
Appeal Decision

Site visit made on 21 June 2016

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 July 2016

Appeal Ref: APP/Y3940/W/16/3147919

Land at Woolmore Manor, Bowerhill, Melksham, Wiltshire SN12 6QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Adrian Turner against the decision of Wiltshire Council.
 - The application Ref 15/08387/OUT, dated 19 August 2015, was refused by the notice dated 15 October 2015.
 - The development proposed is 8 dwellings including new access from Bath Road and associated works
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) the effect of the proposal on the setting of the Grade II* listed building
 - b) whether this location for housing would result in undue reliance on the private car and
 - c) its impact on the character and appearance of the landscape, and, if any harm is identified,
 - d) whether a 5-year supply of deliverable housing sites can be demonstrated and
 - e) whether the harm would significantly and demonstrably outweigh the benefits of the scheme arising from the additional housing and other benefits and whether any harm to the heritage asset would be outweighed by the public benefits of the scheme.

Reasons

Background

3. This appeal concerns the erection of 8 houses in a non-agricultural private field (the private field) on the north-east side of the A365, near to but outside of the defined limits of development around Melksham and Bowerhill village. Between the site and the road is another field through which the access would pass, while to the south-east of the proposed access and the south of the private field is the Grade II* listed Woolmore Manor with its former farmyard beyond. A public footpath crosses the farmyard and the private field.
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4. The application is for outline planning permission with all matters but access, layout and scale reserved for subsequent consideration. They would be 1½ storey houses, no greater than 9.4m in height, and 2 would be for affordable accommodation.

The effect on the setting of the listed building

5. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* says special attention should be paid to the desirability of preserving or enhancing the setting of a listed building.
6. Woolmore Manor dates from 1631. It has a fine brick exterior with quoins and a multi-gabled roof, together with window and door details typical of its age. These elements reflect its original nature as a historic house of some status, and mean its appearance contributes appreciably to its significance as a heritage asset.
7. When built it would quite probably have stood in a relatively isolated rural location, set back from the road and otherwise generally surrounded by fields and, possibly, some woodland. As such, it would have had a predominantly open setting. For this reason each of its elevations were intended to be seen and so a high quality of detailing is shown on them all. To my mind an appreciation of its original isolated state is important to understand the building and its origins.
8. However, over the years this isolation has become eroded as development from nearby settlements has encroached closer and closer. A large new school is now to the east, while a housing estate is across the road to the west. Dwellings have also been built along the north-east side of the A365, both to the north and the south of the Manor.
9. As a result, the generally open rural landscape in which it originally stood has been much diminished. Now it is confined to a quadrant that runs roughly to the north-north-east of the property only, and comprises the roadside field immediately adjacent, the private field behind and a few further fields beyond. I appreciate that even around these fields the sense of openness has been compromised to a degree. To my mind though, when looking towards the Manor from this quadrant, and when inside the Manor and looking over the quadrant, the fields are sufficient to mean that a sense of the original isolated and open rural setting is still apparent. As such, they make a notable contribution to the setting of the building and give a valuable impression of its original context.
10. Whilst it is appreciated that the land in this quadrant is not used for farming to my mind that does not change my opinion, as it is nonetheless agricultural in nature. Similarly although the open land in this quadrant may be enclosed by development further east and north it is of sufficient size to generate an open character. The Appellant has said this land does not provide public views, but I am aware of no basis to protect the settings of listed buildings from the public domain only. In any event, the private field is crossed by a public footpath and so views are in fact achievable.
11. This development would affect the setting of the Manor in 2 ways. Firstly, whilst at this stage I do not know how the access would be treated, I consider its presence would sever the Manor from the adjacent field by introducing a

barrier of some sort of development. It would also diminish the size of that field appreciably, so reducing the contribution it made to the Manor's apparent agricultural surrounds.

12. Secondly the housing would significantly compromise the sense of openness provided by a sizeable part of the private field. While the dwellings would be only 1½ storeys in height, they could rise to 9.4m, which, to my mind, is not especially low for a house. In any event, even if they were deemed to be a low-rise development allowing views to and from the Manor, they would nonetheless take away the contribution the private field made to the sense of openness and the apparent rural landscape around the listed building. They would also divorce the Manor from the remaining open land in this quadrant and result in it being even more enclosed by built development. As such, in this regard it would not be relevant whether or not the houses were considered to be subservient in scale. Consequently, in my opinion for these reasons the proposal would detract appreciably from the setting of this heritage asset.
13. The Appellant accepted that harm would be caused in this regard. In acknowledgement of those concerns it was proposed to retain as open land a 32m wide strip of the private field that would run north-eastwards from behind the garden of Woolmore Manor. Again precisely how it would be laid out is not before me. However, although it would maintain some link to the open landscape beyond, it would be very restricted and to my mind its contribution to the open isolated setting of the Manor would not be sufficient to mean harm was not caused in this regard by the proposed housing.
14. Accordingly, I conclude the development would fail to preserve the setting of this Grade II* listed building and would cause less than substantial harm to its significance as a heritage asset.

Reliance on the private car

15. Policies CP1 and CP15 in the Core Strategy indicate that sustainable development should be located within the defined limits of development. As stated above, this site is outside such limits. Even though these limits are to be redrawn in emerging development plan documents I have nothing to show the situation in relation to this land is likely to change.
16. However, the Council accepted that the site is relatively well located in relation to services and facilities, and, given this, to my mind this location need not result in any undue reliance on the private car.
17. Accordingly, I conclude the location of the site would not result in an undue reliance on the private car, and so any conflict with Policies Core Policies 1 and 15 in the *Wiltshire Core Strategy* would not justify resisting the scheme.

Effect on the countryside

18. I accept that the appeal site, although once no doubt deep in the country, is now on the edge of a settlement with schools, house and sports facilities apparent. However, there will always be rural sites that are influenced by adjacent settlements, but such an argument alone cannot justify their loss as it would result in a gradual erosion of the countryside.
19. To my mind, despite its proximity to built development the private field still displays a rural character and forms a peripheral part of what appears to be a

wider rural landscape. Therefore, by introducing housing here the proposal would detract from the character and appearance of the countryside in conflict with Core Policies 2 and 51 in the *Wiltshire Core Strategy* and the *National Planning Policy Framework* (the Framework).

Other matters of potential harm

20. Concern was raised about the access, but I consider the visibility would be acceptable. It would also be sufficiently far from the roundabout to mean there should be no conflict arising in that regard, and I have no basis to consider its relationship to the pedestrian crossing would be unsatisfactory.
21. The Council stated in its Officer Report that contributions to affordable housing were required, though it has since confirmed this is now no longer necessary. In the absence of any information to the contrary I have no basis to come to a different view.
22. A Unilateral Undertaking has been submitted by the Appellant to secure affordable housing, but it is unsigned and undated, and I note too that it requires the signature of the Council and commits the Council to certain actions. Given these comments and my overall findings on this matter the weight attached to that document is limited.

Housing Land Supply

23. The Council acknowledged it could not demonstrate a 5 year housing land supply, with there being a shortfall of 616 sites in Melksham and Bowerhill to 2026. It therefore accepted that the relevant policies in the development plan concerning the supply of housing, and in particular Core Policy 2 in the *Wiltshire Core Strategy* that broadly confines new housing to within the defined limits of development, are not up-to-date. As I have no basis to find otherwise, I therefore share the Council's position, concluding a 5 year supply of deliverable housing sites cannot be shown and so Core Policy 2 is not up-to-date.
24. However, the Council has referred to 3 major schemes around Melksham and Bowerhill Village that have been granted planning permission subject to the signing of a legal agreement, and together these would provide some 700 or so new dwellings. As such, once they have been issued, the Council contended that the requirements of the Core Strategy to 2026 would be met, some 10 years before the end of the plan period. There is no certainty though that all of those legal agreements would be completed, and so the outstanding decisions cannot be seen to overcome this shortfall.
25. Given this, I consider that although the number of houses now proposed would not be numerically great it would nonetheless make a modest positive contribution to addressing the shortfall that is present.

The balancing exercise

26. I have found the Council cannot show a 5 year supply of deliverable housing sites and so the relevant policies of the development plan relating to the supply of housing are out-of-date. In such circumstances paragraph 14 in the Framework says planning permission for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when taken against the policies in the

