



Appeal Decision

Site visit made on 14 August 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8th October 2019

Appeal Ref: APP/B3410/W/19/3223986

Land east of Hollybush Road, Newborough DE13 8SF

- 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 Mike Connors against the decision of East Staffordshire Borough Council.
 - The application Ref P/2018/00897, dated 11 July 2018, was refused by notice dated 5 September 2018.
 - The development proposed is erection of two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) the effect of the proposal on the setting of nearby listed buildings at Holly Bush and its coach house and stables;
 - (b) the effect of the proposal on the character and appearance of the area;
 - (c) whether the proposal would provide acceptable access to everyday services and facilities; and
 - (d) whether the proposal would provide a suitable location for housing, having regard to the development plan.

Reasons

Listed buildings

3. There are three Grade II listed buildings near to the appeal site. Holly Bush is a small country house from the early 19th century. It has a number of features of architectural interest including stone detailing typical of the Regency era. It also has historic interest in terms of its previous owners and connections to colonial history of Jamaican sugar plantations.
4. The coach house and stables approximately 30 yards west of Holly Bush and the stables and house approximately 100 yards west of Holly Bush are the other two listed buildings. They date from a similar period to Holly Bush and have architectural and historic interest as brick ancillary buildings to the main country house.
5. The significance of the three listed buildings is informed by their architectural and historic interest, but also by their setting in terms of the surroundings in

- which they are experienced. The buildings are surrounded by considerable green space and surviving features of the historic designed landscape.
6. The garden wall adjoining the northern boundary of the appeal site is not listed in its own right, but the appellant's heritage appeal statement notes that it seems to have formed part of the land associated with Holly Bush in the past. It is not possible to determine from the evidence before me whether the wall forms part of the listed buildings by virtue of being within their curtilage. Nevertheless, it is still necessary to consider whether it contributes to the setting of these listed buildings as part of the surroundings in which they are experienced.
 7. The wall dates from the early 19th century and has some heritage interest in its own right based on its age, scale and design. It can be seen from Holly Bush Road passing the site and forms a prominent feature due to its elevation. The road forms part of the approach to the listed buildings and there is some intervisibility between the buildings and the wall. Although Blacksmiths Cottages is a later 20th century property of little architectural merit, it does not detract greatly from the openness and intervisibility between the listed buildings and the wall. Thus, the wall makes a positive contribution to the setting and significance of these listed buildings.
 8. The appeal site is a large area of lawn to the north-west of the listed buildings. Although its previous land use is unclear, it formed part of the wider estate to Holly Bush. Today it provides a strong sense of openness from the road and allows for views of the garden wall and the coach house/stables. Although the wall view is an external one, it remains an attractive view given the wall's qualities. Thus, the appeal site contributes positively to the setting and significance of the listed buildings. In that regard, I concur more with the Council's planning officer than the conservation officer who said the site only makes a neutral contribution.
 9. The proposed dwelling would not interfere with important views from Holly Bush or the relationship between the three listed buildings. The main approach to Holly Bush from the north would be unaffected. However, the dwelling would occupy much of the width of the site and be elevated above the road. As such, it would obscure views of the garden wall from the road and reduce the openness and views between the wall and the listed buildings. As a consequence of its siting, there would be a negative effect on the setting of the listed buildings and harm to their significance.
 10. The harm would be less than substantial and minor in nature as the proposal only affects part of the listed buildings' significance. However, in accordance with paragraph 196 of the National Planning Policy Framework (NPPF), such harm should be balanced against the public benefits of the proposal. NPPF paragraph 194 states that clear and convincing justification should be required for any harm or loss.
 11. The Council, the appellant and interested parties disagree as to whether the Council can demonstrate a 5 year housing land supply. However, even in the absence of a 5 year supply, the proposal only involves the provision of a single dwelling. Therefore, it would only represent a minor public benefit. The economic investment in the construction process and support for local services, along with the environmental efficiency of the building and scope for ecological

enhancements would be similarly minor given the small scale nature of the proposal.

12. The public benefits would be insufficient to outweigh the less than substantial harm to the significance of the three listed buildings. As a consequence, it would not accord with NPPF paragraphs 194 and 196. The proposal would have a negative effect of the setting of these listed buildings and so would conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This imposes the duty to have special regard to the desirability of preserving a listed building or its setting.
13. The Council has not referred to any development plan policies, but the appellant refers to Policies SP25, DP5 and DP6 the East Staffordshire Local Plan 2015 (LP) and Policy SP4 of the Newborough Parish Neighbourhood Development Plan 2012-2031 (NNDP). These policies seek proposals that conserve heritage assets and their settings. For the reasons set out above, the proposal would not accord with these policies.

Character and appearance

14. The properties surrounding the site vary in character, materials and design, with a mixture of horizontal and vertical emphasis. The proposed dwelling would be modernist, flat roofed and elongated across the site. Although in clear contrast to adjoining buildings in architectural terms, the design aims to avoid being overly dominant in terms of height and materials, with large areas of glazing. It would be set back and elevated from the road within a spacious plot and well landscaped, similar to adjoining properties like Blacksmiths Cottage.
15. Notwithstanding the negative effects on the setting of the listed buildings set out above, the proposal would have an acceptable effect on the character and appearance of the area in design terms. Therefore, it would accord with LP Policy SP24 which requires proposals to create a sense of place, respecting local patterns of development and reinforcing character and identity through local distinctiveness. It would also accord with the NNDP which seeks high quality design in keeping with the local area. It would be visually attractive and add to the overall quality of the area in line with NPPF paragraph 127.

