



Appeal Decision

Site visit made on 20 June 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2023

Appeal Ref: APP/Y3940/W/22/3311815

Hedges House, Mill Lane, West Lavington, Devizes SN10 4HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Aster Communities against the decision of Wiltshire Council.
- The application Ref PL/2021/11543, dated 19 November 2021, was refused by notice dated 13 September 2022.
- The development proposed is Demolition of the existing buildings and construction of 19 affordable homes together with associated parking, access and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for Demolition of the existing buildings and construction of 19 affordable homes together with associated parking, access and landscaping at Hedges House, Mill Lane, West Lavington, Devizes SN10 4HS in accordance with the terms of the application, Ref PL/2021/11543, dated 19 November 2021, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Aster Communities against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. A Unilateral Undertaking (UU) has been submitted with the appeal to secure the required level of on-site affordable housing. The Council have had the opportunity to comment. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area, having particular regard to the setting of the West Lavington and Littleton Panell Conservation Area (CA); and
 - whether the development would provide sufficient housing for the elderly.

Reasons

Character and Appearance

5. Hedges House is an existing vacant housing development which lies along Mill Lane, on the western edge of West Lavington. Due to its triangular shape, the appeal site extends towards the countryside which surrounds the village.

However, the whole of the appeal site lies within the settlement boundary. The recreation ground lies opposite the appeal site, enclosed with established trees and hedgerows along Mill Lane. Only glimpsed views across to the farmland to the south are currently possible due to the existing build form of Hedges House and the established vegetation.

6. The existing built form of Hedges House is predominantly single storey, albeit there is one 2 storey element in the middle of the site. There are both 2 storey dwellings and bungalows in the immediate vicinity of the appeal site. There are also existing 2 storey dwellings to the north of the recreation ground in a similar edge of settlement position.
7. Whilst the appeal site itself is situated outside of the CA, the boundary to the CA runs along the western boundary of the appeal site. Consequently, the proposal would be situated immediately adjacent to the CA. The setting of the CA includes those areas in close proximity to it, which are part of the surroundings in which the heritage asset is experienced.
8. The West Lavington and Littleton Panell Conservation Area Statement (CA Statement) (January 2003) states that the significance of the CA lies partly in the linear pattern of buildings facing the High Street on both sides. The type of buildings that are most significant to the special character of the CA are those of the 19th century or older and those of the 20th century that respect the linear pattern of the earliest development. Much of the 20th century infill is set behind the frontage line of the earliest roadside development. Late 20th century development of estate roads and recent houses set in large front gardens do not follow the traditional linear pattern of the High Street. The appeal site itself does not contribute to the significance of the CA.
9. Whilst the proposal would be higher than the existing single storey buildings, it would still be appropriate in its height, scale and density to its surrounding context. The development would be seen alongside the backdrop of the West Lavington to the west, the recreation ground and the dwellings situated to the north of the recreation ground. As the development would be broken down into smaller blocks of buildings, with the largest being a terrace of 6 dwellings, this would still allow for glimpsed views from the recreation ground, through to the farmland to the south. Furthermore, the retention of existing vegetation around the recreation ground would help to preserve views in to and out of the recreation ground.
10. The development, due to its height, would be more noticeable from the car park of The Churchill Arms public house to the south, which has been identified in the CA Statement as a 'significant' building. It would also be more visible from the High Street and across its junction with Orchard Place. Both of these are within the CA. However, it would still allow for open views out towards the countryside. Furthermore, whilst the proposal would be more prominent from the farmland to the south when viewed from the adjoining footpath, partly as the appeal site is situated at a slightly higher level, it would be seen alongside the wider context of the village. It would not be incongruous. Furthermore, the open countryside views to the east of the footpath would be retained. Therefore, the proposal would be respectful to the landscape setting of the village.
11. The view looking eastwards down Mill Lane and across the recreation ground has been identified in the CA Statement as a 'landscape view'. The retention of

the established trees enclosing the recreation ground and elsewhere outside of the appeal site would assist with mitigating the impact of the development and preserving this particular landscape view. The proposal would not cause any material harm to the landscape setting of the CA and would still allow for views of the countryside to be possible from within the CA. Therefore, it is considered that the proposal would have a neutral impact on the setting of the CA thereby preserving its significance.

