

Appeal Decision

Site visit made on 21 November 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 25th November 2016

Appeal Ref: APP/K2420/W/16/3156057

Land south of Cadeby Hall, Main Street, Cadeby CV13 0AX

- 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 Nigel Salt against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 16/00386/FUL, dated 26 April 2016, was refused by notice dated 23 June 2016.
 - The development proposed is erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The reasons for refusal as stated on the planning decision notice refer to the Saved Policies of the Hinckley and Bosworth Local Plan 2001 (the LP). Since the planning application was decided the Site Allocations and Development Management Policies DPD July 2016 (the SADMP) has been adopted. The Council has confirmed that the LP is no longer part of the development plan and that the Supplementary Planning Guidance on New Residential Development is no longer part of the supporting planning guidance. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the Cadeby Conservation Area (the CA), on Cadeby Hall (the Hall) and its setting; and the effect of the proposed development on highway safety.

Reasons

Character and appearance

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this appeal the development plan comprises the Core Strategy Development Plan Document 2009 (the CS) and the SADMP.
 5. The CS recognised Cadeby as a Rural Hamlet. The appeal site is within the grounds of the Hall. It lies outside the settlement boundary as identified in the SADMP but within the CA. The unique character of the settlement is derived
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from its agricultural origins and its rural location. It contains many historic buildings and several medieval timber framed buildings. Particular features of the CA are the key spaces and the large number of woodland trees within and on the edge of the settlement.

6. The Hall and its associated buildings are set within large undeveloped grounds served by a tree-lined drive from the A447. The size, appearance of the Hall and its extensive grounds identify it as a high status building. The land between Cadeby Hall and the A447, including the appeal site, is identified as a key open space in the CA Appraisal and there is a belt of trees alongside the A447. Both the Hall and its setting contribute positively to the character and appearance of the CA and its significance. The grounds of the Hall to the north of the appeal site are identified as Formal Park under Policy DM8 of the SADMP.
7. The original Hall was destroyed by fire and re-built in the early 19th Century. It is identified as an Unlisted Building of Local Historic or Architectural Importance in the CA Appraisal. The Hall complex also includes a converted barn, outbuildings, stables and garaging mostly of red brick and clay tile, a small Dutch barn, and a swimming pool.
8. The Planning (Listed Buildings and Conservation Areas) Act, 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of designated heritage assets. Policy DM10 of the SADMP seeks to ensure developments respect the character of the surrounding area and incorporate landscaping where this would add to the quality of the design and siting. Policies DM11 and DM12 of the SADMP seek to carefully manage development to protect and enhance the historic environment, including designated and non-designated heritage assets, and to preserve and enhance the significance of conservation areas. Policy 13 of the Hinckley and Bosworth Core Strategy (the CS) requires developments to incorporate locally distinctive features of the CA.
9. The proposed development comprises two residential properties. The house at Plot 1 would be sited in a similar position to a dwelling and outbuilding which has planning permission Ref 14/00574/FUL but which has not been constructed. However the dwelling currently proposed at Plot 1 would be substantially larger than the approved dwelling.
10. Whilst the dwelling proposed at Plot 1 would be separated from the Hall by outbuildings this would be less so for the dwelling proposed at Plot 2. Both of the proposed dwellings because of their size, scale, mass, layout and complex design would not be of the traditional style and scale that would reflect a building subservient to the Hall or the design of traditional buildings elsewhere in Cadeby. Some traditional architectural features would be included and locally occurring building materials would be used. Even so, due to the design and layout of the proposed dwellings together with the extent of driveway and parking areas, I find the proposed development would have a suburbanising effect on the currently undeveloped key open space in the CA and would erode the setting of the Hall. I consider this to be the case even though the proposed buildings would be screened to some extent by the distance from the A447 and the presence of trees and shrubs and even if additional planting were to be carried out. Accordingly the proposal would fail to preserve or enhance the CA.

