

Wiltshire Council
For attention of: Helena Carney, Case Officer

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May 22, 2026

Dear Helena,

RE: PL/2026/02443- 47 dwellings- Land at White Street, West Lavington

CPRE Wiltshire wish to OBJECT to this planning application.

Principle of Development and relevant policies

We agree with the detailed comments on the principle of development and the relevant policies made in the letters submitted by Tim Taylor, planning lawyer, of Khift Ltd; and by Gemma Ackerman MRTPI so will not repeat them.

Harm to heritage assets

We wish to add the following observations on the heritage issues:

We challenge the Applicant's claim that the site is not the setting of the large number of listed and non-designated heritage assets along West Lavington High Street, in Character Area K [see West Lavington Neighbourhood Plan (First Review) 2017-2036 Character Appraisal Draft 2023].

Three reasons are put forward in the Applicant's Heritage Statement to justify the claim that the site is not the setting of heritage assets in the conservation area, namely:

- 1) Views, or partial views, of these assets from the site, or from the site to the assets, may be blocked due to intervening buildings or hedgerow.

Our response: As regards the intervening hedge behind the assets on the west side of High Street, we saw on our recent site visit that the height of this hedge lies in the control of the owners

of the heritage assets, not the landowner or the developer. Therefore, in our view arguments based on lack of inter-visibility to the effect that the proposed development site is not the setting of heritage buildings on the west side of the High Street in Character Area K lack validity.

As regards heritage assets along the east side of High Street in Character Area K, the Court of Appeal case involving Kedleston Hall shows that historical, social and cultural matters are relevant to the definition of setting, and that direct physical or visual connection is not always necessary to form part of a setting*. This case law, which is reflected in Historic England advice GPA3, is neither referred to nor acknowledged in the Applicant's Heritage Statement, nor in the Conservation Officer's response.

In our opinion the collection of designated and non-designated heritage buildings on both sides of the High street in Character Area K has an integral group value as a collection of heritage buildings. The development site sits in one of the designated 'Special Landscape Areas' shown on the Applicant's location plan below marked 'Crown Copyright All Rights Reserved -Kennet District Council', indicating

that these areas are saved policies. In our view these 'Special Landscape Areas' either side of the High Street partly function as the rural setting of the conservation area in Character Area K. Building on either of them would harm the character and appearance of the conservation area, contrary to relevant provisions in the NPPF para 199, and s.66 and s.72 of the Act [see Appendix].

**See Appendix for extracts from this leading case - Catesby Estates Ltd v Peter Steer -2019] IP & CR5*



Plate 3 Location of study site in relation to key features within the conservation area

- 2) The Applicant claims that there is no contextual association between the site and the heritage assets along the High Street in Character Area K. Our response. This is incorrect. We have been informed that these assets and the proposed development site were in the same ownership [West Lavington Manor] for centuries, until as recently as 1980.
- 3) The applicant claims that the setting of the heritage assets is the High Street, not the open undeveloped areas marked 'Special Landscape Area'.

Our response. In our view both the High Street in front and the open rural setting behind the assets contribute equally to significance. It is still possible to appreciate the topographical reason why the village High Street was established in its present position and in our view the backland proposal would detract from that significance. The proposed development site was part of the farm holding of West Lavington Manor and the heritage assets were also owned by the manor.

They would have housed persons connected to the farming and other rural activities of the owners of the manor. They have an inherent historical connection with the countryside. Today the proposed development site forms part of the village's distinctive rural setting. The proposal would undermine the undeveloped countryside aspect and historical connection, and also the sense of place and sense of rural timelessness. The conservation area and its heritage buildings are experienced from the countryside, and from Strawberry Hill. Important views of the Hill will be blocked or channelled through a narrow part of the proposed development. Moreover, the network of footpaths around the site linking with the rural hinterland may well have been significant historically for access.

Landscape Harm

We challenge the baseline assumptions in the LVIA. In particular we do not consider that GLVIA 3 valuation standards have been adhered to as the important role of the site as the setting for adjacent heritage assets has not been considered. The Applicant's conclusion that the site is not highly sensitive nor distinctive is also at odds with the saved policies designating the site as a Special Landscape Area. We also note that the proposed large

scale backland development is completely at odds with the historically predominant linear settlement pattern in West Lavington.

Conclusions

In CPRE's view the large scale of the proposal and large scale erosion of heritage setting would cause a high level of 'less than substantial harm' (in heritage language) to the setting of the conservation area in Character Area K; and to the character and appearance of the conservation area in Character Area K; and to the setting of designated and non-designated buildings on both sides of the High Street in Character Area K.

We agree with the legal views of Tim Taylor (Khift Ltd) regarding the fundamental un-sustainability of this proposal; and with the policy views of Gemma Ackerman MRTPI, including those regarding the lack of sufficient benefits to justify the high level of adverse impacts identified in her letter in the sensitive context of West Lavington.

We do not consider that there is clear and convincing justification to justify the cumulative impacts at a high level of 'less than substantial' harm to the setting of so many heritage assets in the historic village.

Yours sincerely

Anne Henshaw - Chair - CPRE Wiltshire/

Fletcher Robinson MSc Planning - Regional Planning Adviser - CPRE

(Please see appendices below)

APPENDIX 1

Extracts from the leading case on 'inter-visibility' to determine the extent of setting:

The leading case is *Catesby Estates Ltd v Peter Steer* [2019] IP & CR5. We would cite the following paragraphs from this judgment as a fair summary of the legal position:

26. [It is not the case that] factors other than the visual and physical must be ignored when a decision -maker is considering the extent of a listed building's setting. Generally, of course, the decision maker will be concentrating on visual and physical considerations.....but it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the government recognises the potential relevance of other considerations-economic, social and historical. These other considerations may include for example, "the historical relationship between places". Historic England's advice in GPA3 has broadly the same effect.

29.In every case the decision-maker must apply planning judgment to the particular facts and circumstances, having regard to relevant policy, guidance and advice. The facts and circumstances will differ from one case to the next...

30. The effect of a particular development on the setting of a listed building - where, when and how that effect is likely to be perceived, whether or not it will preserve the setting of the listed building, whether under government policy in the NPPF, it will harm the significance of the listed building as a heritage asset, and how it bears on the planning balance, are all matters for the planning decision -maker, subject of course to the principle that "considerable importance and weight" must be given to the desirability of preserving the setting of the heritage asset. Unless there has been some clear error of law in the decision-maker's approach, the court should not intervene...'

APPENDIX 2

Heritage Protection Overview

s. 66 Planning (Listed Buildings and Conservation Areas) Act ("the Act") requires the council to have special regard to the desirability of preserving or enhancing listed buildings and their settings.

s. 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of designated heritage assets, which includes conservation areas.

NPPF para 199 states that any harm to, or loss of, the significance of a designated heritage asset from development within its setting should require clear and convincing justification.