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## Appeal Decision

Site visit made on 16 January 2018

**by Sarah Housden BA (Hons) BPI MRTPI**

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

**Decision date: 07 February 2018**

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**Appeal Ref: APP/E2530/W/17/3179320**

**The Cedars, Station Road, Morton, Bourne PE10 ONN**

- 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 M Parker & Son Ltd against the decision of South Kesteven District Council.
  - The application Ref S16/1762, dated 15 July 2016, was refused by notice dated 31<sup>st</sup> January 2017.
  - The development proposed is 'residential development 4 No. houses and garages'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - Whether or not the development would accord with national and local policies relating to the location of development in the District;
  - Whether or not the character or appearance of the Morton Conservation Area would be preserved or enhanced; and
  - The effect on the setting and thereby the significance of the Old Vicarage as a building of special architectural and historic interest.

### Reasons

3. The appeal site is located to the south of Morton, a large village approximately 2km north of Bourne. The historic core of the village within the Conservation Area has a strong linear form along the High Street and Station Road. The elevated position of St John the Baptist church and churchyard create a distinctive focal point enabling views of the church tower from more distant vantage points. More recent development in depth has taken place to the north and east of the historic core of the village.
4. The site comprises two grass paddocks located to the rear of the existing development to the south of Station Road and is accessed via an unsurfaced track off Station Road. A public right of way (PROW) runs along a section of the track before diverting past the Old Vicarage towards the fields to the west and south of the built-up area.

*Whether or not the development would accord with national and local policies relating to the location of development in the District*

5. Morton is identified as a Local Service Centre (LSC) in the South Kesteven Core Strategy (2010) (CS). CS Policy H1 supports a modest level of development in LSCs to enable them to function as sustainable local centres. CS Policy SP1 gives preference to the development of suitable brownfield sites within the built-up areas of LSCs and sets out the circumstances in which development in the countryside will be acceptable, none of which apply to the appeal proposal.
6. Whilst the appellant has disputed the weight to be given to the CS policies because they pre-date the National Planning Policy Framework (the Framework), the officer report indicates that the development of greenfield sites would not be contrary to the CS Policies H1 and SP1 in principle.
7. Policy SD1 of the Site Allocations and Policies Development Plan Document (2014) (SAP) reflects the presumption in favour of sustainable development set out in the Framework. SAP Policy H1 sets out the circumstances under which the development of small infill sites within the built-up parts of LSCs may be acceptable including that the development should not compromise the nature and character of the settlement. Small infill sites are defined as ten or fewer houses. There is no defined village development boundary for Morton with 'built-up parts' for the purposes of SAP Policy H1 being defined on a case-by-case basis.
8. The built-up area of the village has been extended to the east by residential development including the development on Saddler Drive and Waggoner's Way which adjoin the appeal site's eastern boundary. However, to the north the appeal site is separated from the cluster of buildings around Church Farm, the converted stables at No 6a Station Road, The Granary and The Cedars by a paddock and the open grass area between the rear boundary of The Cedars and the leylandii hedge to the south. To the west of the appeal site, the Old Vicarage is set within a spacious plot. This together with the undeveloped area of which the appeal site forms a part creates a gradual transition between the more built-up parts of the village along Station Road and the open countryside to the south and west.
9. Notwithstanding the proximity of more recent development to the east, I conclude that the proposed development would not be within the main built-up area of the village as required by SAP Policy H1. The proposal would extend the built-up area further towards the open countryside to the west and south of the village and would disrupt the gradual transition from its built-up area to open countryside.
10. I conclude in relation to the first main issue in this case that the proposed development would be located beyond the main built-up part of the village and would be harmful to its existing form and character. None of the circumstances under which CS Policy SP1 permits development in the countryside applies in this case and the proposal would not accord with that policy. There would be further conflict with SAP Policy H1 insofar as it seeks to locate new development within the built-up areas of LSCs and ensure that it does not compromise their nature and character. This is a matter to which I attach significant weight in the overall planning balance.

*Whether or not the character or appearance of the Morton Conservation Area would be preserved or enhanced*

11. In the exercise of planning functions, the statutory test is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 132 of the Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
12. The weight to be attached to the Morton Conservation Area Appraisal and Management Plan (2016) (CAAMP) is disputed by the appellant. However, the Council indicates that it was adopted on 8 September 2016 following public consultation and I have no reason to dispute that position. As such, it is a material consideration to which I attach significant weight in the determination of this appeal. I have been supplied with an extract from the document showing the Conservation Area boundary and other designations including 'areas of important open space'. Based on the evidence before me and my site visit I have been able to assess the significance of the Conservation Area as a designated heritage asset, including the contribution that the appeal site makes to its significance.
13. The distinctive building vernacular including groups of farm buildings interspersed with houses and cottages along High St and Station Road contribute to the character and appearance of the Conservation Area. The use of limestone and red brick and traditional building forms and detailing and the varied position of buildings at the back edge of the pavement and set back from the road create a varied and attractive street scene. Boundary walls to the road frontages also contribute to the interest and variety in the street scene.
14. There are a number of small undeveloped parcels of land immediately behind parts of the built-up area of the village which have a close association with the groups of farm buildings. Some of these, including the appeal site, have been designated as important open spaces within the Conservation Area. They create the impression of the open countryside permeating the built-up area and the combination of built form interspersed with open space contributes to the character and appearance and thereby the significance of the Conservation Area.
15. Although there is a hedgerow along the southern boundary of the appeal site its sparse condition affords glimpses of the open countryside to the south. The undeveloped and open nature of the site contributes to the rural character and setting of the village within the wider landscape. The introduction of new buildings on the appeal site would disrupt this distinctive character and appearance. Whilst part of the area of important open space to the north of the proposed dwellings would remain undeveloped, it would be enclosed by development on all four sides. The area of important space would be reduced in size thus diminishing its contribution to the character and appearance of the Conservation Area.
16. The wall to the west of the access off Station Road is a distinctive feature within the Conservation Area due to its alignment with the gable end of the Old Coach House and traditional form of construction and materials. Whilst meeting the requirements of the Highway Authority for visibility, its

replacement with a curved wall to provide the necessary improvements at the junction of the access drive with Station Road would be unsympathetic to that character and would be harmful to the character and appearance of the Conservation Area.

17. I conclude in relation to the second main issue in this case that the proposal would fail to preserve or enhance the character or appearance of the Morton Conservation Area. Accordingly, there would be conflict with the statutory test and with CS Policy EN1 which indicates that development will be assessed having regard to the protection of open spaces important to the character, setting and separation of built-up areas.
18. The impact of the proposal would be relatively localised and in my view the harm to the Conservation Area identified above would be less than substantial. The Framework makes clear in paragraph 134 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. I return to this in the overall planning balance.

*The effect on the setting and thereby the significance of the Old Vicarage as a building of special architectural and historic interest*

19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
20. The Old Vicarage occupies a large plot bounded by mature trees and hedges and distinctive boundary walls. The openness of the appeal site contributes to its spacious setting and to its significance as a designated heritage asset. Notwithstanding that changes have been made to locate the dwelling and garage on Plot 1 further away from the Old Vicarage, it would still be seen in conjunction with the Old Vicarage. The overall effect would be to reduce the spacious setting of the Old Vicarage. The garden to plot 1 would be enclosed by a 1.8 metre brick wall along the common boundary with the access drive, partly obscuring views of the distinctive red brick and stone castellated garden walls. This would be harmful to a feature which contributes to the special architectural and historic interest and setting of the Old Vicarage.
21. Due to the presence of intervening screening and physical separation, 'The Bungalow' and 'The Cedars' do not intrude or encroach upon the immediate setting of the Old Vicarage and it is separated from the more recent development to the east by the area of important open space which includes the appeal site. As such, I do not agree with the conclusion in the appellant's Heritage Assessment that the setting of the Old Vicarage has been compromised by later development.
22. I conclude in relation to the third main issue that the proposal would be harmful to the special architectural and historic interest and setting of the Old Vicarage and thereby its significance, contrary to the provisions of the 1990 Act and the Framework. However the harm identified would be less than substantial and in accordance with paragraph 134 of the Framework should be weighed against the public benefits of the proposal.

### *Public Benefits*

23. The CS identifies Morton as a sustainable location for new housing. It has a range of facilities including a shop, primary school and public house which would be accessible on foot or cycle from the site. New residents would help to sustain social networks and activities in the village including the primary school, contributing to boosting the social dimension of sustainability. The proposal would help to boost the supply of housing as required by the Framework. However, as there is no evidence before me indicating a shortfall in the five year supply the weight in favour of this aspect is limited.
24. The jobs created during construction would contribute to the economic aspect and local services and facilities would be likely to benefit from spending by new residents.
25. Revisions to the site layout have been made to avoid harm to the long term health of trees on the site and the arrangements for drainage could be secured through means of a planning condition. However, these are neutral factors in the overall planning balance.
26. I attach considerable importance and weight to the harm that would be caused to designated heritage assets. The public benefits of the proposal are not of sufficient weight to outweigh that harm and the appeal proposal would fail to comply with the provisions of the Framework with regard to the conservation of designated heritage assets.

### *Other Matters*

27. The fourth reason for refusal relates to the lack of a legal agreement or unilateral undertaking for the provision of a fire hydrant to serve the development. Had the appeal succeeded, this is a matter that could have been satisfactorily dealt with by means of a planning condition. As such, it has not been determinative in my consideration of the appeal.
28. Local residents raised a number of other issues in representations including the potential for overlooking, overbearing impact and loss of outlook, highway safety, potential for damage to boundary fences, light pollution, the siting of the bin store, maintenance of boundary hedges and turning space for emergency vehicles. However, as the appeal is being dismissed for other reasons, I make no further comments on these matters. Boundary disputes are civil matters which are not material planning considerations.

### **Conclusion**

29. The appeal proposal would be outside the main built-up area of Morton and would be harmful to its form and character. For these reasons, there would be conflict with CS Policies SP1 and H1 and SAP Policy H1. It would also fail to preserve or enhance the character or appearance of the Morton Conservation Area and would be harmful to the setting of the Old Vicarage. The less than substantial harm to the significance of these designated heritage assets would not be outweighed by the public benefits of the proposal. For the reasons outlined above, and having had regard to all of the other matters raised, I conclude that the appeal should be dismissed.

*Sarah Housden*     INSPECTOR