

Appeal Decision

Site visit made on 24 June 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/H1840/W/19/3225101

Land off Farm Lane, South Littleton, Worcestershire WR11 8TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Robert Hitchins Ltd against the decision of Wychavon District Council.
 - The application Ref 18/01412/OUT, dated 12 July 2018, was refused by notice dated 21 September 2018.
 - The development proposed is two residential dwellings, associated infrastructure and landscaping. Creation of new access to Farm Lane.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal has been made in outline, with all matters reserved for future consideration. Plans have been submitted showing proposed access details, site layout and street elevation. As these are all reserved matters, I have considered these plans solely on the basis that they have been submitted for illustrative purposes.
3. The Council's decision notice refers to drawing number SL.3.5.1. The appellant has advised that this is a typographical error, as the submitted drawing is numbered SL.E.5.1. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - a) Whether the site is a suitable location for residential development having regard to the policies of the development plan; and,
 - b) Whether the proposals would:
 - preserve the settings of the grade II listed buildings at Manor Farm;
 - preserve or enhance the character or appearance of the South Littleton Conservation Area (the CA).

Reasons

Suitability of site for residential development

5. The appeal site lies on the north side of Farm Lane, on the northern edge of South Littleton. Whilst the site is close to other development, there are

significant gaps in the built frontage of Farm Lane on both sides of the road, so the area has a semi-rural character. The South Worcestershire Development Plan (2016) (the Development Plan) identifies a development boundary for the settlement. It is common ground between the parties that the appeal site lies outside this boundary.

6. Policy SWDP2 of the Development Plan sets out the development strategy for the area, which, for housing, involves focussing most development on the urban areas and safeguarding the open countryside. Part B of Policy SWDP2 provides that windfall development is acceptable within development boundaries. Part C of Policy SWDP2 identifies the open countryside as land beyond any development boundary. Within the open countryside development will be strictly controlled and new housing will be limited to dwellings for rural workers, rural exception sites and replacement dwellings. None of these circumstances apply to the appeal proposals. Consequently, the proposed development would be contrary to Policy SWDP2 of the Development Plan.
7. The appellant does not contest that the proposal conflicts with development plan policy, but contends that material considerations indicate that planning permission should be granted. In terms of the suitability of the site for residential development, it is argued that the site lies in a sustainable location, is not physically in open countryside, and that the development could be described as infilling.
8. The site is bordered on one side by the dwellings in the Manor Farm complex. However, there is a considerable undeveloped gap to the west of the appeal site before the next building. The proposal would not, therefore, fill a small gap in an otherwise built-up frontage. Therefore, notwithstanding that the Development Plan makes it clear that infill is only acceptable within development boundaries, the proposed development would not meet the commonly accepted definition of infill.
9. Given the proximity of other housing, and the location of a school immediately opposite the site, the proposal would not be isolated. Occupants of the proposed development would have easy access to those services that exist within the village. However, the strategy set out in Part A of Policy SWDP2 is not solely aimed at achieving sustainable locations for development, it also seeks to safeguard and enhance the open countryside. The appeal site borders undeveloped land on its west, north and part of its eastern boundaries. I saw that there are views through the site to the wider countryside beyond. The character of the site has more in common with the surrounding countryside than the built form of the village. The proposed development would therefore appear as an encroachment into the countryside, which would have a harmful impact on the semi-rural character of Farm Lane.
10. For the above reasons, I conclude that the appeal site would not be a suitable location for residential development, as it would conflict with the strategy set out in Policy SWDP2 of the Development Plan, which seeks to safeguard the open countryside and direct growth to defined settlement boundaries. The proposals would also be contrary to Paragraph 12 of the National Planning Policy Framework (the Framework), which says that where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.

Setting of listed buildings

11. Manor Farmhouse and Attached Cottages and Manor Farm Barns are grade II listed buildings. The group, as a whole, is located immediately to the east of the appeal site. The Farmhouse is a 17th century building of stone construction, with the Attached Cottages added more recently. The Barns are also constructed in stone and date from the 18th and 19th centuries. They have been converted to residential use, resulting in some loss of their original agricultural character and appearance. Viewed together, however, the historic agricultural origins of the entire complex are immediately discernible.
12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving these listed buildings or their settings. The appeal site, and adjoining land in the same ownership, provides an undeveloped, open setting for the listed buildings on 3 sides. The conversion of the barns to residential use, and the attendant enclosure of residential curtilages, has resulted in some loss of the visual relationship between the buildings and the surrounding agricultural land that they would have served. However, the openness of the appeal site is important in retaining a degree of separation for the farm complex from the wider village, and in providing a rural setting commensurate with its historic origins. The Heritage Statement submitted with the application concludes that the appeal site makes a minor positive contribution to the setting of the farm complex.
13. The application is in outline, so the scale and siting of the proposed dwellings is not before me. Although details of access are also reserved, the description of the proposal does include a new access from Farm Lane. The illustrative proposals indicate that the dwellings could be set back from Farm Lane, behind orchard planting. This would, however, necessitate an access road penetrating through the land to serve the dwellings at the rear. The Heritage Statement says that the proposals will likely result in a minor degree of harm to the setting of the listed buildings, which could be reduced by limiting the scale of the buildings; ensuring appropriate design and materials; and changing the illustrative layout to enable more screening and orchard planting.
14. Regardless of how the site was laid out, however, it would result in the encroachment of built development onto the open land, which borders the entire length of the western boundary of the complex, and projects beyond its northern boundary. This would be particularly damaging in views from the west, along Farm Lane. Approaching from this direction, I saw that the impact of more recent development to the south of the farm complex is not evident, and the barns are seen across the appeal site in relative isolation. The development would further erode the rural setting of the former farm complex and reduce its visual separation from the built form of the village. This would result in more than a minor degree of harm to the setting of the buildings. The development would not, therefore, preserve their setting.
15. I concur with the conclusion in the Heritage Statement that the harm to the setting of the listed buildings is less than substantial within the meaning of Paragraph 193 of the Framework.

Character or appearance of the CA

16. The southeast corner of the appeal site lies within the CA, which covers the historic core of the village, and includes the open spaces to the east and

southwest of Manor Farm. The significance of the CA lies in its historic settlement pattern, density of historic buildings, and its relationship with its rural setting. The appeal site allows views out of the CA to the wider countryside beyond, and also provides an open setting for the listed Manor Farm complex. The Council has not prepared a Conservation Area Character Appraisal, but the Heritage Statement identifies that the appeal site makes a minor positive contribution to the significance of the CA. On the evidence before me, and from my own observations, I concur with that conclusion. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

17. The proposed development would result in the loss of views out of the CA over the fields to the north. It would also erode the rural setting of the listed Manor Farm complex. The proposals would not, therefore, preserve or enhance the character or appearance of the CA. The Heritage Statement concludes that these impacts will result in a minor degree of harm to the wider CA, which could be reduced through the same changes to the layout that were identified above in respect of the setting of the listed buildings. Nevertheless, the proposals would have a significant impact on this part of the CA. However, in view of the localised impact, I agree with the conclusion in the Heritage Statement, that the harm to the CA, as a whole, would be less than substantial within the meaning of Paragraph 193 of the Framework.

Balance of harm to heritage assets against public benefits

18. The Framework advises that less than substantial harm to heritage assets should be balanced against the public benefits associated with development. In this regard the appellant points out the benefits of the development in assisting in the Framework's aims of significantly boosting the supply of homes. Paragraph 59 of the Framework seeks to ensure sufficient land comes forward where it is needed. Whilst, the creation of 2 additional dwellings would benefit local housing supply and employment, the benefits would be modest, due to the small scale of the development, and would not outweigh the conflict with the Council's housing strategy and the harm to the heritage assets.
19. The appellant also refers to the benefits of proposed enhancement measures, which comprise a new stone boundary wall to Farm Lane; orchard planting; and additional planting on the eastern boundary. However, even taking these measures into consideration, I have concluded that the development would fail to preserve the setting of the listed buildings or the character or appearance of the CA. Whilst they may go some way to reducing the harm from the development, they would form part of an overall scheme that fails to preserve heritage assets, and could not therefore be considered to be of public benefit.
20. Paragraph 193 of the Framework advises that any harm requires clear and convincing justification and great weight should be given to the conservation of designated heritage assets, regardless of whether the harm is less than substantial. The public benefits of the appeal scheme are limited and, consequently, would not outweigh the harm that I have identified to the setting of the listed buildings and the character or appearance of the CA. I therefore conclude that the proposals would be contrary to Policies SWDP6, SWDP21 and SWDP24 of the Development Plan, which seek to conserve and enhance heritage assets in accordance with the Framework and national legislation.

Planning Balance

21. Whilst not disputing that there is a five-year supply of deliverable housing sites, the appellant assesses the figure to be 5.45 years, rather than 7.81 as claimed by the Council. The appellant also draws attention to a reliance on windfall sites, such as the appeal proposal, to maintain the 5-year supply, and refers to an appeal decision that acknowledges the importance of windfall sites to housing supply. I note that the scale and circumstances of that development were significantly different to the appeal before me.
22. The appeal proposals would make a small contribution to the housing supply position. However, even if I were to accept the appellant's assessment of housing supply, rather than that of the Council, there would still be a 5-year supply of housing. The appellant acknowledges that, in these circumstances, the "tilted balance" required under paragraph 11 (d) of the Framework would still not apply. Moreover, as harm to heritage assets provides a clear reason for dismissing the appeal, the "tilted balance" would be disapplied by virtue of paragraph 11 (d) (i).
23. The proposal would be contrary to development plan policies governing the strategy for housing development in the area. It would also fail to preserve heritage assets. The material considerations and public benefits advanced in support of the proposals do not outweigh the legislative requirements to determine planning applications in accordance with the development plan¹ and to have special regard to the desirability of preserving or enhancing heritage assets.

Conclusion

24. For the reasons given above I find that the proposal would conflict with the development plan as a whole and conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.