The Planning Inspectorate

# Appeal Decision

Site visit made on 8 March 2016

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 12 May 2016**

**Appeal Ref: APP/J1860/W/15/3137978**
**Land adjacent to Basket Weaver's Cottage, Clevelode, Worcs WR13 6PD**

- 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 Cliff Hayes against the decision of Malvern Hills District Council.
- The application Ref 15/00385/FUL, dated 18 March 2015, was refused by notice dated 3 September 2015.
- The development proposed is the erection of one detached dwelling.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The South Worcestershire Development Plan (SWDP) has been recently adopted which the Council has brought to my attention. No response was made by the appellant on this matter. For the sake of correctness, the Council was asked for copies of the policies of the SWDP, identified as emerging in the Council's reasons for refusal, and a schedule of the superseded policies of the Malvern Hills District Local Plan 2006. The appeal has been determined on this basis.

3. With the adoption of the SWDP, Policies DS1, DS3 and DS14 of the Malvern Hills Local Plan 2006 have been superseded. The emerging policies that are now adopted are SWDP 1, SWDP 2 and SWDP 4 of the SWDP. With the adoption of the SWDP, there is no evidence before me to indicate that housing land supply policies are not up-to-date and therefore the fourth bullet point of paragraph 14 of the National Planning Policy Framework (the Framework) is not engaged.

4. The Council choose to submit evidence on housing land supply at a late stage in the appeal proceedings. This has not been accepted given that they had an earlier opportunity to do so when bringing to my attention the adoption of the SWDP.

## Main Issues

5. The main issue is whether the proposal (a) would preserve or enhance he setting of a listed building and (b) would amount to sustainable development, having regard to national and local planning policy.

## Reasons

*Setting of a listed building*

6. The appeal site comprises an area of largely grassland that rises in height behind Basket Weaver's Cottage, a listed building, and is adjacent to a row of two storey dwellings. Within the site, there is an existing storage building that has been extended in an adhoc manner and hardstanding. A small part of the site has also been laid out for the growing of vegetables. The settlement of Clevelode comprises traditionally designed dwellings within a rural context and lies within an area of designated countryside under the SWDP.

7. Section 66(1) of the Planning (Listed buildings) and Conservation Area) Act 1990 indicates special regard shall be paid to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historical interest which it possesses. The listing description indicates that Basket Weaver's Cottage was a former store or agricultural building dating back to probably 18th century and was used as a basket-making workshop from the 1880s. It is constructed with a timber-frame, with red brick noggin and tall brick plinth and a clay tile roof. The building is partially set within a slope that rises up to the appeal site and the storage building sited upon it.

8. Historically, both parties have confirmed that the appeal site has been used for the purposes of basket weaving and based on my site visit, it has a largely undeveloped rural character and appearance. It provides a visible background to the listed building by reason of the way that it rises above it. It is these visual, functional and historic characteristics which are relevant to the contribution of setting to the significance of the listed building.

9. By reason of its utilitarian design and state of disrepair, the storage building is not attractive, detracting from the setting of the listed building. The proposal would remove the storage building and replace it with a one and half storey dwelling utilising its existing footprint. The dwelling would be traditionally designed to reflect the design of the listed building. The implementation of landscaping including an orchard could be conditioned.

10. However, the residential development, including a double garage and hardstanding for vehicle parking and turning, would overall be of far greater scale and extent than the existing building and hardstanding. Whilst the existing built development is not attractive, the appeal site retains a rural feel emphasised by grassland around it which would be significantly diminished by the proposed development. Furthermore, the dwelling would be associated with domestic paraphernalia, such as parked cars and outside clothes lines. Therefore, the proposal would have an adverse effect on setting greater than the existing development and would result in less substantial harm under the Framework.

11. Paragraph 134 of the National Planning Policy Framework states where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as a listed building), this harm should be weighed against the public benefits of the proposal. The proposal would provide some economic benefits by reason of the dwelling's construction and income from future occupants on goods and services in the area adding to slight increase in vitality. Landscaping would provide visual and ecological benefits. Nevertheless, such benefits would be limited by reason of the single

dwelling proposed and time required for landscaping to be established. In the balance, the benefits have to be weighed against the adverse impact on the listed building for which considerable importance and weight has to be attached. In this regard, while the harm to the significance of the listed building is less than substantial, the public benefits would not be sufficient to outweigh that harm for the proposal. In summary, the proposal would fail to preserve or enhance the setting of a listed building.

*Sustainability*

12. In respect of the site's location, paragraph 55 of the Framework states that local planning authorities should avoid isolated new dwellings in the countryside unless there are special circumstances. In terms of 'isolated', the dwelling would be within a village but there are no local services and facilities within it. The nearest services and facilities lie at Malvern, about 3km away. The appellant has indicated that a local bus service runs through "Clevelode Crossroads" which people can use. Services operate Monday to Saturday from early morning to early evening during the working week. Although the appellant has walked to the crossroads, the distance, exposure to the elements along much of the route and the absence of a footway with street lighting would be likely to discourage most people.

13. The Framework does acknowledge that opportunities to maximise transport solutions will vary from urban to rural areas. However, set against this, accessibility to services and facilities would be poor because of the significant distance of the dwelling to the nearest settlement and the difficulties of accessing public transport. For these reasons, the dwelling would be isolated which should be avoided under paragraph 55 unless there are special circumstances. The appellant states the four circumstances listed are not exhaustive and the development can be justified on sustainability taking into account its definition in the Framework which is reflected in Policy SWDP 1 of the SWDP.

14. Policy SWDP 1 of the SWDP requires the local planning authority to take a positive approach to sustainable development taking into account three dimensions: economic, social and environmental.

15. Environmentally, the development would harm a heritage asset for the reasons indicated previously for which considerable importance and weight has to be attached to. Set against this, a previously developed site would be made use of and the dwelling would be sustainably constructed. Landscaping including an orchard would provide some visual and ecological betterment. However such considerations would represent limited benefits given the proposal would be for a single dwelling and landscaping would take some time to establish. In terms of vehicle generation, my attention has been drawn to a fallback position in that the site could be let on a commercial basis but there is no documentation to confirm the lawfulness of any such use. Accordingly, the weight to be attached to this consideration in my decision is limited. In the balance, the harm to the heritage asset would outweigh the limited benefits and the environmental role would not be achieved.

16. Turning to the social role, the dwelling would boost housing supply providing for present and future generations. In terms of vitality, the proposal would provide a family sized dwelling and the occupiers could contribute to village life. Nevertheless, these benefits would again be limited by reason of a single

dwelling being proposed. In the balance, the dwelling would have poor accessibility to local services and facilities for the reasons indicated which would outweigh the limited benefits.

17. There would be some economic benefits but these would be limited by reason of size of the development. However, to achieve sustainable development, economic, social and environmental roles should be sought jointly and simultaneously to achieve sustainable development. For the reasons indicated, the environmental and social roles would not be achieved. Accordingly, the inability to meet all of the mutually dependent roles of planning means that the proposed development would not be sustainable development contrary to Policy SWDP 1 of the SWDP.

18. Turning to other development plan policies, Policy SWDP 2 of the SWDP identifies the appeal site to be within land beyond any development boundary where development will be strictly controlled and limited to certain categories of development. As the development would not fall within any of these categories of development, it would be contrary to this policy. The proposal would also be contrary to Policy SWDP 4 of the SWDP because it would not minimise the demand for travel and offer genuinely sustainable travel choices for the reasons previously indicated.

*Other matters*

19. My attention has been drawn to two allowed decisions of residential development at Lovington Lane and Matley Road in Lower Broadheath. In both decisions, the Inspectors found no harm to the environmental role of sustainable development but they did not consider the setting of a listed building. For these reasons, these appeals can be distinguished from that before me and in any case, every proposal has to be considered on its individual planning merits.

**Conclusion**

20. In conclusion, the proposal would conflict with Policies SWDP 1, SWDP 2 and SWDP 4 of the SWDP and the Framework, and would fail to preserve the setting of a listed building. Having regard to local and national policies, it would not amount to sustainable development taking into account the harm to the setting of a heritage asset.

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

*Jonathon Parsons*

INSPECTOR