The Planning Inspectorate

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Your Ref: PL/2023/11159
Our Ref: APP/Y3940/W/25/3358507

03 June 2025

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Peter Andrews
Site Address: Land at Lanes End , Gastard, Wiltshire , SN13 9QS

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

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The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Heather Langridge
Heather Langridge

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Planning Inspectorate

Appeal Decision

Site visit made on 20 May 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2025

Appeal Ref: APP/Y3940/W/25/3358507
Land at Lanes End, Gastard, Corsham SN13 9QS

- 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 Peter Andrews against the decision of Wiltshire Council.
- The application Ref is PL/2023/11159.
- The development proposed is construction of 4no dwellings and associated works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- The effect of the proposal on the character and appearance of the area including nearby heritage assets,
- Whether the proposal would provide appropriate living conditions for future occupiers with regard to privacy for Plot 4, as well as noise and disturbance for Plots 3 and 4,
- The effect of the proposal on biodiversity,
- The effect of the proposal on future extraction of mineral resources; and,
- The effect of the proposal on highway and pedestrian safety.

Reasons

Character and Appearance

3. The significance of the Church of St John the Baptist (the Church) lies, in part, in its architectural detailing and scale, resulting in it being a prominent feature in many nearby views, including along sections of Lanes End. Many nearby buildings along Lanes End are small scale, of varied design reflecting the development of the area or largely screened in views with the Church due to their position, boundary treatments and vegetation. This includes the appeal site where currently, while used for storage the site is relatively discrete in private and public views due to the mature and prominent frontage vegetation. It also helps to screen views of the builders merchants with the Church in some instances. The appeal site adds to the verdant setting of the Church and helps to accentuate its prominence and importance to the area. Therefore, the site contributes positively to the setting and significance of the Church.

4. The significance of the Gastard Conservation Area (CA) lies, insofar as it relates to the appeal scheme, in the traditional and varied appearance of properties, their plots and spacing between them allowing an appreciation of the vegetation and undeveloped fields beyond them. When approaching and passing along Lanes End, the appeal site forms part of the verdant backdrop in many views and creates an element of separation between the CA and the more built-up area of the village. As such, despite the builders merchants and glimpsed views of the storage at the appeal site at present, the appeal site does contribute positively to the setting and significance of the CA.

5. The significance of the nearby listed buildings on the opposite side of Lanes End[1] (Lanes End listed buildings) is, in part, in their traditional appearance, individuality and links to the agricultural use of the land. Their setting, and the contribution the appeal site makes to that, and their significance, is largely the same as that of the CA.

6. While some may have defects, much of the frontage vegetation would be removed, including trees subject to Tree Preservation Orders. The proposed frontage wall would be in keeping and boundary hedges would soften the appearance of the scheme. Nevertheless, the loss of the mature and tall features would significantly erode the positive contribution that the site currently makes to the verdant appearance of the area and the setting of the Church, the CA and the Lanes End listed buildings.

7. Garden areas and parking spaces would be close to existing trees for Plots 2 and 3. Given their size and position, there would be pressure to remove these in the future and this would further diminish the greenery in the area. The proposed planting would take some time to mature and would only partly screen the scheme.

8. There are examples of buildings side on to Lanes End and where they are set back from the road. Therefore, the presence of properties positioned further back than those adjacent would not be discordant and subject to conditions the external materials would be acceptable. As a result of the variation in design and changes in height, the scale of Plot 1 compared to that of the adjacent existing property would not be incongruous even though they would be more readily seen together with the removal of trees.

9. Nevertheless, there is little variation in the appearance of the proposed properties. This unfavourably contrasts with the subtle individualism of the existing buildings along Lanes End from different features that break up the facades. This would result in a bland appearance to the appeal scheme and a more regimented feel to this part of Lanes End. It would detract from the setting in which the Church, the CA and the Lanes End listed buildings would be appreciated and experienced.

