the development on the living conditions of the occupiers of the dwelling known as 'Cockhatch' with particular reference to sunlight, daylight and outlook.

Reasons

Character and appearance

9. The site is a grassed parcel of land vacant of any built form with a thick row of evergreen trees on its south eastern boundary. There is a small group of mature trees to the rear of the site with a hedgerow beyond. Ashton Road runs along the north eastern boundary beyond which is a large house, The Grange (also known as Hilperton Grange), standing in substantial grounds. Irrespective of whether or not the site has a lawful use for residential purposes, I saw on my site visit that it has an open, undeveloped and verdant character and appearance.
10. Whilst the site does not lie within the Hilperton Gap as defined in the Hilperton Neighbourhood Development Plan 2018 (HNP), it falls outside and between the limits of development for both Hilperton and Trowbridge defined in the HNP. The trees and hedgerow along Ashton Road and the silvern grounds of The Grange combine with the appeal site to form an attractive, narrow grassland buffer separating the village from the substantial housing development on the edge of Trowbridge immediately to the south east.
11. Due to the absence of footways and through traffic, Ashton Road as it passes the site retains the character and appearance of a rural lane. When seen as a whole, the site combined with Ashton Road and the grounds around The Grange play an important part in maintaining the separate identity of Hilperton. Together with the grounds around The Grange, the site provides a sense of transition from one settlement to the other when walking along Ashton Road.
12. The design and form of the buildings along Ashton Road to the north west of the site vary in design, age and character. Whilst there is a two storey dwelling and a

² APP/Y3940/W/25/3371023 and APP/Y3940/W/25/3371024

bungalow immediately beyond the north western boundary of the site, The Grange is a large, two and a half storey building. Ashton Rise comprises a mix of bungalows and one and a half story dwellings with a further mix of two storey dwellings fronting Ashton Road beyond. Building materials also vary with stone, brick and render finishes evident.

13. The proposed two storey dwelling would be located towards the centre of the site approximately 20m back from Ashton Road. A substantial triple garage block with dormer windows would be sited between the dwelling and the north western boundary meaning the development would project southwards across the site. As a consequence, the scale, form and position of the proposed buildings together with the proposed driveway would significantly erode the green, open nature of the land separating the two settlements..
14. The buildings would face Ashton Road and be visible from it through the site entrance and adjacent gaps in the boundary hedgerow. Whilst the two storey design and proposed materials would be compatible with the mixed character and appearance of the existing dwellings either side of Ashton Road, the scale, position and form of the development would give the site a developed character and appearance which would detract from the rural character of Ashton Road. Even though there would be space retained between the house and the south eastern boundary and planting could take place along the site frontage, the separate identity of the settlements would be harmed as a result.
15. Core policy 2 of the Wiltshire Core Strategy 2015 (WCS) states that, other than circumstances permitted by other policies in the WCS, development will not be permitted outside the limits of development. I have not been referred to other WCS policies which would expressly permit the proposed development in this location.
16. Policy 2 of the HNP encourages new housing development to meet local market and affordable housing need within the settlement boundary and exceptionally in the countryside where it satisfies national and strategic policies and delivers self-build homes. Whilst the appellants' evidence states that the proposal would be a self-build project, this is not included in the description of the development on the planning application form. Moreover, even though the appellants' details have been added to the Wiltshire Self Build Register and an exemption from the requirement to provide biodiversity net gain is sought on the basis it would be a self-build project, a legally binding mechanism, such as a planning obligation under S106 of the Act, has not been provided with the appeal. The absence of a legally binding mechanism means that I cannot be sure that the development would be self-build housing. As a result, I am not satisfied that the proposal would deliver a self-build home or that it would comply with HNP policy 2.
17. For the above reasons, the proposal would cause substantial harm to the character and appearance of the site, its surroundings and the separate identity of Hilpertons. As a result, it would conflict with WCS Core policies 1, 2, 51 and 57 in so far as they strictly control development outside the defined settlement boundaries, seek to conserve the separate identity of settlements and relate positively to the existing pattern of development.

