



Appeal Decision

Site visit made on 14 May 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/R2520/W/19/3223335

Church House High Street Swaton, Sleaford, Lincolnshire NG34 0JP

- 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 Charles Campion against the decision of North Kesteven District Council.
 - The application Ref 18/1336/FUL, dated 17 October 2018, was refused by notice dated 13 December 2018.
 - The development proposed is erection of timber & brick single storey dwelling and car port.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The lengthy description of development appearing on the application form has been changed by the Council. I have used that appearing on the decision notice, with an adjustment, in the interests of concision and accuracy.

Main Issues

3. The main issues are:

the effect of the development on:

- the character and setting of Swaton,
- the setting of the Grade 1 listed St Michael's Church, Swaton, and

whether the appeal site is an appropriate location for the development proposed having regard to the provisions of the development plan.

Reasons

Character and appearance of the settlement

4. Swaton is a small village with a relatively loose settlement pattern, focussed around the main through route (High Street) and intersecting lanes. The settlement is identifiable in longer views by the clustering of trees around buildings and St Michaels Church (the Church) which stands prominently as a landmark structure. The contrast between the clearly identifiable form of the village, its built form interspersed with substantial trees, to the surrounding open, flat, landscape is a distinctive characteristic of Swaton and its setting.

5. The appeal site is a small parcel of land associated with Church House and a recently constructed contemporary dwelling, Orchard House. Screened only by a recently planted hedge along its frontage with Parsons Drove, the site is an area of grassland which is visually associated with the surrounding countryside rather than with the built form of the village. This is emphasised by its location beyond the current extent of development along Parsons Drove, such that it would appear as an outlier to the existing cluster of built form, extending it into the countryside, outwith the core shape and form of the settlement.
6. Whereas at present the setting of the village and Church in proximity to the appeal site is open land with a redolently rural flavour, the insertion of the single-storey dwelling proposed will change the character of the land along Parsons Drove. Viewed from Parsons Drove and also further south, the proposed dwelling would be visible above the modest perimeter hedge against a backdrop of trees and within views of the Church and tower. Notwithstanding the coherent contemporary design of the proposal itself, the development would nevertheless introduce a use that, signified by domestic activity and its related moveable property, would be alien to the current open and undeveloped character of the land surrounding the settlement.
7. No overriding benefits have been demonstrated. I therefore conclude the proposal would cause harm to the character and setting of village of Swaton in conflict with Policy LP17 of the Central Lincolnshire Local Plan (2017) (CLLP) which seeks to protect the intrinsic value of the landscape and the setting of settlements.

Significance of the heritage assets and their setting

8. The Church is a Grade I listed building surrounded by its graveyard. This retains a tranquil and timeless character notwithstanding minor changes to the setting such as the extension of the adjoining Church House. The appellant refers to a 'solid wall of foliage' separating the appeal site and the Church and Swaton House, formerly a vicarage, which stands alongside in substantial grounds.
9. At the time of my visit only glimpses of the site were available through the foliage around the churchyard. However, although the trees are large they are also mostly deciduous. It seems to me that the claimed degree of visual separation between the churchyard and the appeal site will be significantly reduced at certain times of the year.
10. I have identified the significance of the Church as a landmark in a wider landscape and therefore its setting is drawn more widely than only locations from where it is in proximity or wholly visible.
11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Listed Buildings Act) requires special regard to be given to the desirability of preserving (or enhancing) the setting of such buildings. Minor changes to setting do not necessarily harm the significance of a heritage asset.
12. In this case, although the result of the development is that there would be an increased perception by users of Parsons Drove and of the Church (and its graveyard) of enclosure by residential development, the degree of change to its setting would be modest. The effect would be neutral and therefore preserve the setting of the heritage asset. A similar conclusion may be reached as to

other heritage assets identified by the Council. Having reached that conclusion it follows that the proposal would, therefore, not conflict with Policy LP25 of the CLLP.

Location of the Development

13. Policy LP2 of the Central Lincolnshire Local Plan 2017 sets out the spatial strategy for the district in which Swaton is a 'small village' where, on a proportionate basis, additional development of a small scale is permitted on sites in 'appropriate locations'. It does so according to a hierarchy of criteria for the selection of sites. The Council confirm that a further 5 dwellings at Swaton could be built within the 10% growth provision.
14. A site is defined as an 'appropriate location' if, amongst other things, it would retain the core shape and form of the settlement and not significantly harm the character and appearance of the settlement, the surrounding countryside or its rural setting.
15. LP23 states that areas identified as an 'Important Open Space' (IOS) are safeguarded from development unless it can be demonstrated¹ that there are no significant detrimental impacts upon the character and appearance of the surrounding area or heritage assets.
16. As I have already concluded that the proposal would cause harm to the character and setting of the village and the site would extend beyond the settlement's core shape and form, the appeal site cannot be regarded as an appropriate location for the development proposed. Nor, for the same reason, has the appellant demonstrated that there are no significant detrimental impacts on the character and appearance of the surrounding area as set out in Policy LP23 (b) of the CLLP to, exceptionally, render development upon IOS acceptable.
17. I therefore conclude that the proposal would not be an appropriate location for development, in conflict with Policies LP2 and LP23 of the CLLP which seek to direct development to appropriate locations according to a hierarchy having regard to the size and character of the settlements concerned.

Other matters

18. The appellant suggests the land is previously developed land either as garden land or as the location of a bakery. That the land is in the same ownership as a residential property does not confirm a domestic use of the land and to my mind the site had no characteristics to indicate that use. Even if the site was formerly the location of a bakery, the glossary to the National Planning Policy Framework (Framework) makes clear that land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape, as is the case here, is excluded from that definition.
19. The appellant disputes the lawfulness of the appeal site being included within a designation of IOS. Whilst I note the documents provided, the lawfulness or otherwise of the process by which the appeal site was designated is not a matter before me to consider. Policy LP23 of the CLLP refers to IOS identified on the Policies map. The Council have provided inset 81 which covers an area

¹ Amongst other things

including the application site (and other parts of the land belonging to Church House) and a larger area of land also alongside Parsons Drove. I have nothing before me to suggest that these documents are other than comprised in the development plan in accordance with which I am required to determine this appeal. Even if the IOS designation were not correct, which I do not suggest, I have also concluded significant conflict with other policies of the development plan.

20. The appellant raises concern as to consistency with other permissions in the village. Whilst I note these comments, it seems to me that the appeal site has characteristics which distinguish it, in particular the IOS designation.

Conclusion

21. Notwithstanding my conclusion as to the neutral effect of the development on the setting of the Church, my conclusions on the other main issues direct that the proposal conflicts with the development plan taken as a whole. Consequently, having regard to all matters raised, there being no other considerations to outweigh, the appeal must fail.

Andrew Boughton

INSPECTOR