
Appeal Decision

Site visit made on 14 June 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 12 July 2017

Appeal Ref: APP/W1850/D/17/3169152

The Ford, Watery Lane, Sutton St Nicholas, Hereford HR1 3AT

- 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 David Edwards against the decision of Herefordshire Council.
 - The application Ref 161694, dated 28 May 2016, was refused by notice dated 15 August 2016.
 - The development proposed is detached single storey outbuilding with pitched roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the house name is spelt slightly differently on the appeal form, with the addition of an 'e' to 'The Ford', I have taken the spelling used in the banner heading above from the planning application form and the Council's decision notice.
3. I have also taken the description of development used in the banner heading above from the planning application form, although I have omitted some extraneous detail describing the site. Whilst the appeal form indicates that the description of development has not changed since the original application, a different wording has been entered. As I have received no written confirmation of any change to the description of the development, I have retained the description, albeit edited, used in the planning application form, which adequately describes the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the setting of 'The Ford', a grade II listed building, and on the character and appearance of the Sutton St Nicholas Conservation Area (CA).

Reasons

5. The appeal site comprises a grade II listed black and white timber frame cottage on a generous plot. It is accessed from a rural lane running to the south west of the village, with open countryside beyond. The site also lies within the Sutton St Nicholas CA.
6. It is proposed to construct an outbuilding, consisting of a garage, workshop and garden store. It would be located to the north of the existing cottage, closer to the lane. According to the submitted plans, the outbuilding would be

about 11.6 metres long, range in width from 5.8 to 6.9 metres and be approximately 2.6 metres to the eaves and 5 metres to the ridge. The walls would be timber clad and the pitched roof covered in black box profile sheets, with two garage doors and two white upvc doors and windows. Therefore, it would be a fairly sizeable building.

7. Decision makers have a statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their settings. Similarly, s72(1) of the same Act requires that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of CAs.
8. I appreciate that the garage/workshop/garden store building would be single storey and on the other side of the entrance and drive leading to the cottage. However, as I saw on my site visit, despite the proximity of some vegetation, there are clear views from the lane, just beyond the northern boundary, across an open lawn area towards the cottage. That is also evident from a photograph supplied by the appellant showing the view from the lane. The proposed outbuilding, with its wider gable end facing the lane, would, due to its overall scale and prominent position, significantly impinge on views towards The Ford and place a large building within its grounds. It would, therefore, adversely affect the setting of that grade II listed cottage.
9. The appellant submits that the lane is private with no public right of way. However, the Council refer to it as an unclassified road. In any event, the relevant national Planning Practice Guidance advises that: *'The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.'*¹
10. Although I have not been supplied with a character appraisal of the CA, if one has been produced, a grade II listed building, possibly dating from the 16th Century according to its listing, would make a contribution to the significance of the CA. Therefore, harm to the setting of the listed building would, in my view, result in related harm to the character and appearance of the wider CA.
11. According to the appellant positioning the outbuilding away from the front of the house would leave a large area of garden, which contributes its charm and setting unaffected. That may be but not constructing the outbuilding would equally leave that area unaffected.
12. Whilst the proposal may not affect neighbouring properties, the main issue and the reason for the Council's refusal was its effect on the listed building. I also note the Parish Council's support for the application, subject to a change in the colour of the white upvc doors. However, whilst that could be achieved by a suitable condition, it would not overcome the adverse effect of the siting and size of the proposal on the setting of the listed building.
13. The appellant has supplied a photograph, in support of his case, of a timber clad garage which he says would be similar to the proposal. Whilst the design of the garage outbuilding may not be objectionable in isolation, its size and relationship to the existing grade II listed building is the primary issue.

¹ Paragraph: 013 Reference ID: 18a-013-20140306

14. Overall, the above factors lead me to conclude that the proposed development would harm the setting of The Ford, a grade II listed building, and consequently also fail to preserve or enhance the character and appearance of the CA. Therefore, it would conflict with Policy LD4 of the Herefordshire Local Plan Core Strategy 2011-2031², which, amongst other things, says that development should protect, conserve and where possible enhance heritage assets and their settings.
15. Paragraph 132 of the National Planning Policy Framework (the Framework)³ requires me to give great weight to the conservation of designated heritage assets, such as listed buildings and CAs. Although I have concluded that the development would harm the setting of the listed building and the character and appearance of the CA, as the effect would be limited to the setting and some views of one building on the edge of the CA, I consider that the scale of the harm would be less than substantial. In accordance with paragraph 134 of the Framework, I must weigh that harm against the public benefits of the proposal.
16. Whilst no particular public benefits have been put to me, there would be some economic benefit during the construction period in the form of short term employment and the purchase of suitable materials. However, as those public benefits would be limited, I do not consider that they would outweigh the harm that I have identified.

Other Matters

17. It is suggested by the appellant that there is potential for the proposed outbuilding to be moved to a different position on the plot to reduce any negative effect. However, no amended proposal or plans have been submitted with the appeal. In any case, the '*Procedural Guide – Planning Appeals – England*'⁴ advises that if an applicant thinks that amending the proposal will overcome the Council's reasons for refusal they should normally make a fresh planning application. It also cautions that the appeal process should not be used to evolve a scheme, as it is important that what is considered by the Inspector is essentially what was considered by the local planning authority and is the proposal on which interested people's views were sought. Therefore, I must consider the appeal proposal that is before me.
18. The appellant refers to a separate planning application⁵, relating to a telecommunications mast in the vicinity, which he believes would have a detrimental effect on the setting of the listed building. I do not know if that application has been approved and have not been provided with further details, beyond the planning reference number. The appellant would presumably have had the opportunity to comment on that proposal during the planning process. Therefore, given that it is for a quite different form of development some 65 metres away, according to the appellant, I do not see that there is a direct parallel with the appeal proposal before me. Even if that other proposal were approved, it would not justify allowing the harm which I have identified.
19. A number of procedural aspects of the planning application process have been referred to by the appellant, relating to comments from the Council's Historic

² Adopted October 2015

³ Published 2012

⁴ Annexe M.1.1 and Annexe M.2.1

⁵ P163454/F

Buildings Officer and timescales for responses. Those are essentially matters between the appellant and Council and are not directly relevant to my determination of the appeal, which I have considered objectively on its own merits.

20. The appellant advises that the garage would secure safe parking for classic cars owned by him and his son. Whilst I can understand that desire, there already appeared to be one garage building on the plot adjacent to the house. In any event, the planning system is more generally focussed on the wider public interest rather than personal circumstances, unless exceptional personal need can be evidenced. Therefore, whilst I have considered that aspect, it does not lead me to alter my decision.

Conclusion

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

Jonathan Tudor

INSPECTOR