Accessibility of services and facilities

16. For its size, Newborough has a reasonable range of services and facilities. These are clustered around the centre of the settlement and include a public house, coffee shop, bed & breakfast accommodation, primary school, play area, church and bus service along the B5234. Although the site is only 1km from the centre, which is a walkable distance, Holly Bush Road has no pavements or lighting beyond the centre and is narrow, bendy and operates at the national speed limit past the site with no public transport service. At my late morning site visit, there was intermittent traffic travelling at reasonably fast speeds along the road. These conditions would discourage walking and cycling into the centre of Newborough to access the above services and facilities. As a consequence, while not isolated, future occupiers of the development are likely to be largely reliant on the private car.
17. Existing residents closer to the centre of Newborough would have to travel beyond the parish to access a greater range of services and facilities, but they are more likely to walk or cycle to those services and facilities within the

settlement and they could use the bus more easily. Rural areas do not typically offer the same levels of accessibility or public transport options as urban areas, but compared to other parts of Newborough, the site has poorer access by means other than the private car. This level of accessibility might already apply to adjoining properties, but I am not aware that any of these properties are recent developments. Permission appears to have been given for dwellings to the south at Newborough Hall Farm, but this is closer to the centre of the settlement.

18. Sustainable development is multi-faceted and the proposal would not conflict with some of the principles in LP Policy SP1. However, it would be contrary to the principle in Policy SP1 that development proposals should be convenient and safe to walk, cycle and travel by public transport between the site and existing homes, shops, education, leisure and community facilities. It would also be contrary to LP Policy SP35 which encourages the use of sustainable modes of transport. Therefore, the proposal would not provide acceptable access to services and facilities.

Suitability of the location

19. Newborough is designated as a Tier 3 settlement without a settlement boundary in the LP and so is regarded as the open countryside. LP Policy SP8 sets out the categories of development which would be permitted outside of settlement boundaries. Category 3 is relevant, as it refers to development in accordance with a made Neighbourhood Plan. The NNDP was made in September 2016. As such, it forms part of the development plan for the purposes of this appeal.
20. NNDP Policy HE2 supports the development of approximately 17 dwellings over the plan period, unless it can be demonstrated that unsatisfied and identified need exists for a greater number of dwellings. NNDP Policy HE3 sets out a number of criteria which new residential development is required to comply with. Criterion 1A is most relevant, which supports the creation of single dwellings on an infill plot where it is bounded by existing properties on two or more sides and fronting an existing highway. The NNDP glossary defines an infill plot in a similar way to the policy as "land within the parish which is bounded by development on two or more sides and that fronts the public highway".
21. The size of an infill plot is not specified by the NNDP and I concur with the appellant that it does not have to be a small gap. The appeal site comprises a sizeable area of grass to the east of Holly Bush Road. There is no dispute that it fronts an existing public highway. To the north is Beech Cottage, which is positioned close to the road, and a tall brick wall enclosing the garden of the property known as The Walled Garden. To the south is Blacksmiths Cottage which is set much further back from the road than Beech Cottage.
22. There is an access track along the southern boundary of the site which continues further to the east and north. The track is a modest feature accessing a domestic property and so does not form a definitive separation between domestic areas or break up a gap between properties. The plots to the existing properties are large/long due to the size of gardens, but nevertheless, the properties bound the site on two sides.

23. The plot for the proposed dwelling would be similar in size and width to existing adjoining plots. The dwelling would not be isolated and would fit comfortably within the gap between Blacksmiths Cottage and Beech Cottage/The Walled Garden. Therefore, the proposal would represent infill development in accordance with criterion 1A of NNDP Policy HE3. The proposal would also accord with category 3 of LP Policy SP8.
24. Any proposal falling within one of the categories in LP Policy SP8 is then required to be judged against a number of criteria. It would not introduce considerable urban form and would have an acceptable effect on the character and appearance of the area in design terms. However, the siting of the dwelling and its impact on the setting of listed buildings would be negative. Moreover, while its proximity to Newborough would be reasonable in terms of distance, there are no sustainable linkages or good access to services and facilities. Therefore, the proposal would conflict with LP Policy SP8.
25. Concluding on this main issue, while in accordance with NNDP Policy HE3 and within one of the categories of LP Policy SP8, the proposal would not provide a suitable location for housing having regard to its effect on the setting of listed buildings and the accessibility of services and facilities.

Planning balance

26. In the event that the Council was unable to demonstrate a 5 year housing land supply, NPPF paragraph 11(d) would be engaged. However, the application of NPPF policies relating to designated heritage assets provide a clear reason on this occasion for refusing the proposal under NPPF paragraph 11(d)(i). Therefore, it is not necessary for me to go on and consider the tilted balance in 11(d)(ii). The presumption in favour of sustainable development would not apply, which indicates that planning permission should not be granted in this instance. There would be conflict with a number of policies with no material considerations that lead me to conclude against the development plan.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR