



Appeal Decision

Site visit made on 10 September 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/H1840/W/19/3231777

Tibbetts Farm, Russell Street, Great Comberton, Pershore WR10 3DT

- 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 Rob Farr against the decision of Wychavon District Council.
 - The application Ref 19/00491/FUL, dated 24 February 2019, was refused by notice dated 11 June 2019.
 - The development proposed is the construction of a detached three-bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached three-bed dwelling at Tibbetts Farm, Russell Street, Great Comberton, Pershore WR10 3DT in accordance with the terms of the application, Ref 19/00491/FUL, dated 24 February 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including heritage assets

Reasons

3. The appeal site forms part of the historical Tibbetts Farm complex on the edge of the Great Comberton village boundary, and part of the rear garden for The Rickyard. The buildings which make up the Tibbetts Farm complex fall within the Great Comberton Conservation Area (CA) and contribute towards the historic significance of the CA and the rural character and appearance of the surrounding area. The proposed dwelling would fall outside of the CA but would be adjacent to it. Ancillary parking, driveway and garden areas associated with the proposal would be partially within the CA.
4. Based on the evidence provided and my observations during my site visit I agree that Tibbetts Farm should be treated as a non-designated heritage asset for the purposes of this assessment. As suggested by the Council, I consider this grouping of buildings to offer a legible example of the traditional form, social and economic history of the settlement derived from the layout and relationship of these buildings. This in mind, it is my view that the proposed dwelling would represent a logical extension to this grouping of buildings and would not result in harm to their form, configuration, layout, interrelationship, character or significance as suggested.

5. The farm complex and its contribution to the CA has changed and evolved over time. This is evidenced by the conversion of the agricultural buildings into dwellings and the construction of a garage block associated with The Rickyard. These changes both enhanced the functionality of these buildings for modern purposes whilst preserving the historic form and significance of Tibbetts Farm as a heritage asset. Similarly, the proposed development would achieve the same outcome.
6. I do not agree with the Council that the separation distance between the proposed dwelling and the historic complex would be discordant with the legibility of the interrelated group of buildings. The proposed dwelling would be located closer to The Rickyard dwelling than some of the other buildings which make up the historic complex are to each other. Further, the proposal would inherently be related to the complex as it would rely on access via the driveway arrangements shared between The Rickyard and the converted barn immediately adjoining Russell Street. Accordingly, I am satisfied that the proposal would not harm the architectural or historic significance of the Tibbetts Farm complex as a non-designated heritage asset.
7. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have given special attention to the desirability of preserving or enhancing the character or appearance of the CA. The extent of the proposal which would be within the CA would be restricted to ancillary garden areas, the access driveway, car parking and a new boundary treatment. The nature of these elements is such that I would not consider them to harm the CA.
8. The proposal replicates a traditional linear barn style design, with a low height and external surface materials to match the existing rural character and appearance of the related Tibbetts Farm complex. The proposal would maintain a sense of openness characteristic of the appeal property, beyond the Tibbetts Farm complex, as the transition from the Great Comberton village boundary to the open countryside. I note that the ancillary use of land within the open countryside is consistent with the current garden areas demarcated for The Rickyard dwelling, and would not harm the character and appearance of the settlement edge. I therefore find the proposed development to maintain the rural character and appearance of the surrounding area and would not harm the character or appearance of the adjacent CA.
9. Accordingly, the proposed development would not harm the character and appearance of the surrounding area, including heritage assets. It would therefore satisfy Policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan (DP) (adopted February 2016) and Section 16 of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to ensure that development conserves and enhances the character and appearance of both designated and non-designated heritage assets.

Other Matters

10. The appeal property falls within the Cotswold Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act and Paragraph 172 of the Framework requires that great weight be given to conserving and enhancing the landscape and scenic beauty of the AONB. The close relationship between the proposed development and the historic Tibbetts

Farm complex is such that it would achieve a cohesive appearance with the existing built form along the edge of the Great Comberton settlement. The proposed dwelling would therefore conserve the open landscape setting beyond in the countryside, enhancing the relationship between the urban form and the landscape of the AONB.

11. Traffic concerns were raised by third parties to the appeal. I am satisfied having regard to the scale of the proposed development that it would not give rise to unacceptable levels of traffic congestion along Russell Street or the wider road network. The existing access arrangements to the appeal property are considered functional and safe, and the development would have more than adequate space to accommodate for off-street parking.

