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## Appeal Decision

Hearing Held on 7 August 2019

Site visit made on 7 August 2019

**by H Miles BA(hons), MA, MRTPI**

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

**Decision date: 19 September 2019**

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**Appeal Ref: APP/Y0435/W/18/3219375**

**Wilton Hall, Wilton Avenue, Bletchley MK3 6BN**

- 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 G Sewell of Clovercourt Homes (Ebury) LLP against the decision of Milton Keynes Council.
  - The application Ref 18/01422/FUL, dated 11 June 2018, was refused by notice dated 19 December 2018.
  - The development proposed is removal of existing function hall and erection of six detached dwellings with car parking, car port, cycle and bin storage.
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### Decision

1. This appeal is dismissed.

### Procedural Matters

2. During the course of this appeal Milton Keynes Council formally adopted Plan:MK 2016-2031 Adopted March 2019 (Plan:MK) and the West Bletchley Neighbourhood Plan 2016-2026 Final Version October 2018 (the NP) was made. The parties have had the opportunity to submit comments on the relevance of Plan:MK and the NP to this case. I have taken these Plans into account in my decision.
3. Following the Council's decision on the application that led to this appeal there have been revisions to the National Planning Policy Framework (the Framework) contained in the new version published in February 2019. No changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.

### Main Issues

4. The main issues are:
  - The effect of the proposed development on the character and appearance of the area having particular regard to the effect on the setting of nearby listed buildings and whether the proposed development would preserve or enhance the character or appearance of the West Bletchley Conservation Area (the CA); and

- The effect of the proposed development on the provision of community facilities in the area.

## Reasons

### *Character and Appearance*

5. The CA derives its significance from both the buildings and historic uses associated with Bletchley Park (BP) and the Government Code and Cypher School (GC&CS) for wartime operations and also from the buildings associated with the core of Old Bletchley. Although varied, these areas have a distinctive character.
6. Wilton Hall is a WWII era building and was originally constructed as an Assembly Hall for educational and social purposes for the GC&CS. It was most recently in use for broadly the same purpose for public use. The fact that such a building was required is indicative of the size of the wartime operations within BP. It adjoins the residential property at 5 Wilton Avenue with the 'Canteen building', also WWII era, adjacent. A further WWII era building, the women's quarters is on the corner of Wilton Avenue and Sherwood Drive and is in use as a driving test centre. Wilton Hall sits outside the current BP trust boundary, and the Wilton Avenue entrance to BP is closed. However, its non-domestic appearance in the context of the other non-domestic buildings on Wilton Avenue result in its character and appearance being clearly associated with BP.
7. Wilton Hall has been extended and altered since its original construction. Nevertheless, these extensions and additions are mainly secondary in form.  The scale, form and non-domestic use of the original building remains legible and parts of it are visible in public views. Nor does the fact that the building is in private ownership have a notable bearing on its significance. Consequently, both the appearance of the building and its use make a positive contribution to the character and appearance of the CA.
8. Bletchley Park House is the main house in BP and is Grade II listed. It predates the wartime buildings and part of its significance stems from its historic appearance. It also derives significance from its use as the headquarters of the WWII operational centre. The House is at the core of the BP site, and the surroundings in which it is experienced extend to BP more widely including the WWII era buildings which formed part of the GC&CS. The extent of this setting allows appreciation of the scale of the activities associated with BP with the listed building at its centre. Although the Wilton Avenue entrance is closed, this functional and historic association would nonetheless include Wilton Hall.
9. The gate piers, gates, walls and railings at Park Lodge are Grade II listed and derive their significance from their historic detailing and also their use as the original southern entrance to BP. Their functional and historic setting therefore includes the entrance to BP along Wilton Avenue. The appeal site is readily visible in public views along this route. In this respect, the non-domestic appearance of the hall, its historic and current community use, and its value in demonstrating the scale of operations at BP make a positive contribution to the setting of these listed buildings.
10. Rectory Cottages date from the 15<sup>th</sup> century and are Grade II\* listed. Based on the evidence before me their significance is due to their traditional detailing and form. This significance can be appreciated in public views of site, including

across the adjacent public space. The appeal site is visible in the background of views of the Cottages, although Rectory Cottages are not easily appreciated in views from Wilton Avenue. Therefore, the scale and form of Wilton Hall makes a contribution to the setting of this listed building.