- Framework as a whole, or specific policies in the Framework (which include those concerning designated heritage assets) indicate development should be restricted. It does not follow from paragraph 14 that the mere presence of a housing shortfall means housing developments must automatically be allowed.
27. Balanced against this I have also found the scheme would detract from the countryside and would cause less than substantial harm to the setting of the listed building. Paragraph 132 of the Framework says that great weight should be given to the conservation of a heritage asset, and the more important the asset the greater that weight should be. It adds that any harm to a heritage asset requires clear and convincing justification while paragraph 134 states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
 28. The Appellant has cited what he considers to be a number of benefits that weigh in favour of the scheme and should be balanced against the harm.
 29. The first of these concerns the former farmyard to the Manor that lies to its south-east and is now semi-derelict and apparently unused. The Appellant considered the existing access to the farmyard is unsatisfactory as it is close to a roundabout and has restricted visibility. However, it was contended that an alternative access could be routed to the east of the Manor to link in with the access it is proposed to construct as part of this current appeal. As such, the scheme before me would facilitate the redevelopment of that farmyard, with benefits arising from the effect on the listed building and the more beneficial use of derelict land.
 30. I accept that the farmyard is in a poor state of repair, though few of the buildings it contains contribute positively to the Manor, and in any case its maintenance should be occurring under a legal agreement associated with the construction of the new school. I was told of no planning permission to authorise the redevelopment of the farmyard or to establish the nature or scale of any development it could accommodate. I was shown an indicative proposal from 2008 attached to a Draft Management Strategy Report, but that seemed to rely on the use of the existing farmyard access and I have nothing from the owners of the farmyard to show they are willing to pursue the revised access through this appeal site. I therefore have no certainty as to how or when that farmyard would be redeveloped. Consequently whilst I was invited to consider the failings of the existing farm access, in these circumstances that is not something I can do in any meaningful way.
 31. I also have nothing to show the access before me has been judged on the basis that it can accommodate additional traffic from the farmyard, however much that may be. I am aware too that forming this new access to the farmyard would separate the Manor from the 32m wide strip of open land the Appellant is proposing to retain with this housing scheme, and so would isolate the listed building still further from the surrounding open landscape.
 32. Therefore, I afford limited weight to any benefit the suggested new access may have to facilitating the redevelopment of the farmyard itself.
 33. Secondly it was said the scheme would provide improved pedestrian access to the school. However, the existing pavements did not appear unduly constrained and I had no evidence to show there was a problem with pupils

- passing along them. This matter has therefore also been afforded limited weight.
34. Whilst the Appellant proposed to provide affordable housing, as stated above that is not a policy requirement. In any event, given my reservations about the submitted legal undertaking there is no mechanism before me to ensure its delivery.
35. Fourthly, it is not doubted that the site is well located in relation to services and the houses would address energy-efficiency in their design. However, there are other dimensions to sustainable development, one of which is the need to protect and enhance the historic environment.
36. Finally, the Appellant pointed to the housing shortfall and the benefit of providing additional stock. If my concern had been solely in relation to the impact on the countryside, it would not have outweighed this benefit significantly and demonstrably. This is because when addressing a shortfall in housing it can be expected that some development in the countryside could be inevitable, and, as accepted by the Council, this site is relatively well located to services. To my mind the conflict with Core Policy 51 would therefore be outweighed by the provision of further housing.
37. However, in relation to the effect on the setting of the listed building the strong presumption in the Framework to allow housing when a development plan is not up-to-date has to be balanced against the great weight the Framework says should be given to the protection of a heritage asset, and in considering that guidance I am mindful Woolmore Manor is Grade II* listed. As stated above I consider the private field and the field to contain the access make a valued contribution to the setting of the Manor and hence to an understanding of its origins. Moreover, this contribution is irreplaceable and once it has been compromised it cannot be regained. Weighed against this I acknowledge the benefit of 8 further dwellings, but I am nonetheless aware that it is not a great number and there could well be other sites to provide these houses without the associated and irreversible harm identified.
38. Therefore, on balance and even if taken with the other benefits cited above, the provision of additional housing is not a public benefit that outweighs the less than substantial harm to the asset, while the harm to the setting of the asset significantly and demonstrably outweighs the benefit of this further housing when considered against the policies in the Framework taken as a whole.

Conclusions

39. Accordingly I conclude that the proposal would harm the character and appearance of the countryside in conflict with Core Policy 51 in the Core Strategy but as the Council cannot demonstrate a 5 year supply of deliverable housing sites that does not significantly and demonstrably outweigh the benefit of further housing.
40. However, I also conclude the development would fail to preserve the setting of the Grade II* listed Woolmore Manor, causing less than substantial harm to the setting of that asset. I find that the public benefits of 8 further houses and any other public benefits would not outweigh this harm, and the harm would significantly and demonstrably outweigh that benefit of additional dwellings

when assessed against the policies in the Framework taken as a whole.
Therefore the proposal would be contrary to Core Policy 58 in the *Wiltshire Core Strategy* and the Framework.

J P Sargent

INSPECTOR

Richborough Estates