12. It is noted that the siting of the development would not follow the established linear pattern of buildings along the High Street. However, the development would replace the former Hedges House buildings. Whilst it would be sited on a slightly different footprint to the existing built form, its siting and layout would be similar to the later 20th century additions to the village in a similar edge of settlement location. Consequently, the development, including its height and massing, would not harm the character and appearance of the area.
13. Whilst plots Nos 14-19 are 2 storey and situated on the outer edge of the site, they would still be within the settlement boundary of the village. The height and massing of these buildings would be appropriate to the local context. I note that the relevant part of the Landscape Character Assessment states that there is a need for sensitive development on the edge of settlements and 'strong landscape edges and structure need to be maintained or established around the fringes of the main settlements to enhance their settings'. However, the proposal would represent a well-defined edge to the settlement boundary and would be respectful of the existing settlement edge character along Mill Lane.
14. Therefore, for the reasons above, I conclude that the proposal would not harm the character and appearance of the area, having particular regard to the setting of the CA. The proposal would be in accordance with Core Policies 51 and 57 of the Wiltshire Core Strategy (January 2015) (Core Strategy) and Policy NE2 of the West Lavington Neighbourhood Plan (June 2019) (NP) which, in combination, seek that development should demonstrate a high quality of design that is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Development should protect, conserve and where possible enhance landscape character and should also respect views into and out of the village and be designed to integrate well with its surroundings.
15. The development would also be in accordance with the principles within Chapter 12 of the National Planning Policy Framework (2021) which seek good design sympathetic to the local area. It would also be in accordance with the principles set out in Section 16 of the Framework, which requires great weight to be given to heritage assets' conservation, including their setting. Given that I have found no harm to the significance of the CA, I am not required to carry out the heritage balance as required by paragraph 202 of the Framework.

Housing for the Elderly

16. The former Hedges House development comprises a mix of bedsits and one and two-bedroom flats. I note that it originally served people aged 55 and over but was changed to 50, then down to 45 in order to attract tenants in recent years due to the lack of demand for the units. Hedges House is now vacant. The proposed development would all be affordable homes and would include 3 ground floor maisonettes that would be suitable for housing elderly and

vulnerable residents. One of these maisonettes would also be fitted out specifically to M4(2) Standard to cater for disabled residents.

17. Core Policy 46 of the Core Strategy relates to 'meeting the needs of Wiltshire's vulnerable and older people'. It states that the provision of new housing to meet the specific needs of vulnerable and older people will be required. I note the evidence presented by the Parish Council which states that West Lavington has a greater proportion of people aged 50 and over than both Wiltshire and England as a whole. However, based on the comments of the Council's Housing Enabling Team, there is a current demonstrable need for 10% of the proposed units to be built to meet the specific needs of vulnerable and older people or those with disabilities. Therefore, the provision of the 3 maisonettes proposed would meet the current demonstrable need of Wiltshire's vulnerable and older people. I have also reviewed the UU and I am satisfied that the UU would secure the above accommodation accordingly.
18. The Parish Council also state that the village does not have enough 1 and 2 bedroom dwellings to deal with the large number of 1 and 2 person households. I also note that the NP states that there is 'perceived to be a dearth of new houses for young families or for the elderly to downsize and remain in the village'. However, the proposal would include 6 one-bedroom maisonettes and 6 two-bedroom dwellings, as well as 7 three-bedroom dwellings. It is considered that the proposal would provide a suitable housing mix, notably including 1 and 2 bedroom units, which would meet the aspirations of the NP.
19. I acknowledge that the proposal would result in a net loss of 18 flats for older persons. However, Core Policy 46 does not include any wording that prevents the loss of accommodation for vulnerable or older people. There is also no requirement under Core Policy 46 for the proposal to deliver a similar retirement or sheltered housing scheme to that which previously existed at Hedges House. NP Policy H1 refers to a specific site allocation in the village, on 'Land South of Lavington Lane, so the criteria would not be materially relevant to the appeal site.
20. Therefore, I am satisfied that the proposal would provide sufficient housing for the elderly. It would accord with Core Policy 46 of the Core Strategy which requires development to provide new housing to meet the specific needs of vulnerable and older people. It would also be in accordance with the NP as it would provide homes for both young families and for the elderly to downsize.

Other Matters

21. Local residents and the Parish Council have expressed a wide range of concerns including highway safety, noise and light disturbance, and the living conditions of the occupants of neighbouring properties. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that a number of these matters can be controlled and maintained by appropriately worded conditions.

Conditions

22. The Council have suggested 15 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG) and have amended them as necessary.

23. A condition setting a time limit for commencement of the development is required by statute. It is also appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.
24. A condition requiring the development to be carried out in accordance with the Protected Species Survey and for details of bat roosting and bird nesting facilities is necessary in the interests of Biodiversity. In the interests of the character and appearance of the area, details of the material and finishes to be used are considered necessary. It has been amended slightly for clarity purposes.
25. In the interests of the living conditions of the occupants of the neighbouring dwellings and in the interests of highway safety, a condition requiring a construction management plan is considered necessary. The tailpiece phrase has been deleted in order to ensure the management plan is not changed without the occupants of neighbouring properties being notified.
26. Conditions requiring a scheme of hard and soft landscaping, and a landscape management plan, are both necessary in the interests of biodiversity and the character and appearance of the area.
27. A condition to ensure that the dwellings are not occupied until an electric vehicle charging point is installed for each dwelling is necessary in order to encourage the use of more sustainable modes of transport. A condition for the parking and manoeuvring areas for the proposed dwellings to be retained throughout the lifetime of the development is considered necessary in the interests of highway safety.
28. In order to encourage the use of more sustainable modes of transport, it is considered reasonable to ensure that the maisonettes have suitable secure cycle parking facilities. It is also reasonable to ensure that the maisonettes are not occupied until the bin store approved has been provided on site.
29. The PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. However, in order to protect the character and appearance of the area and the living conditions of neighbouring occupants, it would be both reasonable and necessary to ensure that the dwellings are not altered or extended in size, including restricting any new openings on certain elevations and roof slopes.
30. A condition to ensure the first floor window in the southwest elevation of Plot 3 is obscure glazed and non-opening unless over 1.7m above the finished floor level is considered necessary in the interests of the living conditions of the neighbouring occupants.

Conclusion

31. I therefore conclude, having considered all other matters raised, that the appeal should be allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and details:
 - Location Plan 6482-P-001 A
 - Existing Site Layout 6482-P-102 A
 - Proposed Site Layout 6482-P-100 C
 - S.106 Layout Plan 6482-P-110 A
 - Ecological Enhancement & Boundary Treatments Plan 6482-P-103 C
 - Plots 1 & 2 (floor plans) 6482-P-200
 - Plots 1 & 2 (elevations) 6482-P-700
 - Plots 3, 4 & 5 (floor plans) 6482-P-201
 - Plots 3, 4 & 5 (elevations) 6482-P-701
 - Plots 6 & 7 (floor plans) 6482-P-202
 - Plots 6 & 7 (elevations) 6482-P-702
 - Plots 8 & 9 (floor plans) 6482-P-203
 - Plots 8 & 9 (elevations) 6482-P-703
 - Plot 10 (floor plans) 6482-P-204
 - Plot 10 (elevations) 6482-P-704
 - Plots 11, 12 & 13 (floor plans) 6482-P-205
 - Plots 11, 12 & 13 (elevations) 6482-P-705
 - Plots 14 - 19 (floor plans) 6482-P-206A
 - Plots 14 - 19 (elevations) 6482-P-706A
 - Illustrative Street Scenes 6482-P-800 A
 - Maisonette Bin Store Elevations 6482-P-707
 - Maisonette Cycle Store Elevations 6482-P-708
 - Arboricultural report V1.0
 - Ecological Impact Assessment 061CART100 v.2.0
 - Flood Risk Assessment and Drainage Strategy 203.5001/FRA&DS/2, received 26 April 2022
 - Surface Water & Foul Water Drainage Design 203.5001.501 A, received 26 April 2022
- 3) i) Demolition works shall be carried out in full accordance with recommendations of Section 5 of the approved Protected Species Survey report (21 Apr 2021).

ii) The dwellings shall not be first occupied until bat roosting and bird nesting facilities have been incorporated in the development in accordance with details first to have been submitted to and approved in writing by the local planning authority, with such details to be in accordance with the recommendations of the approved Protected Species Survey report (21 Apr 2021).
- 4) No development of the new buildings shall progress above ground floor slab level until full details of the materials and finishes to be used for external walls, roofs and porches have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the so-approved details.

- 5) No development shall commence on site (including any works of demolition), until there has been submitted to and approved in writing by the local planning authority a Construction Method Statement, together with a site plan, which shall detail: a) the provision for parking of vehicles of site operatives and visitors; b) the provision for loading and unloading of plant, materials and demolition materials; c) the provision for storage of plant and materials used in constructing the development, as well as demolition materials; d) the provision for wheel washing facilities; e) measures to control the emission of dust and dirt during construction; f) the provision for recycling/disposing of waste resulting from demolition and construction; g) the hours of construction, including deliveries; h) a pre-commencement condition photo survey to inform LHA and applicant of current surface condition of Mill Lane; i) provision for a condition survey upon substantial completion of the development and works to make good the surface of Mill Lane following any damage caused during the construction works; j) details to demonstrate that Mill Lane will remain open during the demolition and construction phases for its use as a public bridleway and to access private properties to the east; and k) measures for the protection of trees and hedges to be retained in the development.

The so-approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in full accordance with the Statement.

- 6) i) Prior to the commencement of the development of the new dwellings there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, the details of which shall include: a) all hard and soft surfacing materials, b) means of enclosure, (including details of any existing fencing to be retained), c) a detailed plan identifying existing trees and hedges to be retained and a planting plan and specification showing all plant species, supply and planting sizes and planting densities, and details of after-care.

ii) All so-approved planting shall be carried out no later than the first planting and seeding season following the first occupation of any part of the development or the substantial completion of the development whichever is the sooner.

iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

iv) Any trees or plants (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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;

v) All hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

- 7) Construction of the new dwellings shall not commence until a Landscape Management Plan, identifying the extent of residential curtilages and amenity land and including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas and ecological features (other than privately maintained, domestic gardens) has been submitted to and approved in writing by the local planning authority. ii) The Landscape Management Plan shall be carried out as approved in accordance with the so-approved details.
- 8) No dwelling hereby permitted shall be occupied until an electric vehicle charging point has been provided for that unit in accordance with details first to have been submitted to and approved in writing by the local planning authority.
- 9) The parking and vehicle turning/ manoeuvring areas as identified on the approved drawings shall be retained for those respective purposes at all times and shall be used for no other purposes.
- 10) Notwithstanding the approved details, there shall be no occupation of the maisonettes (units 14-19) until secure covered cycle storage has been provided for those units in accordance with details first to have been submitted to and approved in writing by the local planning authority. The so-approved cycle storage shall thereafter be so-maintained at all times and shall be used for no purpose other than the storage of cycles.
- 11) There shall be no occupation of the maisonettes (units 14-19) until a bin store has been provided in accordance with the approved details. The store shall thereafter be so-maintained and shall be used for no purpose other than for the storage of refuse bins and boxes.
- 12) Notwithstanding the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, there shall be no extension or additions to the dwellings hereby permitted and no windows, doors or other form of openings inserted above ground floor ceiling level in the flank (south west) elevation of the dwelling hereby permitted on Plot 3.
- 13) Notwithstanding the provisions of Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, there shall be no enlargement of any dwellinghouse hereby permitted consisting of an addition or alteration to its roof, and there shall be no windows or other forms of openings inserted in the west-facing roof slope of the dwelling on Plots 2 or the west-facing gable wall on Plot 1.
- 14) Notwithstanding the provisions of Class D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no porches shall be erected on the front elevations of the dwellings approved on plots 3, 4, 5, 6, 7, 1, 12 & 13 other than as shown on the approved drawings and with their materials of construction as approved under the conditions above.

- 15) The first-floor window in the south west elevation of the dwelling on plot 3 shall be: a) obscure-glazed, and either b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed, or c) fitted with restricted opening in accordance with details first to have been submitted to and approved in writing by the local planning authority. The window shall thereafter be so-maintained in perpetuity.

Richborough Estates