
Appeal Decision

Site visit made on 23 November 2017

by P G Horridge BSc(Hons) DipTP FRICS MRTPI

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

Decision date: 01 December 2017

Appeal Ref: APP/J1860/D/17/3183188

The Forge, Ockeridge Lane, Wichenford WR6 6YY

- 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 Wayne Ballinger against the decision of Malvern Hills District Council.
 - The application Ref 17/00361/HP was refused by notice dated 1 August 2017.
 - The development proposed is the construction of a low level single storey carriage house erected on a concrete base.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed building would be within the grounds of The Forge, a Grade II listed building. It would sit alongside Garden Cottage which is a single storey former garage/workshop building constructed of brick with a tiled roof. It appears that Garden Cottage was originally the blacksmith's forge and The Forge was his residence.
3. There is a dispute over whether Garden Cottage still lies within the curtilage of The Forge and therefore constitutes a 'curtilage listed building'. Planning permission was granted in 1984, shortly before The Forge was listed, for its conversion into a 'living unit', and in 1997 the council's Conservation Officer wrote expressing his opinion that this planning permission, once implemented, would result in the creation of a separate curtilage for the new dwelling. However, it appears that this opinion did not take into account the fact that a condition on the permission prevents the occupation of Garden Cottage separately from The Forge. It is evident from this, as well as from the application plans (which show Garden Cottage within the application site) and from what I saw at my site inspection, that Garden Cottage remains within the curtilage of The Forge and that it is therefore to be considered as a curtilage listed building, i.e. it enjoys 'listed' status by virtue of having been located within the curtilage of the actual building specified on the list since before 1948.

Main issues

4. At issue is the effect of the proposal on the setting of nearby listed buildings, whether it would cause harm to their significance, and if so, whether there are public benefits to be weighed against such harm.

Reasons

5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the setting of a listed building. Guidance in the National Planning Policy Framework (NPPF) is that, when considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building and its setting), great weight should be given to the asset's conservation (paragraph 132). Paragraph 134 notes that where a development proposal will lead to less than substantial harm to such significance, this harm should be weighed against the public benefits of the proposal.
6. These considerations are echoed in Policies SWDP6 and SWDP24 of the South Worcestershire Development Plan (DP), which require development proposals to conserve and enhance heritage assets. In addition, DP Policy SWDP21 seeks to achieve a high standard of design, with new buildings integrating effectively with their surroundings and reinforcing local distinctiveness. This reflects the advice in paragraphs 56 and 64 of the NPPF which notes that the Government attaches great importance to the design of the built environment and that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
7. The value of the listed buildings on the site (their significance) lies in their architectural style, with the use of traditional materials and features.
8. The proposed carriage house would have walls of shiplap cladding and a low-pitched corrugated onduline roof. Neither of these materials is to be found in the construction of Garden Cottage and The Forge. Moreover, both Garden Cottage, to which the new building would most closely relate visually, and The Forge have much steeper pitched roofs. The materials proposed for the construction of the new building, together with the design of the roof, would detract from the setting of Garden Cottage and to a lesser degree The Forge itself. Notwithstanding assertions to the contrary, the carriage house, and in particular the roof, would be visible from the road. The building would fail to preserve the setting of the listed buildings and would cause harm to their significance. It would also fail to reinforce local distinctiveness or improve the character and quality of the area. There are no identified public benefits which might outweigh this harm.
9. The appellant refers to Article 8 of the Human Rights Act, relating to the right to respect for private and family life. The refusal of permission for this carriage house does not, however, impinge on this right. He also says that other listed outbuildings within the council's area have corrugated roofs but little weight can be attached to this in the absence of any further information; in any event this proposal must be determined on its own merits.
10. The carriage house would fail to preserve the setting of the listed buildings on the site, and would cause harm to their significance. There are no public benefits to set against this harm. In these respects, the proposal would be contrary to DP Policies SWDP6, SWDP21 and SWDP24 and to guidance in the NPPF.

Peter Horridge

INSPECTOR