
Appeal Decision

Site visit made on 24 April 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/F1040/W/16/3160424

Land to the rear of Trentside Cottages, Derby Road, Swarkestone, Derbyshire DE73 7GW

- 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 Haywood against the decision of South Derbyshire District Council.
 - The application Ref 9/2016/0452, dated 9 May 2016, was refused by notice dated 5 August 2016.
 - The development proposed is to construct a single storey new 3 bedroomed dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 1. Whether the proposal would preserve or enhance the character or appearance of the Swarkestone Conservation Area.
 2. The effect of the proposal on the settings and significance of nearby Crewe and Harpur Arms and Stables a Grade II listed building; St James Church a Grade II* listed building; The Swarkestone Grandstand a Grade I listed building and the Swarkestone Causeway, a Scheduled Ancient Monument.
 3. Whether the proposal constitutes a sustainable form of development having regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

Whether the proposal would preserve or enhance the character or appearance of the Conservation Area

4. The site comprises an open, flat area of grassed land, incorporating a stable block adjacent to its southern boundary. It is located adjacent to a sharp bend in the A514 which at this point has a wide verge. The site is enclosed by post and rail fencing and lies immediately adjacent to residential development to the south and open countryside to the east. It is opposite the car park to the Crewe and Harpur Arms Public House and a residential property at the junction of the A514 with Barrow Lane.

5. The proposal is for the construction of a detached three-bedroomed bungalow on the site, utilising an existing access through neighbouring land. The bungalow, which would be sited immediately adjacent to the western boundary of the site, would be constructed in brick.
6. Swarkestone is a small fragmented settlement, situated to the north of the River Trent. The settlement pattern includes clusters of development, with areas of open space between and no obvious village centre.
7. The site lies within the Swakestone Conservation Area which incorporates both buildings and open spaces. The Swarkestone Conservation Area Character Statement 2014 notes that 'Overall, the Conservation Area is characterised by many open spaces with long views across the fields and few interruptions'. The appeal site, which appears visually continuous with the open fields to the east, and affords expansive views across open countryside, makes a positive contribution to the conservation area's character.
8. The proposed development, which would be highly prominent from the A514, would introduce a domestic building into the space and as such would erode the openness and rural character and appearance of this part of the conservation area. In addition, the presence of the dwelling, although single storey in height, would interrupt the long range views which are a defining feature of the area. I accept that the dwelling would be carefully positioned on the site at a point where some long range views of St James's Church are already obstructed by a barn in a neighbouring field. Nevertheless the character of the area doesn't rely solely on views of focal points. Moreover, the whole of the site would have a domestic use and consequently the development would have an urbanising impact on the character of the area.
9. My attention has been drawn to a planning application for a bungalow at the rear of Trentside Cottages. I do not have the full details of the case before me. Consequently I cannot be sure that the context for the approval of the development was the same as for the proposal before me, which I must treat on its merits.
10. No objection has been made by the Council to the design of the proposed dwelling and I accept that its external materials would reflect those of the surrounding development. Nevertheless this would not outweigh the harm caused by the loss of openness and harm to the character and appearance of the area.
11. For the reasons set out above, the proposal would neither preserve nor enhance the character or appearance of the conservation area. The proposal would therefore be contrary to Policies of BNE1, BNE2 and S1 of the Local Plan Part 1 and Policy EV12 of the South Derbyshire Local Plan 1998 which in various ways and amongst other things, seek to protect, conserve and enhance heritage assets and ensure that development respects its context.
12. The approach in the Framework paragraph 134 is that where there is less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefit of the proposal. The public benefit of the proposal lies in the provision of one

additional unit of accommodation. However, the Council can currently demonstrate a 5 year housing land supply and the benefit of one additional unit is limited. Consequently the benefit of the proposal does not outweigh the harm to the heritage asset which attracts considerable weight on the negative side of the balance.

The effect of the proposal on the setting and significance of nearby listed buildings and a scheduled ancient monument

13. The site lies in close proximity to several other heritage assets, the nearest being the Crewe and Harpur Arms Public House and Stables, and the Swarkestone Causeway, a Scheduled Ancient Monument (SAM). At a greater distance away are St James's Church and The Swarkestone Grandstand, a pavilion associated with Swarkeston Hall.
14. The setting of a heritage asset is defined in the National Planning Policy Framework as 'the surroundings in which a heritage asset is experienced'. On that basis the site lies within the setting of the heritage assets outlined above. The Framework notes that 'elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.
15. There is no assessment before me of the contribution the appeal site makes to the significance of the listed buildings and SAM. It seems to me that the significance of the listed building lies primarily in their history, design and fabric. That of the SAM lies in its archaeology.
16. There is already built development around the Crewe and Harpur Arms and closer to the SAM than the appeal site. The proposal, by introducing built form in close proximity to the Crewe and Harper Arms and the SAM would clearly change their settings. However, on the basis of the evidence before me, it would not affect their significance as heritage assets.
17. The Church and Grandstand were clearly designed to be seen from the surrounding area. Consequently the surrounding open landscape allows the appreciation of the assets and thereby makes a positive contribution to their significance. However, given the distance between the site and the listed buildings, and the presence of other sporadic development in the landscape, the proposal would have little impact on the wider setting and thereby the significance of those buildings. The development would be seen against the backdrop of existing urban development from any vantage points in these buildings and as such any existing views out from the buildings would be unharmed.
18. Consequently I am satisfied that the special interest of the heritage assets would be preserved.

Whether the proposal constitutes sustainable development

19. The Framework sets out a presumption in favour of sustainable development which it states has three dimensions; economic, social and environmental. The proposal would make a minor contribution to the economy and would provide an additional unit of accommodation. However, it is a greenfield site and furthermore, the conservation of heritage assets is a key aspect of sustainable development.

20. The development plan for the area includes the South Derbyshire Local Plan 1998 and the South Derbyshire Local Plan Part 1 (LP Part 1) adopted in June 2016. In order to promote sustainable development Policy H1 of the LP Part 1, sets out a settlement hierarchy strategy to direct new development to the most sustainable settlements. Under this strategy Swarkestone is defined as a 'Rural Village' where development of a limited nature will be allowed within the settlement as applicable or adjacent to it as an exception or cross subsidy site.
21. The site lies outside the defined settlement boundary. Whilst I understand this boundary is under review as part of consideration of the Local Plan Part 2, I understand that the submission version of the Plan also excludes the site from the settlement boundary. There is nothing before me to suggest that the site should be considered as an exception site and the development is therefore contrary to Policy H1 as outlined above.
22. Therefore in terms of both the Framework and the development plan, the proposal represents an unsustainable form of development.

Conclusion

23. For the above reasons, taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR