



Appeal Decision

Site visit made on 14 April 2023

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/Y3940/W/22/3310345

Thoulstone Farm, Farm Buildings, Chapmanslade BA13 4AQ

- 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 Blockworks, against the decision of Wiltshire Council.
- The application Ref PL/2022/05649, dated 20 July 2022, was refused by notice dated 5 October 2022.
- The development proposed is described as 'Proposed demolition of existing agricultural building and erection of two residential dwellings + garage'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: a) the impact of the proposal on the character and appearance of the area; b) the impact on the setting of the Grade II Listed Thoulstone Farmhouse; and c) whether the site is in a suitable location for housing development, with specific regard to the Council's spatial strategy and access to facilities and services.

Reasons

Character and Appearance

3. The proposal relates to the southern part of a former farmstead complex at Thoulstone Farm. The appeal site contains an existing, sizeable, steel portal framed building, as well as surrounding yard space. Immediately to the north of the appeal site are a range of rural buildings set out in a broadly linear arrangement that vary in scale and appearance, some of which appear to have been recently redeveloped/refurbished. Beyond these buildings, to the north, lies Thoulstone Farmhouse (Grade II Listed).
4. The site is accessed off a rural road to the north, that runs to the front of Thoulstone House and leads onto the nearby A36. The surrounding area is highly agricultural in character, primarily consisting of open fields, with vegetated boundaries, and some small pockets of woodland. The nearest settlement of Chapmanslade is located approximately 800m from the site, with only very sparse levels of housing nearby adding to the rural nature of the site.
5. The appeal site has an extensive planning history and during my site visit it was evident that works have been taking place on the redevelopment of the wider site. I am particularly mindful that the appellant has extant planning permission/prior approvals¹ for the creation of new dwellings and a pool

¹ E.g. - 20/06460/PNCOU; PL/2021/06589; PL/2021/06497; PL/2021/06497; 20/04215/FUL.

building on the appeal site. The Council has not contested whether there is a realistic prospect of the fallback positions taking place should the appeal fail. Having regard to the evidence before me and established case law², I find that there is a greater than theoretical possibility that the alternative fallback developments may take place.

6. I have been provided with only limited details of the extant permissions at the site. However, I understand that they would allow for either the conversion of the existing large barn to 3 or 4 dwellings, or alternatively involve the part demolition of the barn and the erection of 3 detached dwellings, alongside a separate pool building. Whilst I have been furnished with limited background detail, the appellant has provided visualisations of the appeal scheme that provide a comparison against the site's existing context, the current proposal, and an extant scheme. There is some dispute between the main parties regarding the accuracy of the visualisations. Nevertheless, I have found them to provide a helpful aid to consider the general impacts of the appeal scheme.
7. The proposed development would involve the demolition of the existing large agricultural barn at the site and the erection of two sizeable dwellings, as well as a detached garage unit. The proposed dwellings would essentially comprise three two-storey 'barn like' components, that are set in a linear arrangement with pitched roofs and gable ends that would be linked via recessed single storey elements that would house swimming pools.
8. The existing steel portal framed building proposed to be demolished is of no historical significance or architectural merit. As such, the loss of the building itself would not be harmful. Nonetheless, it remains that the building's design is undisputedly agricultural in nature, with a restrained and practical appearance. The building therefore represents a natural, functional link to the former farmstead and is reflective of its rural surroundings. Whilst I do not have full details of the prior approval permissions (ref: 20/06460/PNCOU; PL/2021/06589), I am mindful that those schemes would involve utilising the existing building's envelope and are therefore likely to retain a largely agricultural vernacular.
9. In contrast, the proposed dwellings would not relate well to the site's existing agricultural character. Notably, the footprint and massing of the proposed residential units is substantial, even when considering the existing context of the site and fallback options. Indeed, despite the single storey elements being recessed and providing a slight visual break between the two-storey components, the proposed main building would have an extremely bulky appearance.
10. The inclusion of the two-storey, gable ended, pitched roof components to the main building, and incorporation of appropriate materials, may provide the proposal with a loose agricultural style. However, the use of single storey links between the two-storey structures would diminish any traditional barn style profiles that the building would display. Instead, I find the scale and configuration of the proposed building would appear as a domestic form of development. Additionally, whilst I appreciate that rural buildings often contain

² *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314; *Schneck v SSHCLG & West Berkshire DC* [2022] EWHC 3335 (Admin)

large openings, the vast use of glazing along the proposed southern elevation of the dwellings would also add a highly domesticated character to the proposed building. The proposed development would be at odds with the surrounding built form that retains a far more inconspicuous, rural character.