Conditions

12. I have had regard to the 11 conditions suggested by the Council and the comments provided by the appellant. Where necessary I have amended the wording, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance and the Framework.
13. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose building material, boundary treatment, and landscaping conditions. I note the appellants comments regarding the need for a building material and landscaping conditions, however I consider these conditions to be reasonable and necessary having regard to the sensitive character and appearance of the adjacent buildings in the CA, and the open countryside.
14. Conditions requiring obscure glazing be applied to the rooflights facing the dwelling at the Rickyard is reasonable and necessary to protect the living conditions of those neighbouring occupiers. Restrictions to construction and delivery hours would also protect these living conditions.
15. Ecological mitigation and enhancement measures have been conditioned to enhance the developments contributions towards the biodiversity objectives under the DP. Conditions requiring details of sewage disposal and drainage works, and the floor slab level be submitted for approval is necessary to ensure the development appropriately responds to the surface water characteristics of the appeal property and is adequately serviced.
16. A pre-commencement condition was recommended by the Council's Archaeology and Planning Advisor as part of their consultation response to offset any impact to potential archaeological findings. Acknowledging the sensitive location of the proposed development, and the limited data beyond the historic farm complex I consider this condition reasonable and necessary and have imposed it accordingly.
17. The energy condition proposed by the Council has not been imposed as the appellant submitted the necessary details demonstrating compliance during the assessment process. The Council acknowledge their acceptance of this in their delegated report. Accordingly, I have omitted this condition.

18. Both parties have had the opportunity to provide comments on the schedule of conditions. The procedure set out under section 100ZA(5) of the Town and Country Planning Act 1990 has been followed. The Council have confirmed they have no objection to the pre-commencement condition. The appellant has questioned whether such a condition is reasonable and necessary, suggesting no such concerns were raised during the assessment of the application. Notwithstanding this, if deemed reasonable and necessary the appellant had no objection to the condition being required pre-commencement. The evidence submitted as part of this appeal suggests this matter was raised by the Council's Archaeology and Planning Advisor during the assessment of the application. It is therefore my view that this condition is reasonable and necessary as previously stated above.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

J Gibson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Dwg No p2018_022/01, dated 12/10/2018); Existing Site Plan (Dwg No p2018_022/02, dated 12/10/2018); Existing Site Sections (Dwg No p2018_022/03, dated 12/10/2018); Proposed Site Plan (Dwg No p2018_022/04, Rev B, dated 15/01/2019); Proposed Site Sections (Dwg No p2018_022/05, Rev B, dated 15/01/2019); Proposed Ground Floor Plan (Dwg No p2018_022/06, Rev B, dated 15/01/2019); Proposed First Floor Plan (Dwg No p2018_022/07, Rev B, dated 15/01/2019); Proposed South and East Elevations (Dwg No p2018_022/08, Rev B, dated 15/01/2019); Proposed North and West Elevations (Dwg No p2018_022/09, Rev B, dated 15/01/2019).
- 3) Before any building operations above the approved ground floor level are commenced, details and samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) Before the first occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The building hereby permitted shall not be occupied until the rooflights servicing Bedroom 3 and the southern side of Bedroom 1, as shown on the approved plans, have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the rooflight is installed and once installed the obscured glazing shall be retained thereafter.
- 6) The development hereby permitted shall not be occupied until full details of all sewage disposal and surface water drainage systems to serve the development have been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before the first occupation of the development and shall be retained thereafter.
- 7) The construction work on the building hereby approved shall not be commenced until the floor slab level of the new building, relative to the existing dwelling on The Rickyard site, have been submitted to and approved in writing by the local planning authority. Thereafter the new building shall be constructed at the approved floor slab level.
- 8) Demolition, clearance or construction works and deliveries to and from the development site shall only take place between the hours of 0800 and 1800 on Monday to Friday, and 0800 and 1300 on Saturday. No such work and deliveries shall take place at any time on Sunday or on Bank or Public Holidays.

- 9) Before the first occupation of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
- i) Plans showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - ii) Plans showing the layout of proposed tree, hedges and shrub planting and grass areas.
 - iii) A schedule of proposed planting indicating species, sizes at time of planting and numbers/densities of plants.
 - iv) A written specification outlining cultivation and other operations associated with plan and grass establishment.
 - v) A schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting, seeding or turfing shall be carried out in accordance with the approved details in the first planting and seeding or turfing seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) No development shall take place until programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions, and:
- i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 11) Before the first occupation of the development hereby permitted, an ecological mitigation and enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable. The works shall thereafter be carried out in accordance with the approved details and timetable.