



Appeal Decision

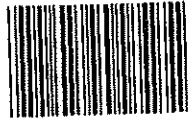
Hearing held on 24 July 2002

AD 2420

by **David Nicholson** BA BArch PGDipBldgCons IHBC RIBA

an Inspector appointed by the First Secretary of State

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Date

2420

15 AUG 2002

Appeal Ref: APP/J3910/A/02/1084005

Former W.C.C. Picnic Area/Toilets, The Plough, Kington Langley

- 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 The Down Trust against the decision of North Wiltshire District Council.
- The application (Ref. 01/02217/FUL) dated 17 September 2001, was refused by the council by notice dated 19 December 2001.
- The development proposed is a Christian meeting hall with ancillary car parking.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. A Unilateral Undertaking was submitted under section 106 of the Town and Country Planning Act 1990 in respect of the site of the existing meeting hall in Goldney Avenue, Chippenham, and I have taken this Undertaking into account in reaching my Decision.

Main Issues

2. I consider that the main issues in this case are the effects of the proposed development on:
 - (a) the character of the locality with respect to the North Wiltshire Local Plan,
 - (b) the sustainable development objectives of the Wiltshire Structure Plan with particular reference to travel patterns,
 - (c) the character and appearance of the area.

Planning Policy

3. The Development Plan for the area includes the Wiltshire Structure Plan and the North Wiltshire Local Plan, both of which were adopted in January 2001. In pursuit of sustainable development, Structure Plan Policy DP1 gives priority to criteria including that of achieving a pattern of land-uses and associated transport links which minimise the need to travel and support the increased use of public transport, cycling and walking. Structure Plan Policy DP9 encourages the appropriate reuse of previously-developed land and buildings.
4. Local Plan Policy RB2 requires new development to maintain or enhance the appearance and character of settlements, to exhibit a good standard of design, and be in scale and harmony with its surroundings. Local Plan Policy RC9 permits development appropriate in the countryside and defines some inappropriate development, including recreation and tourist facilities, that could damage the rural character of the countryside. The supporting paragraphs identify the countryside as those areas outside the framework boundaries of settlements as defined on the Proposals Map.

5. Local Plan Policy RLF1 refers to local facilities and permits the provision of local community, education and recreational facilities within or adjoining the framework boundaries subject to: not harming the amenities of the open countryside, nor demonstrably harming the environment; the proposals being in scale and harmony with adjacent development and with the character, appearance and environment of the area; and an acceptable effect on access, parking and highways.
6. Planning Policy Guidance Note 15 (PPG15): Planning and the Historic Environment sets the framework for Local Plans with respect to listed buildings. PPG15 refers to the duty, under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving a listed building or its setting. I have also had regard to Planning Policy Guidance Note 3 (PPG3): Housing, and to Planning Policy Guidance Note 13 (PPG13): Transport.

Reasons

7. Kington Langley is a small settlement a couple of miles north of Chippenham. The main group of houses in Kington Langley stands to the east of the dual carriageway connecting Chippenham with the M4 motorway. To the west of the dual carriageway is The Plough public house, a small group of houses, a garage and agricultural style buildings. The Plough and the older cottages in the village are typically built of local stone with clay pantile roofs.
8. The appeal site lies to the south of The Plough and was formerly a picnic area with toilet facilities. These toilets have now been demolished and the site has been barricaded against vehicular access. The site is owned by Wiltshire County Council which is committed to its disposal. The eastern side of the site runs along the main dual carriageway, while to the south is a tall evergreen hedge bordering a detached house. The west side curves round alongside Old Plough Lane, also called the Malmesbury Road, while the northern boundary adjoins the car park to The Plough. To the west of Old Plough Lane stand agricultural style buildings, formerly belonging to the Milk Marketing Board, and industrial style buildings connected with Kington Langley Garage. Beyond this grouping is open countryside.
9. The proposed meeting hall is not a use identified by Local Plan Policy RC9 as appropriate in the countryside and the appeal site is well beyond the framework boundary to Kington Langley. On the other hand, the site is entirely surrounded by development although, apart from The Plough and the small group of houses beyond it, I find that the land west of the dual carriageway has more of an agricultural emphasis. I have not been made aware of any policies in the development plan making specific reference to places of worship. Nor have I been made aware of any precedent demonstrating that a place of worship can be an appropriate use for the countryside. I accept that Policy RC9 does not refer to places of worship one way or the other. However, in my opinion 'recreation' is often used to describe any activity not associated with employment. Consequently I find that, of the categories referred to in Local Plan Policy RC9, worship is most closely associated with recreation, a use defined by this policy as inappropriate development.
10. I have noted that, in certain circumstances, Local Plan Policy RLF1 permits recreational facilities adjoining the framework boundaries. However, it refers to local facilities while the proposal is for a Christian meeting hall that could cater for the whole of Chippenham. The site is not directly adjoining the framework boundary. In my view therefore Policy RLF1 does not support the proposal. I acknowledge that the site was previously-developed,