11. Whilst the harm to the significance of the heritage assets taken as a whole would, with reference to the Framework, be less than substantial it would, nevertheless, comprise a real and serious harm. Paragraph 134 of the Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
12. The construction of two dwellings would make a minor contribution to the overall supply of housing in the Borough. There would also be some economic benefit, albeit short lived, in respect of employment during construction. However, the Council says that it is currently able to demonstrate a supply of housing land in excess of five years. In addition one dwelling in a form more acceptable to the Council could be delivered irrespective of the current proposal. I have no doubt that the land value would be higher with permission for two houses rather than one, but this would amount to a private rather than public benefit.
13. Taking all these matters into account, I conclude that the public benefits of the proposal would not, on balance, be sufficient to outweigh the harm that would be caused to the CA. There would also be some harm to the setting of the Hall an undesignated heritage asset. Accordingly I conclude that the proposed development would conflict with Policy 13 of the CS, Policies DM10, DM11 and DM12 of the SADMP and the principles of the Framework in respect of the preservation or enhancement of heritage assets.

Highway safety

14. The proposed development would utilise one of the existing accesses onto the A447. The access is some 3m wide at the gated entrance, and is set back about 16m from the carriageway edge where it widens to about 10m. The Highway Authority raises no objections to the design of the proposed access junction or other geometrical feature of the access and recognises that adequate visibility splays could be provided.
15. However, the Highway Authority refers to Policy IN5 of the 6Cs Design Guide, which seeks to resist the increased use of accesses onto the busiest and fastest parts of its network. In this context the Highway Authority raises concerns about the additional turning movements likely to be associated with the proposed development. This is because in this location the A447 is an unlit rural single carriageway about 7.5m wide, with no surfaced footpaths and is a Class I road with a 50 mph speed limit. There have been reported personal injury incidents nearby, all classified as slight. The appellant gives some details of 4¹ such incidents in a 500m radius within a five year period and says these were rear end shunts.
16. I acknowledge the concerns of the Highway Authority but there is an existing permission Ref 14/00574/FUL for a house using the same access as the appeal proposal. Although the Highway Authority sought to close one of the two accesses from the A447 to the Hall under that permission, there appears to be no condition requiring such a closure so I can give this little weight. Accordingly I conclude that the additional turning movements associated with the single additional dwelling would be unlikely to have the severe residual

¹ The Highway Authority says there have been 7 incidents but the dates and locations of these have not been provided.

cumulative impact necessary to refuse a development on transport grounds as envisaged in Paragraph 32 of the Framework. I have taken account of the numerous appeal decisions, for example Appeal Ref APP/T2405/A/11/2154502, referred to by the Highway Authority but these all appear to predate the Framework and have not lead me to any different conclusions.

17. There are no shops or services in Cadeby. There is no surfaced footway or cycleway along the nearby A447 and the Highway Authority considers the future occupiers of the proposed dwellings would be reliant on the private vehicle for access to goods and services as there would be no safe alternative means of transport. The appellant advises there is an hourly bus service between Hinckley and Coalville during the daytime Monday to Saturday and during my site visit I observed bus stops on the A477 near the site access. I acknowledge there is no surfaced footway but there is a wide grass verge. There are also some Public Rights of Way providing rural footpath links to Market Bosworth and Newbold Verdon. Although the future occupiers of the proposed dwellings would be likely to rely heavily on the private vehicle there are some alternatives available and the Framework recognises that travel solutions are likely to vary from urban to rural areas.
18. For the reasons set out above I conclude that, on balance, the proposal would not affect highway safety to the extent that would justify refusal on these grounds. There would be some, albeit limited, alternatives to the use of the private vehicle. Accordingly the proposal would not conflict with Policies DM17 or DM18 of the SADMP or those principles of the Framework that require safe and suitable access for all.

Other matters

19. I acknowledge that the appeal proposal seeks to address the reasons for refusal of a previous application Ref 15/01169/FUL. However, this in itself would not be a reason for granting permission for an otherwise unacceptable proposal.
20. The Council is concerned that granting permission for the subdivision in the manner proposed could set a precedent for further development within the grounds of the Hall further detracting from the character and appearance of the CA. Whilst each planning application and appeal falls to be considered on its own merits I consider this to be a realistic prospect given the layout currently proposed and other nearby open land.

Overall conclusion

21. The proposed development would add to the housing stock of the Borough. However, in conflicting with Policy 13 of the CS, Policies DM10, DM11 and DM12 of the SADMP the proposal does not comply with the development plan taken as a whole. For the reasons set out above and taking into account all other relevant matters raised I conclude that the appeal should not succeed.

SDHarley

INSPECTOR