10. Consequently, the appeal scheme would lead to less than substantial harm to the significance of the Church, the CA and the Lanes End listed buildings. The proposal would result in a moderate, but important contribution towards housing supply given the current extent of the shortfall in the area. There would also be small economic and social benefits from the construction and occupation of the units and the proposal would utilise previously developed land. The proposal would remove a commercial use from a largely residential area, however, there is no compelling evidence the existing use causes harm. Given the scale of the

[1] Stonecroft, Lanes End Farmhouse and Barn at Lanes End Farm

scheme these benefits even when taken together do not outweigh the harm to the heritage assets and the great weight that should be given to a designated heritage asset's conservation.

11. The significance of the listed buildings off Velley Hill[2] lies, in part in their traditional design, appearance and materials. They are already seen with, and their setting includes, a more densely varied built form, including more modern housing close to them. Therefore, their setting, including the appeal site behind, makes little contribution to their significance. Even if some vegetation were removed at the rear of the appeal site, the proposed properties would be seen with the existing mix of design of properties around these listed buildings. As such, the scheme would not harm their significance.

12. Nonetheless, the proposal would harm the character and appearance of the area, including the significance of heritage assets. The scheme would fail to accord with the design and heritage protection aims of Core Policies 57 and 58 of the Wiltshire Core Strategy (CS), Policies CNP HE1 and HE2 of the Corsham Neighbourhood Plan (NP) and the National Planning Policy Framework (Framework).

Living Conditions

13. At the time of my site visit, while only a snapshot in time, there was a steady flow of traffic using the builders merchants and vehicles parking to the front of the site. There was also some noise associated with the activities going on within the builders merchants. While current opening hours may not be excessively early or late, it has not been shown that there are planning controls in place over the times, day, lighting or level of use that could take place at the builders merchants.

14. The occupiers of Plot 4 would experience considerable noise and disturbance which could occur at any time with the property located opposite the access to the builders merchant with only low-level front boundary treatments. Traffic associated with the builders merchants would not pass Plot 3. Nevertheless, the occupiers of that unit would still experience the comings and goings and noise close by across the shared access. Similarly, there would be little screening to reduce the effects. Were the mine to re-open, while movements could be small, there would be further noise and disturbance from traffic and operations at the mine experienced by the occupiers of these plots. No noise assessment or other detailed evidence has been provided for the existing builders merchants or the potential activities at the mine to the contrary.

15. Existing properties opposite and nearby are orientated differently and have a different relationship with the yard, access and building to the front of the builders merchants. That existing occupiers may experience noise and disturbance, is not a reason to allow further occurrences at the proposed units.

16. There would be close range direct views from first floor windows at Plot 2 into the rear garden of Plot 4 over boundary treatments. This overlooking would result in insufficient privacy for the occupiers of Plot 4.

17. As such, the proposal would not provide appropriate living conditions for future occupiers with regard to privacy for Plot 4, as well as noise and disturbance for Plots 3 and 4. It would be contrary to Core Policy 57 of the CS where it states

[2] Velley House, outbuilding to No.19 Velley Cottage, 14 and 15 Velley Hill

schemes should ensure that appropriate levels of amenity are achievable within the development itself.

Biodiversity

18. The trees within the site were not considered suitable to support bat roosting. However, the PEA[3] identified that the woodland and scrub within the site was suitable for foraging for bats. Even if they were and could be retained in the future, no further survey of them has been provided to confirm the presence of the species or otherwise. Consequently, the nature and extent of any effects, what mitigation or compensation may be required, where this would be and how it would be secured is not known.

19. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. It has not been shown that the proposal represents the exceptional circumstances where conditions could be used to require further surveys.

20. In addition, due to the lack of clarity on the effects of the proposal on biodiversity, there is insufficient information to demonstrate whether the proposal would result in net gain.

21. Although the site is within an amber risk zone for great crested newt, the PEA found no waterbodies within the site to provide suitable habitat for them. Suggested biodiversity measures are set out in the PEA and were the appeal to be allowed conditions could be imposed to secure the final details and retention of these. This is also the case for landscaping including the retention of trees whether these were within the plots or shared areas.

