



Appeal Decisions

Site visit made on 1 December 2009

by **David Morgan BA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
14 December 2009

Appeal no 1 Appeal Ref: APP/Y3940/A/09/2104739 **Chapel, Church Hill, Donhead St Mary, Shaftesbury SP7 9DL**

- 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 Mrs Karen Tarn against the decision of Wiltshire Council.
- The application Ref S/2009/338/FULL, dated 6 February 2009, was refused by notice dated 12 May 2009.
- The development proposed is create a new vehicular access and the change of use of agricultural land turning and parking area.

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Appeal no 2 Appeal Ref: APP/Y3940/A/09/2104749 **Chapel, Church Hill, Donhead St Mary, Shaftesbury SP7 9DL**

- 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 Mrs Karen Tarn against the decision of Wiltshire Council.
- The application Ref S/2009/339/FULL, dated 23 February 2009, was refused by notice dated 12 May 2009.
- The development proposed is change of use of agricultural land to garden.

Decisions

Appeal no 1 Appeal Ref: APP/Y3940/A/09/2104739

1. I allow the appeal and grant planning permission to create a new vehicular access and the change of use of agricultural land turning and parking area at Chapel, Church Hill, Donhead St Mary, Shaftesbury SP7 9DL in accordance with the terms of the application ref S/2009/338/FULL, dated the 6 February 2009 and the plans submitted with it and as amended, subject to the conditions set out in the schedule at the end of this decision.

Appeal no 2 Appeal Ref: APP/Y3940/A/09/2104749

2. I allow the appeal and grant planning permission for change of use of agricultural land to garden at Chapel, Church Hill, Donhead St Mary, Shaftesbury SP7 9DL in accordance with the terms of the application ref S/2009/339/FULL, dated the 23 February 2009 and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Main issues

3. I consider these to be a) The effect of both development proposals on the setting of the chapel, a Grade II listed building, b) whether or not both proposals would either preserve or enhance the character or appearance of the Donhead St Mary Conservation Area and c) the effect of both developments on
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the character and appearance of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. There is no doubt that the Chapel occupies a prominent position in the landscape at the very periphery of the village, and that it makes a strong and positive contribution to the character and appearance of the Donhead St Mary Conservation Area and to the landscape character of the AONB. Indeed, the visual juxtaposition of the stripped Neo-Classical architecture of the chapel and the gently sloping flank of the valley is almost archetypally Arcadian, and indeed very picturesque.
5. The proposals, which comprise the creation of a sunken and landscaped parking area and the annexation of a portion of rough pasture as additional domestic amenity space, would undoubtedly have an impact on the setting of the chapel, the conservation area and the AONB. The principal effect of the parking area would be to increase the level of landscape cover in the area to the south west of the chapel front. The most conspicuous element of this would be the proposed hedge running from the southern edge of the chapel's raised plinth or base round to the road frontage. The splayed bank and entrance gates would also be prominent in views up and down the lane. The extended garden area, also to be enclosed with hedging, would present a more manicured apron of grass to the chapel's south east flank, which would contrast with the course rustic pasture of the adjacent fields.
6. I agree with the Council that a key feature of the setting of the chapel is its close association with the landscape. And it is clear to me that the relationship of building and its immediate landscape setting would be changed as a result of the appeal proposals. However, having looked at the site from the wider landscape, including from the lane to the farm on the other side of the valley, the approaches to the chapel from the south, and from the footpath, it is the prominence of the pedimented façade and south flank wall of the chapel that chiefly define the presence of the building in the landscape from public views. The lower plinth is generally filtered by the growth of the hedges lining the lanes (even in winter) and even from the footpath the topography of the immediate context and existing planting filter views into the site. In this circumstance, the immediate juxtaposition of habitat and building is not readily apparent. Although the car park entrance would appear more structured than the existing hedge frontage, it would abut the masonry wall of the excising enclosure to the north west, and so sit comfortably as a transition between masonry and more naturalistic hedge bank.
7. Moreover, the Council contend that the proposals would 'divorce' and 'sever' the building from its landscape context; I disagree. The 'media' (rather than materials) used in both proposals are generally organic and mineral, and in my view, it is their detailed application rather than their basic form which will finally determine their impact on the setting of the chapel. With a carefully applied approach to land profiling, choice of species (even seed-type) and design of gates and means of enclosure, the degree of synthesis between domestic and naturalistic elements could be carefully calibrated, and a successful balance achieved that would, after all, honestly reflect the new, and probably irreversible, (and sympathetic) residential use of the building itself.

In my view, the conditions attached to both decisions provide an appropriate framework for ensuring the delivery of such a scheme.

8. These broad conclusions are given a measure more assurance by the example of the former brewery located immediately to the north east of the appeal site. Here an historic industrial building has been converted to residential use and its immediate context laid out as garden. The low-key landscaping has settled comfortably against the open fields which it abuts, without sharp visual discordance or material harm to the character of the conservation area or AONB.
9. Also militating in favour of such a shift in character is the acknowledgment of the full implications of the change in the use of the building from its initial purpose to that of a family dwelling. The existing amenity space afforded the dwelling is limited and located to the north of the site, resulting in it being extensively shaded; there is also limited opportunities for young children to play in its environs. Whilst the existing lay-by on the lane may afford parking for two vehicles, their ubiquitous presence cannot be said to enhance the setting of the listed building. The proposals will afford the opportunity for them to be discreetly located off the street scene, whilst the area of proposed garden would afford a limited south-facing amenity and play area.
10. On this basis I conclude that though the setting of the chapel would be changed as a result of the proposals, and reflect to a degree the changed use of the building, this would not constitute material harm to its setting. In the absence of such harm, I also conclude the joint proposals would preserve the character and the appearance of the conservation area and so the cultural heritage of the AONB. The proposals therefore accord with policy G1 of the Replacement Salisbury District Local Plan (RSDLP) specifically criterion iii thereof, and with policy G2, specifically criterion iv of the same. They are also compliant with policy CN3 of the RSDLP, specifically criterion i thereof and policy CN5 of the same. The proposals also accord with policies CN8, CN10 and CN11 of the RSDLP. On this basis therefore, I consider the proposals would preserve the character and appearance of the Donhead St Mary Conservation Area in accordance with the requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. They would also be consistent with Government policy in relation to development control decisions in nationally designated landscape areas set out in paragraph 21 of Planning Policy Statement 7 *Sustainable Development in Rural Areas*.
11. For the reasons set out above, and having considered all matters raised, I conclude that both appeals should be allowed.

Conditions

12. With regard to appeal no1 I attach conditions requiring the submission of a detailed hard and soft landscaping scheme with management details, details of earthworks and the removal of permitted development rights to ensure a satisfactory appearance to the development, and conditions restricting the gradient of the access way and location of the entrance gates in the interests of highway safety. With regard to appeal no 2 I attach conditions requiring the submission of details of the boundary treatment and a condition removing permitted development rights, both to ensure a satisfactory appearance to the

development. I have not added the condition suggested by the Council in relation to samples of materials to be used for the construction of the steps proposed on the south eastern side of the platform or plinth of the chapel as these works have been addressed in a separate application for listed building consent.

David Morgan

Inspector

Schedule of Conditions

Appeal no1 Appeal Ref: APP/Y3940/A/09/2104739

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority, the details of which shall include:
 - a) indications of all existing trees and hedgerows on the land;
 - b) details of any trees/hedgerows to be retained, together with measures for their protection during the course of development;
 - c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed works;
 - d) finished levels and contours;
 - e) means of enclosure;
 - f) car parking layout;
 - g) other vehicle and pedestrian access;
 - h) hard surfacing materials;
 - i) details of refuse and recycling storage, other storage units and lighting;
 - j) proposed and existing functional services above and below ground, including drainage, power, communication cables, pipelines and manholes.
- 3) All soft landscaping works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the car park area or upon the completion of the development, whichever is the sooner; all shrubs, trees and hedge planting shall be maintained free of weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall be carried out in accordance with the approved details prior to the first use of the car park or upon the completion of the development, whichever is the sooner.

- 4) No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and moulding of land areas, including the levels and contours to be formed, and the nature and the nature of the material, showing the relationship of proposed moulding to existing vegetation and surrounding land form. Development shall be carried out in accordance with the approved details prior to the first use of the car parking area or upon the completion of development, whichever is the sooner.
- 5) The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5m from the junction of the public highway.
- 6) Any gates shall be set back 4.5m from the edge of the carriageway, such gates to open inwards only
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within part 1, Classes E – H (outbuildings and other structures) shall take place within the extended part of the curtilage hereby permitted.

Appeal no 2 Appeal Ref: APP/Y3940/A/09/2104749

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the first use of the garden or upon the completion of the development, whichever is the sooner. The development shall be carried out in accordance with the approved details.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within part 1, Classes E – H (outbuildings and other structures) shall take place within the extended part of the curtilage hereby permitted.