Conservation Area (CA)

18. Although the site lies outside the CA, it is adjacent to the CA boundary which runs along the south western side of Ashton Road. The CA derives its significance from Hilperton's origins as a rural village with cottages dating from the eighteenth and nineteenth centuries interspersed with larger houses set back from the road behind stone walls and front gardens.
19. The site is part of the surroundings from which the CA is experienced. It forms a green, grassland edge to the south western corner of the CA and, whilst not falling within a protected view, is visible from The Grange and Ashton Road which are both within the CA.
20. The Grange and Ashton Road form part of the character of the CA with The Grange visible from the site through the trees. As an undeveloped green space abutting the boundary of the CA, the site contributes positively to its rural setting and thereby to its significance.
21. The development would be visible from the CA both from Ashton Road through the site entrance and from The Grange. For the reasons given above, the scale, form and position of the proposed development would erode the character and appearance of the rural edge of the CA. Regardless of whether or not the site has previously been used as domestic gardens, the proximity of the development to the boundary with the CA means that the harm caused by the loss of the grassland separating Hilperton from Trowbridge would also cause harm to the setting of the CA.
22. Whilst there are modern developments to the north of the site, the National Planning Policy Framework (the Framework) makes clear that not all elements of a CA will necessarily contribute to its significance. That is the case with the developments which have been referred to. Moreover, each proposal should be considered on its individual merits and these other buildings do not justify the erosion to the setting of the CA which would be caused by the proposal.
23. As a consequence of the harm caused to the significance of the CA through the proposed development within its setting and the resulting harm to the separate identity of Hilperton, the proposal would cause harm to the significance of the CA as a whole. The harm caused would be at the lower end of the scale of less than substantial.
24. Although the level of harm would be at the lower end of less than substantial, it is nevertheless of considerable importance and weight. In accordance with paragraph 215 of the Framework it should be weighed against the public benefits of the proposal.
25. The proposal would provide an additional dwelling towards meeting the Council's significant shortfall in housing land supply. Recognising that the Framework highlights that small sites such as this can make an important contribution to meeting the housing requirement in the area and are often built out relatively quickly, this would be a moderate public benefit. It therefore attracts moderate weight in favour of the proposal. For the same reason, the modest public benefits to the local economy arising from the construction work and from future occupiers using local services and facilities attracts moderate weight.

26. Although the scheme provides the opportunity to provide a self-build dwelling, for reasons already given, the evidence provided does not allow me to be sure that the development would not be market housing. This public benefit therefore carries limited weight in favour of the development. In the absence of details of how it would be secured, the proposed environmental enhancement of the site would also be of limited weight. The public benefit of facilitating home working carries little weight.
27. Overall, the totality of the public benefits of the development would not provide the clear and convincing justification for the less than substantial harm to the CA, the conservation of which the Framework requires me to assign great weight.
28. Therefore, the proposal would have a harmful effect on the significance of the Hilperton Conservation Area as a designated heritage asset through development within its setting. As a result, it would conflict with WCS Core policy 58 which requires that designated heritage assets and their settings are preserved. It would also conflict with the Framework's policies to conserve and enhance the historic environment.

Non-designated heritage asset (NDHA)

29. The Grange gains its significance as a NDHA from its association with the Rood Ashton Manor estate and the Long family together with its landscaped grounds, grand appearance and ornate gateway onto Ashton Road. When it was built, it was set at a distance from the village and this also contributes to its significance. As a consequence, it contributes to the local character and identity of the village at its south eastern end.
30. Whilst the building has been modernised and other development has taken place nearby, it still has a moderate level of significance. Its setting comprises the building's immediate grounds, the section of Ashton Road from where the building can be experienced through the ornate gateway, and the appeal site from where it is experienced by views through the trees and over the boundary hedgerows.
31. The proposed dwelling would be sited across Ashton Road from The Grange and would be visible from upper floor windows in The Grange. As I have already found in relation to the CA, it would have the effect of eroding the rural character and appearance of the remaining narrow piece of land separating Hilperton from Trowbridge. As this land is also part of the setting of the NDHA and contributes to its significance, the reduction in the verdant setting of the NDHA would cause a moderate level of harm to its significance.
32. For the reasons given, the proposal would therefore harm the significance of The Grange as a NDHA as a result of development within its setting. This would conflict with WCS Core policy 58 which seeks to conserve NDHAs which contribute to a sense of local character and identity. For the same reasons, it would also conflict with the policies in the Framework to conserve and enhance the historic environment.

Living conditions

33. The gable end of the proposed garage would be situated adjacent to the north western boundary of the site with the neighbouring two storey dwelling, Cockhatch.

The garage would be sited at a lower ground level than Cockhatch and would only be parallel to a short part of the boundary with Cockhatch.

