

Appeal Decision

Site visit made on 1 November 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 30 November 2016

Appeal Ref: APP/W1850/W/16/3155495

Land to the rear of The Laurels, Kingsland, Herefordshire HR6 9QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Mavis Dyke against the decision of Herefordshire Council.
 - The application Ref 152219, dated 21 July 2015, was refused by notice dated 18 February 2016.
 - The development proposed is a bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline, with all detailed matters reserved. During the application process it was agreed that only landscaping was to be reserved for future consideration and drawing no 1226-11 was submitted. I have dealt with the appeal on this basis.
3. Both parties have drawn my attention to the Kingsland Neighbourhood Plan (KNP). The KNP has been submitted for examination and as such it is at an advanced stage of preparation. However, from the evidence before me there appears to be some unresolved objections to policies within the KNP and as such I give it moderate weight.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the Kingsland Conservation Area (KCA) and the setting of Holgate Farmhouse.

Reasons

5. The appeal site comprises an area of undeveloped land to the rear of dwellings that were under construction at the time of my site visit. The site is within the KCA and adjacent to Holgate Farmhouse which is Grade II listed. Holgate Farmhouse is an early 18th Century farmhouse that is located an appreciable distance from the B4360 and, from the evidence available to me, I consider that its significance is largely derived from its form, fabric, architectural features.
 6. S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or
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enhancing the character or appearance of that area. S.66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

7. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
8. Kingsland is a settlement in a rural area and this part of KCA is characterised by ribbon development along the northern side of the B4360. There is variety in the age and form of the dwellings from traditional 2-storey houses to modern bungalows. The majority of dwellings face and front the B4360 giving a strong linear pattern of development. There are outbuildings to the rear of some of the dwellings and there are instances where there are dwellings behind the frontage dwellings. This includes two bungalows, adjacent to the appeal site, that were under construction at the time of my site visit. However, these do not reflect the predominant character and appearance of this part of KCA and whilst permitted by the Council, I do not consider that they should justify a further erosion of the character and appearance of the area.
9. The proposal would comprise the erection of a bungalow to the rear of these two bungalows. This would introduce a 'third' line of development along the B4360. There are hedges on the east and western boundaries of the site but due to their height they would only partially screen the dwelling. The dwelling would be set well back from the B4360 but it would be seen in views along the access drive, between the bungalows and frontage properties, from the B4360 near the junction with the access drive to Holgate Farmhouse and from neighbouring properties and gardens. The introduction of the 'third' line of dwellings would not reflect the strong linear pattern of development in this part of the KCA. I acknowledge that there are parts of the KCA where the development is appreciably deeper from the B4360. However, this is not within the immediate vicinity of the appeal site.
10. The rural character of the area is emphasised by the agricultural land on the southern side, glimpse views out into the countryside between the dwellings on the northern side of the B4360 and views of the Holgate Farmhouse complex of buildings. Holgate Farmhouse and its complex of farm buildings form part of that rural character. It is accessed from a drive between the dwellings on the B4360. The area between Holgate Farmhouse and the B4360 is predominantly an open landscaped area and as such the listed building is readily visible from the A4360. Whatever the historical setting of Holgate Farmhouse may have been and although there are some dwellings in the vicinity, because of the extent of this open landscaped area and the surrounding open land, it appears as relatively isolated. This setting makes a valuable contribution to the significance of the listed building.

11. The proposal would introduce new built form and hard surface areas for access and parking into undeveloped space that, at present, positively contributes to the rural character of KCA and the setting of Holgate Farmhouse. The proposal would therefore erode the present open character of the site and the rural character of the area. Furthermore, the dwelling and Holgate Farmhouse would be seen together in views from the B4360 across the open landscaped area. Consequently, the relative isolation of Holgate Farmhouse would be appreciably eroded by the siting of the dwelling. As such, the proposal would detract from the rural and open setting of the listed building.
12. I accept that the bungalow would be of similar design and materials to the bungalows under construction but this does not outweigh the harm that would be caused to the setting of Holgate Farmhouse and the character and appearance of the KCA by the loss of open land and its replacement by built development. The landscaping as proposed by the appellant would enhance the setting of Holgate Farmhouse and the character and appearance of KCA but it would not mitigate the harm that I have identified.
13. Therefore, taking all the above points into consideration, the proposed development would have a negative impact on the character and appearance of the KCA and the setting of the listed building. Thus, it would fail to preserve or enhance the character or appearance of the KCA and the significance of the designated heritage assets would be harmed. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
14. In conclusion the proposal would have an adverse effect on the character and appearance of KCA and the setting of Holgate Farmhouse, which is grade II listed and it would be contrary to Policies SS6, LD1 and LD4 of the Herefordshire Local Plan- Core Strategy (HLPCS). These policies together require development proposals, amongst other things, to protect, conserve and where possible enhance heritage assets and their settings and character that contribute towards the County's distinctiveness.
15. The proposal would also be in conflict with KNP Policies 4, 5 and 6 which, amongst other things, seek to conserve and enhance KCA, preserve the settings of heritage assets and retain the character and setting of historic buildings. However, the policy conflict with the KNP has reduced weight as I give the policies within the KNP moderate weight.¹
16. In the language of the Framework, the harm the proposal would cause to the significance of the KCA would be less than substantial as the impact of the proposal would be relatively localised in relation to the whole KCA. In relation to the listed building the harm would also be less than substantial on the basis that the development would harm only part of the significance of the heritage asset. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
17. In this case the main public benefits resulting from the scheme would be the provision of a dwelling and it is not disputed that its location is relatively accessible to local services and facilities. As such, the scheme would add to

¹ See paragraph 3 above.

the local housing stock. The development as proposed would also result in some support for local services and facilities, both during construction and after occupation. As such, the proposal would have social and economic benefits. Given the modest amount of development proposed, these benefits would be likely to be relatively limited.

18. I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets and as such it would not comply with paragraph 134 of the Framework. I reach that conclusion not least because similar benefits could be secured by a proposal that did not have the harmful impacts identified.

Other Matters

19. I appreciate that the appellant and her family due to their age and health issues each wish to have a bungalow. However, such circumstances seldom outweigh general planning considerations.
20. The appellant has drawn my attention to an appeal decision (APP/W1850/W/15/3051153) in relation to the Council's 5 year housing land supply. The Council have had the opportunity to comment on this but have not provided any evidence to dispute or provide me with an updated position on its 5 year housing land supply. As such, I have no reason to dispute that the Council cannot demonstrate a 5 year housing land supply. Where a local planning authority is unable to demonstrate a 5 year supply of deliverable housing land, paragraph 49 of the Framework, which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date. However, paragraph 49 of the Framework also states that housing applications should be considered in the context of the presumption in favour of sustainable development.
21. There is no dispute between the parties that Kingsland is identified as a settlement within the HLPCS which is suitable for growth. Policy KNDP 14 of the KNP states that to meet housing needs within Kingsland village, provision will be made solely within the defined settlement boundary and where it meets a number of criteria including not harming any areas or buildings comprising heritage assets or their settings. There is no dispute between the parties that the appeal site is not within the settlement boundary.
22. Furthermore, even if the site was within the settlement boundary the proposal would conflict with this policy as I have found that it harms the significance of the heritage assets. However, this policy is relevant to the supply of housing and as such it is not to be considered up-to-date. Moreover, this policy conflict has reduced weight for the reasons outlined above.² I acknowledge that there are undeveloped areas of land within the settlement boundary that are also in close proximity to Holgate Farmhouse. However, any proposals to develop these areas would also need to be determined against all the relevant development plan policies and any material considerations including the Framework.

Conclusion

23. I have found above that there are matters that weigh in favour of the proposal and contribute towards the aim of achieving sustainable development.

² Paragraph 3 of this decision.

However, paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'

24. Having regard to my findings above and footnote 9 of the Framework, I find that the final bullet point of paragraph 14 of the Framework is engaged, as specific policies in the Framework indicate that development should be restricted. Moreover, when assessed against the Framework taken as a whole that harm would significantly and demonstrably outweigh the limited benefits associated with the proposal. As such, the proposal would conflict with the development plan and would not accord with the environmental dimension of sustainable development.
25. Given that the 3 roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour.
26. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR