

# Lydiard Park Heritage Trust

29 August 2017

Mrs Sarah Smith  
Senior Planner  
Swindon Borough Council  
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Dear Mrs Smith

**Re: S/16/1832 | Erection of 4no. dwellings and associated works. | Land at Brook Cottage Hay Lane Grange Park Swindon SN5 3PA**

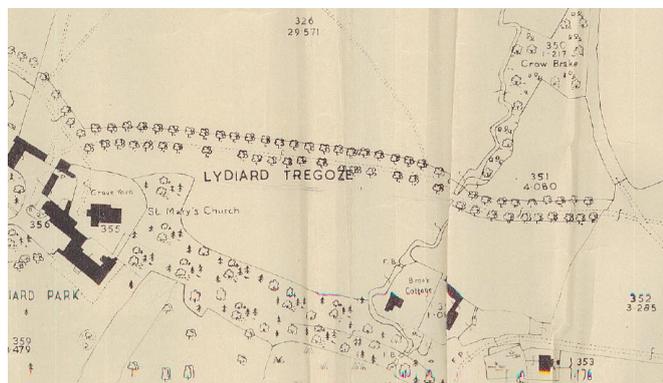
As the preferred bidder to take on the management of Lydiard Park and House, the Lydiard Park Heritage Trust wishes to register its strong objection to the building of a housing estate within the Essential Setting of Lydiard Park. Its proposed location is immediately to the left of the main drive to the Grade one St. Mary's Church and Grade one Lydiard House. These large modern houses would be highly visible from within Lydiard Park and permanently change people's experience of the country estate.

The Essential Setting was identified and agreed by SBC in June 2002 as part of the Lydiard Park Restoration and Development plan. This formed SBC's bid to the Heritage Lottery Fund for £3.1m to restore the Park. It is designed to identify the minimum area required to protect the registered landscape by maintaining the rural context of the Park.

**Building at Brook Cottage would cause considerable harm to the 'Heritage Experience' of the Park and the temporary screen the current owner has allowed to grow in an unmanaged fashion should be removed.**

The applicant is suggesting that any harm caused would be 'minimal' due entirely to the hedge that he has allowed to grow into what can only be described as an 'eyesore'. He makes no mention of the visual impact of the proposed houses from within the Park and, in particular, from the lakeside walk along the Dam Wall.

The conscious abandonment of the temporary screening hedge, which separates the 'gamekeepers house' known as Brook Cottage from Church Lane, has resulted in it damaging the formal avenue of limes and spoiling the entrance to the Park.



**Registered Office:** Wood Farm House, Swindon Road, Wroughton, Wiltshire SN4 9BZ

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**Patrons:** Robert Buckland MP and Anthony St. John

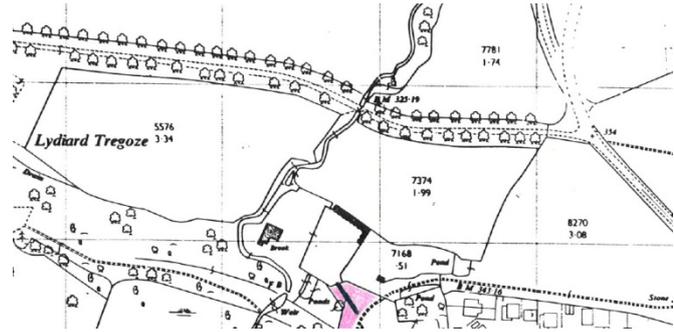
**Trustees:** Gary Bond; Mike Bowden (Chair); Sarah Finch-Crisp; Kevin Fisher; Richard Howroyd; Daniel Rose; Per-Axel Warensjo (Vice Chair)

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Church Lane was once lined with elms which, due to Dutch Elm Disease, were replaced with an avenue of limes in the 1970's.

The plan to the right and on the previous page (the first dated 1924 and the second 1984) provides a graphical representation of how the avenue should look today.

However, as a result of the hedge that once lined the northern perimeter of the game-keepers cottage being allowed to grow out of control, the entrance to the park looks unkempt.



Indeed the applicants own arboricultural assessment states on page 2 "species are mostly field maple<sup>1</sup>..." and, "this feature may have originally been intended as a boundary hedge, but has been left unmanaged..." and, "due to shading from the adjacent avenue of larger and older lime trees along the drive to Lydiard Park, most of the Brook Cottage North boundary screen has developed a marked bias to south..."

It is clear to us that this temporary unmanaged screen, far from providing a poor justification for allowing the application, should be removed and, as such, we hope that Swindon Borough Council will consider imposing an order on the owner to reduce it to the intended 'boundary hedge' size as described in the applicants own report.

## **To allow the application would be an error in law under the NPPF**

We are sure you are aware of the recent High Court ruling (*Steer v SSCLG*)<sup>2</sup> where a judge ruled that an Inspector had used an artificially narrow approach (visual only) to the issue of 'setting' and in adopting this approach had made an 'error of law'.

The ruling found that; whilst a physical or visual connection between a Heritage asset and its setting will often exist, it is not essential or determinative. The term 'setting' is not defined in purely visual terms in the NPPF which refers to the "*surroundings in which a heritage asset is experienced*". The word "*experienced*" has a broad meaning, which is capable of extending beyond the purely visual.

The 'Essential Setting' of Lydiard Park is about the 'Heritage experience' and not the 'look'. Therefore, given that this proposal is to build houses immediately next to the registered driveway, and use Church Lane for access, 21st century houses will be experienced as though within the Park which will cause considerable harm to the 'heritage experience'.

<sup>1</sup> note; the average life-span of field maple is half that of lime

<sup>2</sup> <http://planninglawblog.blogspot.co.uk/2017/06/setting-of-listed-building.html>

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# *Lydiard Park Heritage Trust*

**Full Council approved a motion in September 2016 expressing its ‘unequivocal objection’ to Taylor Wimpey’s proposal to build within the Essential Setting**

Last year full Council voted (almost) unanimously to oppose Taylor Wimpey’s proposal to build a housing estate on land just within the Wiltshire Planning Authority but adjacent to Lydiard Park and within its Essential Setting. It read:

*“This Council notes with grave concern the planning application by Taylor Wimpey to build in view of St Mary’s Church and Lydiard House within the area of Wiltshire Council.*

*This Council requests that the Cabinet Member responsible for Lydiard write to the relevant Wiltshire Council planning committee expressing this Council’s unequivocal objection to such a development.”*

As a result, and following widespread and well argued opposition, Taylor Wimpey withdrew their application. The current Brook Cottage application and the former Taylor Wimpey application both propose to build within the Essential Setting of Lydiard Park and both would cause harm to the heritage experience and a successful application by Brook Cottage would no doubt encourage Taylor Wimpey to reapply.

In conclusion, as the likely future operators of Lydiard Park, we trust that the Planning Committee of Swindon Borough Council will heed our primary principle of operation - *to preserve and protect the Heritage experience of Lydiard Park for now and for the future* and continue its solid opposition to the urbanisation of Lydiard Park.

Yours Sincerely

Mike Bowden

Chair, Lydiard Park Heritage Trust

cc. Robert Buckland MP

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