although the remains of any structure have now blended into the landscape. While I accept in principle that some form of development might be appropriate on this site, in my opinion a large Christian meeting hall is a use more usually associated with urban surroundings and, for the reasons given above, would not be appropriate in this location. On this issue I find that the appeal site is outside the framework of any settlement, that the proposal would be an incongruous use in this context, that would harm the character of the locality, contrary to policies RC9 and RLF1.

11. The Down Trust is a group of brethren in the Chippenham area. The brethren, sometimes known by those outside the group as part of the Plymouth Brethren, are divided into a number of halls. There are 3 halls in Chippenham supported by around 35 to 50 brethren. The largest of these is at Goldney Avenue. The brethren gather for worship every day, usually at their local hall but with larger gatherings from time to time, especially on Sundays. The Chippenham halls are closely affiliated with those in Gloucester and Swindon and meet regularly with visitors from these two towns. Ideally there would be a three-week rotation of visits but, due to the limited size of Goldney Avenue, and its parking in particular, this is not possible and a more complicated arrangement of visits is currently in place.
12. The proposed hall would have space for about 700 brethren. The existing hall in Goldney Avenue in Chippenham only accommodates around 500, and this hall would close. For these larger gatherings I was told that extensive car sharing was usual, including the existing arrangement of visits with the halls in Gloucester and Swindon. While I accept that there would be an increase in the number and frequency of brethren visiting the proposed hall compared with the number visiting Goldney Avenue I consider that this would be offset by a reduction in brethren travelling in the opposite directions.
13. At a more local level the proposal would involve the closure of the existing hall in Goldney Avenue and, I was told, roughly half the brethren living near Goldney Avenue would move out to be close to the new hall. I was told at the Hearing that the brethren are committed to their way of life and I accept that it would be the intention of many of them to move. However, Kington Langley is a small settlement where the limited number of houses are at a premium and likely to command high prices compared with those in Chippenham. Consequently it might be difficult for some of the brethren to find suitable accommodation near the proposed hall. As a result I find it likely that there would be an appreciable increase in vehicle movements by car to the proposed hall for daily worship.
14. For larger, mainly Sunday, meetings I have accepted that brethren visiting from other towns would not necessarily lead to an increase in journeys to the proposed hall. However, while some brethren close to Goldney Avenue would have moved to Kington Langley, the brethren in the two remaining Chippenham halls would not have moved. At present these families only travel within Chippenham for these larger Sunday meetings. For the proposed hall they would be obliged to travel the additional 2 miles to Kington Langley, thereby increasing the length of their journeys by private car. Taken together I find that the likely increase in daily and Sunday commuting to the proposed meeting hall would lead to a significant increase in the use of the private car, contrary to the aims of Structure Plan Policy DP1 and advice in PPG13.
15. The proposed hall would be sited towards the south end of the site, away from The Plough. The building would consist of a large meeting room, approximately 22m square, a foyer and toilets of about 21m by 16m, and a smaller area for air-conditioning plant. The meeting

room and foyer would have shallow pitched roofs rising to ridges of about 8.5m and 7m respectively. Roughly the first 3m of the walls, up as far as the eaves to the foyer, would be in natural stone while the upper sections would be clad in a composite timber boarding to resemble weatherboarding. The roofs would be finished with interlocking concrete tiles. I was told at the Hearing that the brethren have suffered from intimidation and vandalism in the past and now prefer to design their new halls, or to alter their existing halls, to remove any windows and to rely on air-conditioning. At Goldney Avenue I saw that the building is unadorned and was told that this style met the needs of the brethren.

16. The stone walls would be rough faced in large plain areas without interruption. To my mind the local vernacular is characterised by stonework punctuated at regular intervals, and I saw no examples of such large areas of unrelieved stonework. Above the stonework would be simulated shiplap cladding panels. I accept that cladding materials are well represented in the area by the agricultural and industrial style buildings to the west of the site. On the other hand, the buildings to the west have a far more utilitarian purpose and appearance which is consistent throughout the buildings. The proposal would use finely finished panels imitating a precisely worked form of timber cladding rather than the more workmanlike, rough and ready finish of the agricultural and industrial style buildings.
17. The roof to the proposed hall would extend to approximately 8.5m in height. It would be finished with interlocking concrete tiles. I accept that concrete tiles are a feature of many of the 20th century cottages nearby. However, the only buildings approaching the scale of that proposed are utilitarian panelled buildings, while concrete tiles are more typical of bungalows and small houses. To my mind the repetition of a material of small-scale units over such large monotonous roof planes would be quite out of context with both its large and small neighbours.
18. In summer the walls might only be clearly visible to the brethren. The roof however, would be visible above the surrounding vegetation, particularly when viewed from the well-used dual carriageway where it would stand well above the predominantly deciduous trees along the east boundary. I accept that the quality of the materials to be employed at the proposed hall could be controlled by conditions. However, in my view irrespective of the material chosen, the sheer unrelenting size of the wall and roof areas would be austere and bland, and out of keeping with the local vernacular and the other buildings in the area.
19. I acknowledge that conditions could be imposed to enhance the landscaping. However, even fast-growing evergreen trees would take some time to reach the height of the proposed roofs. Moreover, while the existing deciduous trees to the east boundary provide natural screening, in my view to extend the tall evergreens on the roadside boundary would simply conceal one monotonous outlook with another. On this issue I therefore conclude that the proposal would be out of keeping and harm the character and appearance of the area contrary to the policies I have referred to above.
20. A listed milestone stands just outside the site boundary. It is rather hidden away by its ivy covering, lies in the highway verge and is well screened from the site. In my view it would remain unharmed by the proposed development. The Unilateral Undertaking would ensure the existing hall was no longer used for worship and, I was told, free the site for beneficial housing. However, no application has been submitted and not only I am I unaware of any other planning considerations for this site but in any event I do not consider that the possible benefits of housing on this site would outweigh the harm I have found.

21. I have noted the appellant's reference to the freedom of worship being a Human Right. However, as dismissing the proposal would not prevent anyone from worshipping I find that no interference with a Convention Right has been established. I was told of the problems of the site of being illegally occupied by travellers. However, I saw that the site is effectively secured and heard that the police have been prompt at enforcing the law in this respect. Furthermore, I do not accept that the fear of one unacceptable development justifies the reality of another. I have considered the concerns of the Highways Authority but find that these could be overcome and note that the council has not cited these as a reason for refusal.

Conclusions

22. For the reasons given above and having regard to all other matters raised, I conclude that on balance the appeal should be dismissed.

Formal Decision

23. In exercise of the powers transferred to me, I dismiss the appeal.

Information

24. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

David Nicholas

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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FOR THE LOCAL PLANNING AUTHORITY:

Mr L Robertson MA BSc(Hons) Dip(UD) MRTPI North Wiltshire District Council
Mr C Brinkman FTHE Wiltshire County Council

INTERESTED PERSONS:

Mr C Doling	40 Hollywood Rd, Bristol
Mr M Rooney	Heathlands, Malmesbury Rd, Kington Langley
Mr P Webber	22 Warren Crescent, Calne
Mr S Turner	Cocklebury Rd, Chippenham
Mr P Smith	22 Boundary Rd, Chippenham
Mr W Turner	32 Brookwell Close, Chippenham
Mr P Pocock	35 Frogwell, Chippenham
Mr P Tyler	1 Genus Cottage, Kington Langley
Mr W Ashman	12 Moors close, Kington Langley
Mr K Abram	Environmental Services Dept, WCC
Mr S Sawyer	The Plough, Kington Langley
Mr J Collins	Lodge Farm, Kington Langley
Dianne Collins	Lodge Farm, Kington Langley
Susan Gwilym	Lodge Farm, Kington Langley Garage, Kington Langley
Mr R Selman	Sunnydene, Kington Langley

DOCUMENTS

Document 1	Lists of persons attending the Hearing
Document 2	Letter of Notification of the Hearing
Document 3	Letters of representation in response to Document 2
Document 4	Council's Statement and Appendices
Document 5	Appellant's Statement and Appendices
Document 6	Extracts from North Wiltshire Local Plan Review 1995
Document 7	Copy of list entry for Milestone
Document 8	Appeal Decision for Plough Lane Nursery
Document 9	Minutes of WCC sub-committee meeting
Document 10	Correspondence regarding Goldney Avenue
Document 11	Appellant's Closing Address
Document 12	Section 106 Undertaking

PLANS

Plans A Application Drawings