11. The historic appearance of The Rectory and Stable Block to Rectory leads to its significance. It is set back from the road and is not easily visible in public views. The Wilton Hall site would not form a notable part of the views in which significance of this building is appreciated. Consequently, the appeal site does not affect the setting of this listed building.
12. The houses on the opposite side of Wilton Avenue are generally detached, two-storey, family sized housing with pitched roofs. They are set back from the road with relatively generous plots. The design detailing to these dwellings is not uniform.
13. The proposed development would involve the total demolition of Wilton Hall, and the loss of its existing use. It is accepted by the appellant that this building is not of no heritage significance, indeed, both the building and its use make a positive contribution to the CA and the setting of the listed buildings at Park Lodge and Bletchley Park House for similar reasons.  such its loss would harm their significance.
14. Wilton Hall currently provides a backdrop of built development in some views of Rectory Cottages. Given its distance from these listed buildings, the scale and siting of the proposed development would not be so changed from the existing building so as to visually compete with Rectory Cottages. Any domestic paraphernalia in the proposed rear gardens would be at a distance and likely to be of a scale that would not affect these views. As such I do not find harm to the setting of Rectory Cottages as a result of the proposed development.
15. Nonetheless, the proposed development would not preserve or enhance the character or appearance of the CA and would harm the setting of the listed buildings at Park Lodge and Bletchley Park House. I attribute considerable importance and weight to this harm given the importance of these heritage assets and the statutory and planning policy protection afforded to them. Due to the scale of the appeal site in the context of the wider BP site, I agree with the main parties that this harm would be less than substantial.
16. Policy BP3 of the NP resists the loss of sites that were part of the GC&CS, unless certain exceptions can be met. These include that open marketing over at least 2 years evidences that no viable economic use can be found, and that no third party will take on the conservation and maintenance of the site.
17. Marketing evidence has been provided that shows that the site was marketed for a period of 17 months (1 September 2015 to 22 February 2017). The marketing was 'confidential' which I heard means that the sale/lease of the building was not advertised online or by way of estate agent boards. Marketing was therefore by way of contact from the estate agents and the evidence shows that the parties contacted included hospitality contacts and nurseries. It has also been brought to my attention that although the site was marketed as a banqueting and function venue the sales details include the description 'development potential- possible alternative uses potential'.

18. Whilst I appreciate that there was a commercial reason that this marketing was not 'open', this means that the parties who could be made aware about the sale/lease were limited to those contacted by the estate agent. Although others could have come forward, it is not clear how they would know the building was available for sale/lease. As such this evidence does not demonstrate that no viable economic use for the site can be found in the terms of NP Policy BP3. It is put to me that alternative uses for the existing building may result in further changes to the fabric of the building. However, I am presented with limited evidence in this regard. Nor am I presented with evidence to indicate that no third party would take on the conservation and maintenance of the site.
19. The proposed dwellings would be detached family sized houses fronting the road with private front and rear gardens. As such their scale, form and spacing would be broadly reflective of the surrounding residential properties. Although the proposed materials would be more contemporary in their appearance, given the existing properties are varied in their detailed design, I do not find harm in this respect.
20. Consequently, the proposed development would have a harmful effect on the character and appearance of the area having particular regard to the harm to the setting of the nearby listed buildings and that the proposed development would neither preserve nor enhance the character or appearance of the CA. Therefore, in this respect, the proposed development would be contrary to the policies I find to be most relevant to this main issue: Policy HE1 (Heritage and Development) of Plan:MK and Policies BP3 (Protection of Important Sites and Buildings), D1 (Local Character) and D2 (Design and Amenity) of the NP.
21. The Bletchley Conservation Area Review (Consultation Draft) was submitted at the hearing. This document allocates Wilton Hall as being inside the Bletchley Park (Museum) area (Character Area 1) at Map 3 and an 'unlisted building which makes a group contribution to the character and appearance of the conservation area' at Map 5. However, it is also said to be inside the Suburban Domestic area (Character Area 2) at paragraphs 3.13 and 3.14 and outside the furthest extent of the WWII boundary in Map 4. This document takes the form of a consultation draft dated from 2010 which, it was stated at the hearing, had not been progressed. Given the age and status of this document and the contradictions set out above I afford it limited weight in my conclusions.
22. The Framework requires harm to be weighed against the public benefits of the proposal including securing its optimum viable use. In this case the provision of six family sized dwellings would have economic benefits associated with their construction and the spend within the local economy from new residents, financial benefits in terms of council tax income and new homes bonus. It is not in dispute that the Council has at least 5 years' housing land supply. The site would be close to public transport links and would be a small site comprising previously developed land. There is also the potential to provide interpretation to allow viewers to understand the site and its relationship to BP.
23. Most of the benefits listed above are not specific to this site or proposal, and the scale of the benefits associated with six dwellings, is somewhat limited. Whilst signage could allow a better understanding of the historic value of the site, this value would be notably diminished if the original building and use were lost. As detailed above I am not satisfied that no viable economic use for the site can be found based on the evidence before me. Therefore, I am not

persuaded that the proposed development would represent an optimum viable use of the site.

24. I have balanced these public benefits against the less than substantial harm identified above. I have had special regard to the desirability of preserving the setting of the listed buildings and I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA by attaching considerable importance and weight to them. Therefore, for the reasons above, the public benefits do not outweigh the harm to the setting of the listed buildings and that the proposed development would neither preserve nor enhance the character or appearance of the CA, identified above. Accordingly, the proposal would also fail to comply with national guidance in the Framework.

### *Community Facility*

25. Policy CC3 of Plan:MK allows two exceptions to the loss of a community facility. One being where there is no longer a need for the facility for any type of community use. Policy C1 of the NP also sets exceptions where the loss of a social and community use would be acceptable including where the services provided by the facility are no longer required and it can be demonstrated that the site has been actively marketed for an alternative social or community use for at least twelve months.
26. I have seen marketing evidence, as discussed above, which covers a twelve-month period. However, given the limitations of the marketing due to its confidential nature, it was essentially constrained to alternative hospitality uses and nursery use.
27. I have received a number of representations in respect of a need for the services provided by this facility and indeed, whilst I appreciate that the venue has competition from other venues with a similar offer, I understand that it was still receiving bookings at the time of the application, although trading ceased in February 2019. It was put to me that the previous use was no longer viable, although I am not provided with substantive evidence to demonstrate this.
28. A lack of interest in the marketing campaign may be indicative of a lack of demand, however this may also relate to other factors. Therefore, I do not accept that a lack of need for this facility for any type of community use has been robustly evidenced by research and consultation. 
29. Both of the Policies listed above also provide for exceptions relating to whether this need can be served in an alternative location. The NP requires that the alternative is within the Parish and that it is equally accessible to the local community.
30. A list of existing community facilities within the parish was agreed by the main parties at the hearing. It was put to me that by reason of their capacity and in some cases, their ownership, these facilities are not equally accessible. I accept that the need for a large community hall is not served by these facilities. I have also been provided with a list of community facilities, which include those outside the parish, and I note that some of these are close to the appeal site. However, their size and accessibility are in dispute. As such, based on the evidence before me, this would not outweigh the conflict with the development plan policies outlined above.

31. Consequently, the proposed development is contrary to development plan policy. The benefits of the development are set out above. However, for the reasons outlined at paragraph 22 they do not amount to considerations which would indicate that planning permission should be granted.
32. For the reasons above, the proposed development would have a harmful effect on the provision of community facilities in the area. In this respect, it would be contrary to Policy CC3 of Plan:MK and Policy C1 of the NP, the aims of which are set out above.

### **Other Matters**

33. Evidence has been submitted to me in relation to an appeal at the Canteen Building<sup>1</sup>. I am provided with limited information in terms of the evidence that was before the Inspector at the time. Furthermore, this decision was dated 2012 and is therefore not subject to the current development plan policies. As such I attach limited weight to these specific circumstances. Nevertheless, I broadly agree with the Inspector's conclusions that both the Canteen Building and Wilton Hall make a positive contribution to the Conservation Area. I observed that the Canteen Building is vacant and appears to be in a poor state of repair. However as set out above I am not satisfied that no viable economic use can be found for the appeal site. As such, alternative use would ensure the building remained occupied and maintained.
34. I heard views that the existing operations have been run with consideration for neighbouring living conditions, albeit I recognise there are some existing concerns with matters such as noise and traffic. I appreciate neighbours' concerns that a future operator could run the venue in a way that was harmful to residents living conditions in respect of these matters. However, I am not presented with detailed evidence that this would be likely to be the case.
35. I note that only one tree would be removed as a result of the proposed development. This tree is category U – which means that it is in such a condition that any existing value would be lost within 10 years and which should be removed for reasons of sound arboricultural management. In the event of planning permission being granted the main parties accept that a condition requiring the protection of trees would be included. As such I do not find harm in this regard.
36. There is a footpath that runs between the appeal site and 5 Wilton Avenue. This is outside the boundary of the appeal site and the proposed development does not include any alteration to this access.
37. I have been provided with the Council's pre-application response relating to 'change of use from function hall to 6 additional flats', based on development plan policy which is no longer up to date. This is a notably different scheme to that before me now and it is clearly stated in the letter that this advice cannot 'be held to prejudice formal determination of any planning application'. Therefore, this information is not determinative in my decision.

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<sup>1</sup> APP/Y0435/A/11/2164977

## **Conclusion**

38. For the reasons set out above, this appeal should be dismissed.

*H Miles*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

|               |                               |
|---------------|-------------------------------|
| Emma Adams    | Emma Adams and Partners       |
| John Devanely | Manni Family                  |
| Sarah King    | AKT Planning and Architecture |
| Gary Sewell   | Clovercourt                   |
| Mark Shepherd | Clovercourt                   |

### **FOR THE LOCAL PLANNING AUTHORITY**

|                  |                                                     |
|------------------|-----------------------------------------------------|
| Lakeisha Peacock | MKC Planning – Planning Officer                     |
| Simon Peart      | MKC Planning – Conservation and Archaeology Manager |

### **INTERESTED PERSONS**

|                |                           |
|----------------|---------------------------|
| Peter Chilvers | Interested Party          |
| Liam Costello  | West Bletchley Council    |
| Andrew Hiorns  | West Bletchley Council    |
| Dr P Jarvis    | Rectory Cottages Trust    |
| William Malins | Resident                  |
| Howard Plummer | Resident                  |
| Amy Plummer    | Resident                  |
| Allan Rankine  | Bletchley Park Councillor |
| Fiona Storey   | Resident                  |
| Derek Storey   | Resident                  |
| Elaine Wales   | Bletchley Park Councillor |

## **DOCUMENTS**

Bletchley Conservation Area Review (Consultation Draft)

List of existing community facilities within the parish

Annotated extracts from Bletchley Park, English Heritage

Council's letter of notification of the hearing and list of neighbours notified