11. I appreciate that there are some similarities between the appeal scheme and the fallback position under permission PL/2021/06497. However, the appeal scheme is seemingly of a much greater scale, bulk, and mass than the fallback position. It also has a more domesticated appearance due to the incorporation of the single storey flat roof elements and the separate detached garage building. As such, I find the appeal scheme would also be more harmful to the character and appearance of the area than this fallback option.
12. The proposal would also involve built form extending further south within the site boundary than existing arrangements, or compared to the appellant's fallback positions. The proposed development would still sit within the extent of the farm complex, which is rather well defined due to a combined presence of areas of hardstanding, a farm track, as well as boundary fencing. I therefore do not share the Council's concerns about the increased incursion of built form into the countryside. However, it remains that the proposed development would result in an unsympathetic form of development, that detracts from the rural character of the site, whilst its positioning near the rather open southern boundary would result in a degree of prominence.
13. Overall, I find the scale and design of the proposal would result in a highly domesticated form of development that would erode the agricultural character of the site and surrounding area. The proposal therefore conflicts with Policy CP57 of the Wiltshire Core Strategy (adopted 2015) (the Core Strategy). The policy, amongst other matters, seeks for new development to be of a high-quality of design that effectively relates to its immediate setting and the wider character of the area.

Setting of Listed Building

14. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), requires that I give special regard to the desirability of preserving a listed building or its setting and any features of architectural or historic interest that it possesses. The National Planning Policy Framework (the Framework) further advises that 'significance derives not only from the asset's physical presence but also from its setting'.
15. The appeal site forms part of the historic farmstead associated with Thoulstone Farmhouse³. The Farmhouse is a detached Grade II listed building likely dating to the late 18th Century. The three-storey building is constructed of red brick laid in English garden wall bond, with the brickwork largely exposed. It is of grand appearance and displays many typical Georgian architectural features. This includes its hipped roof, use of stone quoins and its frontage displaying symmetrical sash-window arrangements, with stone cills, lintels, and mullions.
16. In addition to its architectural value, its relationship with the surrounding land in particular adds to its significance as a historic farmstead. Indeed, alongside its architecture I find its setting to be instrumental in appreciating its historic role as a Farmhouse thereby contributing to its significance. Notably, the

³ I understand that the building is no longer used as a farmhouse.

surrounding expanse of largely open fields, as well as the character and arrangement of buildings at the appeal site provide context to the listed building.

17. Despite some intervening built form, and only limited intervisibility between the listed building and the proposed development, it remains that the proposal would affect the agricultural character of the area, including that of the former farmstead.
18. As previously highlighted, the appeal scheme would be of a considerable scale and add a rather drastic domesticated form, which would undermine the rural characteristics of the site. Accordingly, I find it would also negatively impact upon the setting of the listed building.
19. I do not share the appellant's view that the proposal would have a beneficial impact on the setting of the listed building through the removal of the existing barn building, or compared to the fallback positions that would involve its conversion. As indicated, the existing building (whilst not of architectural or historical significance) is a relatively modern utilitarian structure, typically of those found on farms, whereas, the appeal scheme does not relate well to the scale, form or character of the historic farmstead.
20. I also note the appellant's frustration that the Council has taken an alternative view in relation to the impact on the listed building as to that under extant permission PL/2021/06497. However, from the evidence before me I consider that the appeal scheme would be more harmful to the rural character of the area than that extant permission, and thus the setting of the listed building.
21. In coming to the above view, I recognise that the setting of the listed building has already been altered through development to its south. However, these buildings retain a significantly more modern agricultural appearance than the proposed development, including through their scale, layout, and appearance. Consequently, they have a more appropriate relationship and association with the listed building. In any case, their presence does not justify allowing a development that would erode and more harmfully effect the setting of the listed building.
22. The appeal scheme would therefore cause harm to the setting of the listed building and thereby its significance. Having regard to the Framework, I assess the harm to be less than substantial. Nevertheless, this harm is of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits.
23. In this instance, the development would make a modest contribution to housing provision, whilst there would be socio-economic benefits associated with the delivery of two new dwellings. However, given the scale of the proposal such benefits would be limited and, in this instance, do not outweigh the harm to the designated heritage asset.
24. Accordingly, the proposed development conflicts with Core Strategy Policies CP57 and CP58. When read together these policies require development to be of a high quality of design that should protect, conserve and where possible enhance the historic environment.

25. Furthermore, the proposal would also fail to meet the requirements of Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 or the National Planning Policy Framework (the Framework) insofar as it relates to conserving the historic environment.

Suitable Location

26. The appeal proposal would be located to the south of a range of buildings that form part of the former farmstead at Thoulstone Farm, including some that have subsequently been converted to alternative uses. The area surrounding the site is characterised by largely open fields in agricultural use. Given the presence of adjacent development the appeal scheme would not be isolated in the context of paragraph 80 of the Framework. Nevertheless, the appeal site is in a rural setting, approximately 800m outside the nearest settlement boundary of Chapmanslade.
27. The Council spatial strategy for development is set out under Policy CP1 of the Core Strategy. The policy identifies a hierarchy of settlements whereby sustainable development is expected to be delivered. This is supplemented by Core Strategy Policy CP2, which sets out the County-wide housing requirement. Policy CP2 also establishes that development will not be permitted outside the defined limits of development (or settlement boundary) as detailed on the policies map, except under certain circumstances. The approach of policies CP1 and CP2 to rural housing broadly aligns with that advocated in the Framework.
28. Policy CP31 meanwhile sets out the spatial strategy for Warminster Community Area, identifying Chapmanslade as a larger village and setting out that development in the area should be in accordance with the Settlement Strategy under Policy CP1.
29. The proposal has not been demonstrated to comply with any of the exceptions for the development of new dwellings in the countryside that are outlined under Policy CP2. The appeal scheme is therefore in conflict with the development plan's spatial strategy, as detailed under policies CP1, CP2 and CP31.
30. From the evidence before me and my observations on site, services and facilities that would sustain day-to-day living are located a fairly considerable distance from the appeal site. The site is also not well served by public transport options.
31. Nearby roads have little footpath provision, are largely unlit and have limited surveillance. Although there is a public footpath route to Chapmanslade this is through an arable field, again with a lack of lighting and variable conditions underfoot. Together, the distances involved, alongside the context of the surrounding highways/footpath network, is likely to deter many future residents from walking or cycling to access facilities or services. Moreso, in periods of bad weather or darkness. As such, sustainable methods of travel are unlikely to be regularly used, with any future occupants highly likely to be dependent on the private car. This is the least sustainable means of transport and would further undermine the Council's spatial strategy.
32. Accordingly, the proposal also conflicts with Core Strategy Policies CP60 and CP61, these policies together seek to reduce the need for travel by private car and encourage sustainable travel, including through promoting development in accessible locations.

33. Having regard to the Council's spatial strategy and given its poor access to local facilities and services, including public transport, I find that the site would not provide a suitable location for housing. However, it is pertinent that the appellant has realistic fallback options that would enable the provision of three to four dwellings on the appeal site, either through the conversion of the existing agricultural barn or through its demolition and erection of new buildings.
34. From the evidence before me it is not entirely clear, should the appeal be allowed, whether both the appeal scheme and one of the fallback options could be implemented alongside one another. Nevertheless, the appellant has indicated a willingness to accept a planning condition to prevent such an occurrence, in the event the appeal was to be allowed.
35. Under such circumstances, the appeal proposal would result in a minor overall reduction in dwellings in this location compared to the fallback options. The resultant harm to the spatial strategy and sustainability (through likely reduced trip generations), would therefore be slightly reduced when compared to the fallback options. Consequently, with regards to this main issue, I find that the fallback position justifies a departure from the development plan policy.

Other Matters

36. I note the appellant's frustrations with the manner in which the local planning authority has determined the application, including its consideration of the planning history of the site. However, the appeal scheme has been determined on its own merits.
37. It is suggested that the proposed dwellings would be more energy efficient than those under the fallback options. However, such benefits have not been quantified. As such, I give this potential benefit only limited weight and it does not overcome my above concerns.
38. I appreciate that the appeal proposal would provide some socio-economic benefits associated with the supply of new dwellings, both during the initial construction period and subsequent occupation. However, given the scale of the proposed development these would be rather limited and are potentially more modest than the socio-economic benefits delivered by the appellant's fallback options.

Planning Balance and Conclusion

39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
40. For reasons outlined above, the appeal scheme is contrary to the development plan taken as a whole. I have found that material considerations, in the form of alternative fallback options, would outweigh the appeal scheme's conflict with the Council's spatial strategy for development. However, the fallback options do not overcome the appeal scheme's conflict with development plan policies that seek to protect the character and appearance of the area, as well as preserve the special characteristics of designated heritage assets. This is due to my findings that the design of the appeal proposal would have more harmful impacts than the appellant's fallback positions.

41. It is common ground that the Council is unable to demonstrate a 5-year supply of deliverable housing sites, as such, its housing policies are deemed out of date and paragraph 11(d) of the Framework is engaged.
42. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless one of the two limbs of paragraph 11(d), (i) or (ii), indicates otherwise.
43. In this instance, I have found the harm to designated heritage assets would outweigh the public benefits of the scheme. Accordingly, the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11(d)(i). As such, the presumption in favour of sustainable development does not apply.
44. The proposal would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR