



# The Planning Inspectorate

Room 3C  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line: 0303 4445282

Customer Services:  
0303 444 5000

Email:  
west2@planninginspectorate.gov.uk

[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Development Services  
Wiltshire Council  
Development Services  
County Hall  
Trowbridge  
BA14 8JF

Your Ref: 19/11356/F

Our Ref: APP/Y3940/W/20/3254189

17 November 2020

Dear Sir/Madam,

Town and Country Planning Act 1990  
Appeal by Mr Geoff Mitchell  
Site Address: 85 High Street, Great Cheverell, DEVI ZES, SN10 5XR

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>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

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:

[https://www.surveymonkey.co.uk/r/Planning\\_inspectorate\\_customer\\_survey](https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey)

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

Yours sincerely,

***Jenni Ball***

Jenni Ball

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*



## Appeal Decision

Site Visit made on 11 November 2020

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 November 2020**

---

**Appeal Ref: APP/Y3940/W/20/3254189**

**Marshfield, 85 High Street, Great Cheverell, SN10 5XR**

- 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 Mr Geoff Mitchell against the decision of Wiltshire Council.
  - The application Ref 19/11356/FUL, dated 15 November 2019, was refused by notice dated 5 June 2020.
  - The development proposed is demolition of existing bungalow and erection of 3 new bungalows.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (i) whether the proposal would enhance or preserve the character or appearance of Great Cheverell Conservation Area (the CA), (ii) whether the proposal would be in a suitable location having regard to development plan policies, and (iii) the effect on biodiversity and trees.

### Reasons

#### *Character and appearance*

3. The CA gains its significance through the presence of several fine historic buildings of a variety of styles and sizes. Informal roadside pavements and vegetation amongst the buildings create a pleasant rural village environment.
4. The 20<sup>th</sup> century bungalow on the site fails to reflect the general historic nature of the CA and so its demolition would cause no detriment to local character. However, the proposed dwellings would be of a similar squat form to the existing building with a strong horizontal emphasis and an absence of architectural features of interest. Furthermore, the proposed units would spread across most of the width of the site and lie above and close to the road. Therefore, they would be more prominent than the existing dwelling and the similar bungalow on the adjacent plot which is set back from the highway.
5. Also, the unit on Plot 1 would lead to the removal of trees and hedges that contribute positively to the street scene. The proposed landscaping would not be so extensive along the roadside boundary and so would not fully compensate for this loss of vegetation. In addition, the reduction in the site's openness as a result of the proposal would emphasise the incompatibility of the development to its context.

6. The layout of the proposal would follow the prevalent pattern of houses facing the road and would avoid parking facilities dominating the street scene. Traditional external materials are proposed and no significant views of the countryside would be affected by the development. However, such factors would fail to address or override the identified concerns regarding the design of the dwellings and their prominence.
7. The development would cause no harm to the setting or significance of the listed building, 92 High Street. However, for the above reasons, it would cause less than substantial harm to the CA's significance. In such circumstances, the National Planning Policy Framework (the Framework) requires the harm to be weighed against the public benefits of the proposal. The development would add to the housing stock and would be a more efficient use of land. However, as only 2 additional units would be provided, these public benefits would be modest and would not outweigh the identified harm.
8. As such, I conclude the proposal would not preserve or enhance the character or appearance of the CA. In this regard, it would be contrary to Core Policies 2, 51, 57 and 58 of the Wiltshire Council Core Strategy 2015 (CS) as well as the Framework. These all aim, amongst other things, to ensure development respects a settlement's character and conserves the historic environment.

#### *Suitability of the location*

9. Great Cheverell is defined as a small village in the CS. The proposal would be limited infilling that would not elongate the built up area nor consolidate a loose knit area of development. However, while it would add to the housing stock, there is no evidence that shows the proposal would meet the residential needs of the village. As such, I conclude it would not be in a suitable location when having regard to CS Core Policies 1 and 2. These aim, amongst other things, to limit new housing in small villages to that which addresses the needs of the settlement.

#### *Biodiversity and trees*

10. The Council advise that local species records indicate bats are present in the area. The existing bungalow has a roof void which could potentially accommodate bat roosts. Also, there is a reasonable likelihood that mature trees on the site would provide bat roosts or foraging ground. As such, the removal of the bungalow and vegetation on the site would cause potential risk of harm to bats, a European Protected Species (EPS).
11. No ecological assessment of the site has been provided and so it is not possible to establish the extent to which bats may be affected by the proposal. In such circumstances, a grant of planning permission would be contrary to advice in paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005. Also, the evidence fails to demonstrate that proposed planting would address any detriment to bats. Therefore, to allow the appeal may be a failure of my duty under the Conservation of Habitats and Species Regulations 2017 to consider whether proposed measures would mitigate any harm caused to EPS.
12. Furthermore, the Irish Yew tree on the site is a noticeable feature of interest in the street scene. While it is proposed to move this tree elsewhere on the site, little information has been provided on how this would be carried out without causing harm to its well-being.

13. For these reasons, I conclude that insufficient information has been provided that demonstrates the proposal would not have a harmful effect on biodiversity and trees or that potential harm could be appropriately mitigated. In this regard, the development would be contrary to the CS Core Policy 50 and the Framework which seeks to avoid harm to biodiversity unless adequately mitigated for.

### **Other Matters**

14. As Wessex Water raise no objection to the proposal, the evidence indicates appropriate surface water drainage could be provided even if ground conditions are unsuitable for infiltration systems. Also, the development would be acceptable in terms of parking, highway safety and its effect on the living conditions of occupiers of nearby properties. Acceptability in all of these regards is a neutral factor rather than a benefit that attracts positive weight.
15. The appellant indicates that the Council is unable to demonstrate a sufficient housing land supply for the whole of its administrative area. Even if this is the case, the application of the Framework policies relating to designated heritage assets provide a clear reason for refusing the proposal. Consequently, the presumption in favour of sustainable development set out at paragraph 11 of the Framework is not applicable in respect of this appeal.

### **Conclusion**

16. The proposal would conflict with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise. For these reasons, I conclude the appeal should be dismissed

*Jonathan Edwards*

INSPECTOR