22. Nevertheless, from the evidence provided I cannot be sure that the scheme would prevent harm to biodiversity. It would be contrary to Core Policy 50 of the CS, Policy CNP E1 of the NP and Saved Policy NE14 of the North Wiltshire Local Plan where they state that development proposals must demonstrate how they protect, avoid loss and seek to enhance biodiversity.

Mineral Resources

23. Elm Park Mine is not currently operational, and no planning permission is in place for its re-opening, said to be partly due to it not being viable. Nevertheless, Policy MDC4 of the Minerals Plan[4] seeks to prevent development that would adversely affect possible future mineral extraction.

24. There is no detailed evidence that the mineral deposit is unlikely to be worked due to its quality or quantity, or that an appropriate quantity of the mineral can be reasonably extracted prior to or in conjunction with the appeal scheme. Moreover, the appeal scheme would not be temporary. Notwithstanding, the housing land supply situation, it has not been demonstrated that there is an overriding need for the appeal scheme to commence without delay.

25. Therefore, the proposal would prevent the future extraction of mineral resources and as a result it would be contrary to Policy MDC4 of the Minerals Plan.

[3] Preliminary Ecological Assessment
[4] Wiltshire and Swindon Minerals Development Control Policies Development Plan Document

Highway and Pedestrian Safety

26. In the absence of tracking or swept path analysis, it has not been shown whether large vehicles could turn within the site and shared access. Despite the current visibility at the access, if they were not able to turn, they would need to reverse on or off Lanes End. This would lead to movements where visibility would be restricted. Given the level of traffic movements I observed and lack of evidence that this was untypical, this would lead to highway safety concerns giving rise to greater risk of collisions and disrupting the flow of traffic.

27. As off-street parking is proposed for each dwelling and a visitor space, further on street parking would not be likely. Although parking for Plot 4 would be adjacent to the internal access to the site and that for Plot 3 close by, any planting could be conditioned so that it did not interfere with visibility between these access points. Therefore, drivers and pedestrians would have good intervisibility allowing them to stop or adjust accordingly. Vehicles are also likely to be traveling at low speeds in this area.

28. Given the objections from the landowner, there is no real prospect that the proposed footway to the front of the appeal site could be secured by condition. There are limited pedestrian footways near the appeal site and there was parking associated with the builders merchants at the front of the appeal site at the time of my visit.

29. Nonetheless, while there would be commercial traffic using the shared access and potentially parking to the front of the appeal site, the number of additional pedestrian movements would be relatively small. Moreover, there would be a footway along the shared access to allow pedestrians to safely walk this part of the route even if further traffic from the mine were introduced. Furthermore, there are already several properties along this part of the road and limited footway areas that appear to use the existing lay-by for refuge. There is no indication that this currently gives rise to unacceptable conflicts between road users or highway safety concerns. In addition, it would only be a short walk to areas with footways and the number of additional vehicle movements from the appeal scheme would be small.

30. Notwithstanding this, the proposal would harm highway and pedestrian safety. It would fail to comply with Core Policy 61 of the CS where it requires proposals to be capable of being served by safe access and that safe loading/unloading facilities can be provided.

Other Matters

31. The scheme would align with the Framework where it seeks to significantly boost the supply of housing and indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly. As there is a substantial shortfall in housing supply in the area at present, said to be at 2.03 years, despite the scale of the scheme, the benefits associated with housing provision are moderate. Economic and social benefits would be small. A lack of harm, other than that identified above would be a neutral factor.

32. Due to the harm identified above the proposal would be contrary to the development plan as a whole. In applying the policies in the Framework, the harm to designated heritage assets provides a strong reason for refusing the development proposed. Therefore, paragraph 11d(ii) of the Framework is not engaged.

Conclusion

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

34. For the reasons given above the appeal should be dismissed.

Stuart Willis

INSPECTOR