19th July 2023

Our Ref: SWLC.LPC5593

Development Services – Central
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 0RD

Dear Sir/Madam

Town and Country Planning Act 1990
The Planning (Listed Buildings and Conservation Areas) Act 1990
85 Westbrook, Nr Bromham, Wiltshire, SN15 2EE

Further to my discussions with Mr S Jenkins in your Council's enforcement team my clients have made good those unauthorised extension works commenced, in error, at the above property, leaving some more historic works which have modified the historic outbuilding, in association with its ancillary use to be authorised. The area cleared of the link extension is shown below. Accordingly, I have pleasure to enclose a formal householder's planning application and associated listed building submission to agree those historic changes previously made.





Specifically, the outbuilding has been modified over the years to infill what is believed to have been a larger opening on the south western side of the building. As the photographs below show the changes carried out employ glass blocks to provide light to the side of a double door. It is understood that much of the works executed to this building pre-date my client's ownership. But of course, as the

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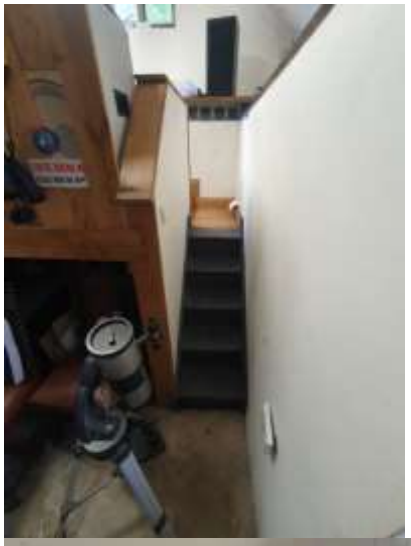
building is agreed to be a curtilage Listed Building there is no statute of limitation that would render the works lawful by the effluxion of time. Moreover it has been used as a home office, hobby room and ancillary accommodation incidental to the enjoyment of their dwelling.





Externally, other than those works described above, to create a sealed entrance, the former outbuilding has been little change and the removal of the unauthorised link extension (as shown on the previous page still requires some tiles to be replaced repairing the original roof.

Internally the building's fitting our over the years has been entirely consistent with its ancillary use, and there are two mezzanine spaces providing work space and a sleeping platform. There are various photographs below that show the fitting out and mixed ancillary uses present.













As indicated above, the outbuilding shown by the various photographs is a curtilage Listed Building. The main house is a Grade II Listed Building, the schedule for which is inserted below.

Details

ST 96 NE BROMHAM WESTBROOK (north side)

2/69 No 85 (The Cross)

GV II

House, late C17, timber-frame and painted brick on rubble stone plinth. Stone slate half-hipped roof and ridge stack. 2-storey, 3-window front with exposed square framing, angle braces and regularly spaced C20 metal casement windows. Centre door in stone slate gabled porch. Catslide rear roof with large C20 flat dormers.

As can be seen above the outbuilding is not specifically mentioned with the listing schedule, however as part of this over-arching and proportionate planning and heritage commentary its functional juxta position and traditional built form and construction materials are believed to provide its historic context and reinforce the built grouping's aesthetic qualities.

There are several other freestanding buildings within the garden of No 85 as shown on the aerial photograph inserted at the top of the following page, and which have been constructed over the years, and diminish the heritage significance of the application building's historic relationship to the main house, by the nature of the resulting domestic clutter. It has been agreed with Mr Jenkins that these buildings are lawful though, and did not require Listed Building Consent.



Consequently, the open aspect and functional relationship between the outbuilding and the house has been diminished over time and the building's public significance is therefore low.

It is acknowledged that paragraph 202 to the NPPF addresses the continuum of potential harm to recognised heritage assets, and where such 'harm' falls to be considered as less than substantial it may be acceptable on balance if it provides a public benefit, securing its optimal viable use.

In this instance those changes which have been made over the years to the building's typical built fabric have clearly facilitated its active use, incidental to the enjoyment of the main house. It is not possible to say what condition the building was in when it was first dry lined for instance but it is reasonable to assume its construction was comparatively basic and as such the building offered little practical use, other than perhaps as a log store or similar basic domestic storage uses. The repurposing of the building has not only provided an active chapter of use, which is commonly agreed to be the best way to secure the survival of our built heritage, but the positive investment made has been comparatively modest given the intensity of the ancillary uses and has consequentially meant the changes have not been overly intrusive.

Not only therefore is the outbuilding of low heritage significance but if the changes made are believed to be harmful, they sit at the low end of the less than significant scale. Indeed, to a great extent the internal changes and associated features are reversible. That aside though, on balance it is strongly maintained that the investment made, commensurate with the building's low impact and ancillary uses, has been in the public benefit to secure the building's longevity and maintain its ancillary relationship physically and functionally to No 85.

For the record although the annexe includes the necessary facilities for day to day living the building's use has been ancillary to the main house and this can of course be conditionally controlled if considered necessary.

As indicated previously this over-arching commentary is intended to explain the acceptable heritage impacts and also those planning considerations arising. In that regard though it is questionable if the changes made to the outbuilding do in fact trigger the need for planning permission, as operational development. The Uttlesford case makes it clear that the building's ancillary use does not sub-divide the planning unit and as such planning permission is not required regarding the on-going ancillary use of the premises, including as guest/family accommodation.

The householder's application is therefore made for the avoidance of doubt and, in accordance with Section 38 (6) to the Planning and Compulsory Act 2004 the policy framework is provided by the Wiltshire Core Strategy. Specifically, policies CP57, and CP58 are the most applicable.

In that regard, Section 66 to the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a statutory duty on the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This is effectively echoed by Policy CP58 to the Core Strategy and in light of the assessment of the building's significance and the acceptable impact of those modest works in question, already provided, I believe this test is satisfied.

Similarly, the modest, and largely internal works executed, and low impact uses will ensure that those relevant design considerations arising at Policy CP57 have been satisfied too. The building is clearly part of an established residential setting and a modest and unassuming part of the overall built grouping.

For the reasons given I hope it is clear that the evolved uses and minor adaptation of the building in question is typical of many residential built groupings and has been assimilated, without comment, or harm for many years, thus evidencing its acceptability. However, if there are any questions that would help to ensure your support, please do not hesitate to contact me.

Yours faithfully

[redacted]

Simon Chambers
Director

Enc.

Cc: Ms S Gillingham