34. Whilst a 'SunCalc' tool has been used by the Council to estimate the effect of the development on sunlight and daylight on the occupiers of Cockhatch, the full details of that tool and its application are not before me. Nor is it referenced in any development plan policy drawn to my attention. With this in mind, whilst the tool may provide an indication of the effect which the proposal might have on living conditions, it is not a policy requirement.
35. Notwithstanding this, the Council's calculations indicate that there would not be a harmful effect on the living conditions of the occupants of Cockhatch as a result of loss of sunlight during the summer months. Whilst the position of the proposed development on the southern side of Cockhatch means that there would be a loss of sunlight and daylight to Cockhatch during the winter when the sun is lower in the sky, that impact would be limited only to winter mornings until approximately 12:30pm.
36. Recognising that the tool is not part of the development plan and is indicative only, I am satisfied from my site inspection that the distance between the existing and proposed dwellings, coupled with the limited width of the garage and the lower ground level within the site, is sufficient to allow sunlight and daylight to reach the rear windows of Cockhatch for most of the year. For the same reasons, whilst the development would be visible from Cockhatch over the boundary fence it would not cause harm to the living conditions of the occupants of that dwelling due to its effect on their outlook.
37. Therefore, for the reasons given, the proposal would not harm the living conditions of the occupiers of the dwelling known as 'Cockhatch' with particular reference to sunlight, daylight and outlook. It would comply with WCS Core policy 57 which requires that proposals have regard to the impact on living conditions of existing occupants.

Other Considerations

38. The site is within the 'Yellow Zone' area of medium risk bat sensitivity defined in the TWBMS and within a Bat Sensitivity Zone for Recreational Pressure on the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC). Whilst the UU has been submitted in response to the third reason for refusal, regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the first three main issues, it is not necessary for me to consider this matter in any further detail.
39. I am aware of the previous appeal decisions on the site in 2000³ and 2024⁴. Whilst the Council's officers had recommended that the Council's Planning Committee grant planning permission for the 2024 scheme, the subsequent appeal was dismissed. However, I have considered this appeal on its individual merits.

³ APP/F3925/A/00/1041721

⁴ APP/Y3940/W/23/3331278

40. I am also aware that the Council's officers recommended approval to an application for permission in principle for a single dwelling at Whaddon⁵. Although a copy of the case officer's report has been provided, I am not aware of the full details of the proposal or the site and therefore give it limited weight.
41. Reference is made to the manner in which the 2024 scheme and the current appeal proposal have been handled. These are matters which can be addressed through other processes. It has no bearing on my consideration of the appeal.

Planning balance and conclusion

42. The Council can only demonstrate 2.42 years supply of deliverable housing sites which is well below the minimum level required. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.
43. Notwithstanding the Council's housing land supply shortfall, applying footnote 7 to paragraph 11d) i. of the Framework, the conflict with the Framework's policies for conserving and enhancing the historic environment provide a strong reason for dismissing the appeal. As a consequence, paragraph 11 d) ii. of the Framework is not engaged and the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a key material consideration and conflict with its policies carries substantial weight against the proposal.
44. The proposal would harm the character and appearance of the site and its surroundings and would not conserve the separate identity of Hilperton. It would cause less than substantial harm to the significance of the CA by failing to preserve its character or appearance through development within its setting. A moderate level of harm would also be caused to the significance of The Grange as a NDHA as a result of the development within its setting. As a consequence, the proposal conflicts with WCS Core policies 1, 2, 51 and 58. Whilst I have found that the proposal would accord with Core policy 57 regarding its effect on the living conditions of the occupiers of the adjoining dwelling, the harm caused to the historic environment and the existing pattern of development results in conflict with the policy when read as a whole.
45. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. The Framework recognises the desirability of new development making a positive contribution to local character and distinctiveness and has policies for conserving and enhancing the historic environment. Hence WCS Core policies 1, 2, 51, 57 and 58 are generally consistent with the Framework.
46. As a consequence, the conflict with WCS Core policies 51, 57 and 58 should be given substantial weight in this appeal. Core policies 1 and 2 define the settlement strategy for Wiltshire. In view of the extent of the shortfall in the Council's housing land supply, the conflict with Core policies 1 and 2 therefore carries limited weight. Nevertheless, the harm that I have identified is sufficient to cause conflict with the development plan when read as a whole.

⁵ LPA reference PL/2025/03764

47. I have referred to the benefits arising from the proposal when undertaking the heritage balance in the second main issue. The proposal conflicts with the development plan and the material considerations including the social, environmental and economic benefits stemming from the proposal do not indicate that the appeal should be decided other than in accordance with it. The presumption in favour of sustainable development in the Framework does not apply in this appeal.
48. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR