



Appeal Decision

Site visit made on 2 December 2019

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 23rd December 2019

Appeal Ref: APP/D0515/W/18/3218393

Land east of 10-32 Church Road, Leverington, Wisbech PE13 5DE

- 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 Mr S Proctor, Hickman Farm Partnership against the decision of Fenland District Council.
 - The application Ref F/YR18/0573/O, dated 7 June 2018, was refused by notice dated 7 September 2018.
 - The development proposed is described as an 'outline application for 35 two storey dwellings with access road, with access, site layout and dwelling locations committed and detailed design and appearance and landscaping reserved.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development upon the character and appearance of the area, including any effect upon the setting of designated heritage assets.

Preliminary Matters

3. The application was submitted in outline with access and layout for approval and appearance and landscaping reserved. Elements of the submitted plans are therefore indicative. I have dealt with the appeal in the same manner.
4. A revised highways plan was submitted with the appeal. The Council has no objection to this plan being considered and given that the differences involve fairly minor highway alterations and there is not a substantial difference between the plans, I have proceeded on this basis.

Reasons

5. The village of Leverington lies to the north west of Wisbech, and has two main parts: a southern half which is primarily linear in character, running along Dowgate Road and a stream/brook on the north side of this road, with more modern nucleated development to the north west of the junction of this road with Church Road; and a northern half set around the Grade I listed St Leonards Church. Church Road linking the two parts of the village has ribbon development along much of its length on the west side but the east side retains an open stretch of land bordering a field. Development on the east side

- culminates with a small pumping station, which is adjacent to the curtilage of a pair of attached Grade II listed buildings; Reed Cottage and Thatched Cottage.
6. The appeal site lies to the rear of these cottages and adjacent buildings to the south, and would be accessed by a new roadway to be constructed to the north of the pumping station, to be flanked by a proposed detached property on its southern side and two smaller detached houses on its northern side.
 7. Like the village, the Leverington Conservation Area (LCA) is split into two parts, with a southern element running along part of Dowgate Road and including the junction of this road and Church Road, and a northern part encompassing the Church and surrounds, including the Grade I listed building of Leverington Hall and the school. The southern boundaries of the appeal site run along part of the northern boundary of the southern part of the LCA.
 8. The two distinct parts of the settlement form a key part of the character of the village. While more modern development to the west of Church Road has diluted this character somewhat, the field to the east of the road and to a lesser extent the sports fields south of the Churchyard maintain this separation of the more historical separate parts of the settlement. In turn, while not included within the LCA, the remaining open areas between the 2 parts of the LCA add substantially to the setting and the significance of the LCA.
 9. The curtilages of Reed Cottage and Thatched Cottage back on to the appeal site. These early 17th century properties are constructed in red brick with a thatched roof. The form of the structure is distinctive, with a central hall and crosswings to either end presenting strong gables to the roadside. The façades of the buildings are slightly adversely affected by modern windows but the properties make a significant contribution to the character of Church Road. The setting of the listed building is primarily around Church Road, but the open field to the rear and consequent rural setting also contributes to the significance of the heritage asset.
 10. Lancewood is a Grade II listed building set off Dowgate Road. This house is a fairly large building constructed in brown brick with a slate roof. The property is well screened from the roadside. Evidence notes that more modern properties were built fairly recently in the grounds to the east of this house, and these were more visible on my site visit than Lancewood.
 11. The Grade I listed Leverington Hall is sited in the northern half of Leverington, on its southern boundary. This very attractive house, dating from around 1630 according to the listing is constructed in red brick in an English bond (as Reed and Thatched Cottage) with a tiled roof to front. The façade of the property has an original hall and crosswings at either end. The property is noticeably attractively architecturally detailed, with wooden modillioned cornices on the hall front, returned to the set forward crosswings. A central brick porch is also noticeable, set between the banded two storeys of the main property. The setting of the Hall covers the land to the front of the building, including the adjacent open space set to the north west of the Hall, the adjacent school and overlaps with the setting of St Leonards Church further to the north west. The setting also encompasses the open field to the south.
 12. Roman Bank is a scheduled monument which runs roughly from the south east corner of the northern half of the village to the southern part of the village. The Bank visually closes off the land (named as 'Outnewlands' on maps) which

separates the two halves of the village when seen from Church and Dowgate Roads. In their application response, Historic England note that the Bank is the surviving section of a former sea defence built along the line of the Wash to protect the surrounding land from flooding. The open land to the west of the monument contributes significantly to its setting, with the bank forming a noticeable barrier in the primarily flat landscape. The bank is tree lined, which adds to the prominence of the feature in the landscape when seen from Church and Dowgate Roads.

13. The scheduled monument of Cherry Tree Hill round barrow is situated within Outnewlands adjacent to Roman Bank. The land is noticeable when compared to the surrounding farmland as it is uncultivated and is slightly physically highlighted by this uncultivated nature. The setting of the monument includes the surrounding farmland and the Bank but its presence is not as noticeable as Roman Bank.
14. Rabbit Hill Round Barrow is a scheduled monument sited to the south of Dowgate Road. This barrow is clearly visible from the roadside and forms a far more prominent dome in the landscape than Cherry Tree Hill. The setting of this monument extends to the roadside frontage and includes part of the land to the north, where an attractive tree lined area surrounds the brook.
15. The appeal site would involve construction on a significant area of Outnewlands. The site would extend across much of the width of the field towards Roman Bank with a return southward to Dowgate Road. A sustainable urban drainage storage area would be located in the southern corner of the site, adjacent to the north bank of the stream and the modern houses to the east of Lancewood. The rear of houses would be sited along the eastern and northern boundaries, which it is stated there would be a landscape buffer.
16. The development of the site would mark a significant change to the pattern of development in the village, pushing the built form of the southern half of the village east of Church Road towards the northern part of the settlement. In doing so the proposal would alter the character of the southern part of the village, which remains primarily linear on the east side of Church Road and on Dowgate Road to a more nucleated form, aping the more modern development to the west of Church Road. This would be noticeable visually from the remaining open section of Church Road to the south of Leverington Hall and from views on Dowgate Road to the south and would adversely affect the character and appearance of the village, failing to respect the existing development pattern maintaining the two sections of the village, thereby also having an adverse effect on the setting of the LCA.
17. In developing a large area of Outnewlands, the scheme would also have a significant effect upon the setting of Roman Bank. The setting and significance of this monument is added to substantially by its rural setting to the west and the dilution of this by the proposal would affect this adversely. Harm would also be caused, albeit less significantly, to the setting and significance of Reed and Thatched Cottages and Cherry Tree Hill scheduled monument. While open space is planned behind Reed and Thatched Cottages, the proposals would still be close enough to alter the rural setting of the rear of Reed and Thatched Cottages adversely, and the proximity of the edge of the proposal to Cherry Tree Hill would encroach significantly onto the rural setting of this scheduled monument. The proposal would also lie within the setting of Leverington Hall

and Lancewood, but I do not consider for these heritage assets the proposal would be harmful, due to the space remaining between the Hall and the proposal and the development already present around Lancewood.

18. While the site does not extend across the full width of the field in either direction, the proposal would constitute a significant change to the character of the village and would remove many views between the northern and southern halves of the village. Although the scheme proposes landscaping buffers to its boundaries this could have the effect of drawing attention to the edges of the scheme in such a flat landscape and where views may remain between Dowgate Road/Little Dowgate towards the north these would be diminished significantly.
19. My attention is drawn to various development permitted in Leverington in recent years, both in the LCA and outside of it. However, none of these affect Outnewlands in the same way as the proposed development; from the limited details provided to me, many of them appear to consolidate the built form of the village rather than expand into adjacent areas as the proposal would do. The one potential outlier may be the consent for 4 dwellings in the grounds of Lancewood; however, even this site does not have the same effect on the village form, Roman Bank or the LCA that the proposal would.
20. I note the comments of Historic England on a housing proposal to the east of Roman Bank on which they did not object. However, as far as I can ascertain from the evidence provided this site did not extend beyond the existing rear line of development in that area of the village, and hence the proposal was not closer to Roman Bank than existing development, whereas the proposal in this case would represent an incursion of significant development in reasonably close proximity to the scheduled monument. Moreover, I note Historic England state that they do have concerns that further development in the vicinity of Roman Bank would continue to erode the open setting of the monument.
21. My attention is also drawn to an appeal decision from 2018 for a site in Suffolk, where the Inspector found that while the scheme in that case resulted in limited change to the setting of some heritage assets, such change would not be harmful. However, and notwithstanding that each case should be considered on its own merits, in this case I have found that the proposed development would have a harmful effect on the setting of the relevant heritage assets.
22. Policy LP1 of the Fenland Local Plan, 2014 (the Local Plan) states that the Council will take a positive approach to development proposals that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (the Framework). Policy LP3 of the same plan sets out a spatial strategy for the Council area, with the overall strategy being for sustainable growth derived by allocating the majority of development around the area's four market towns. In this context Leverington is designated as a 'Limited Growth Village', in which a small amount of development will be encouraged and permitted to support its sustainability. Such development may be appropriate as a small village extension.
23. Part A of Policy LP12 of the Local Plan concerns new development in villages. The policy states that new development will be supported where it contributes to the sustainability of that settlement and meets various criteria, including where the scheme is of a scale and in a location that is in keeping the core shape and form of the settlement and will not adversely affect its character and

appearance, retains and respects heritage features and would not result in the loss of open space within the village. For the reasons given above, I consider that the proposal would not keep the core shape and form of the settlement, would adversely affect its character and appearance and would not respect heritage features, and therefore the proposal would be contrary to policy LP12 and would not be appropriate as a small village extension.

24. Policies LP16 and LP18 of the Local Plan together state that proposals for all new development will only be permitted where they protect and enhance any affected heritage assets and their settings, with proposals being determined in accordance with the Local Plan and the Framework, make a positive contribution to the local distinctiveness and character of the area and do not adversely impact on the settlement pattern of the surrounding area.
25. The Framework states 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, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm, and that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
26. For the reasons given above I consider that the scheme would cause less than substantial harm to the setting, and therefore the significance of Roman Bank. Lesser harm, although still less than substantial would also arise to the significance of Reed and Thatched Cottages, Cherry Tree Hill monument, and the LCA.
27. In such situations the Framework states that this harm should be weighed against the public benefits of the proposals, including where appropriate securing its optimum viable use. The proposal would generate economic and social benefits through both the construction and residence of the proposed houses. It is also submitted that a scheme which mainly lies within Flood Zone 1 in an area where many sites are at higher flood risk is a positive benefit of the proposal. However, I am bound to give great weight to the less than substantial harm that I have found to the heritage assets in the vicinity of the site, and I do not consider that the public benefits of the proposal would provide clear and convincing justification for the scheme to outweigh such harm. The proposal would thus be contrary to policies LP16 and LP18 of the Local Plan, as well as to the Framework.
28. Furthermore, while noting evidence submitted by the appellant concerning the village threshold for Leverington and scope for growth within the settlement, due to the environmental harm that I have identified the proposal would cause to the character and appearance of the area and to heritage assets, I do not consider that the proposal would constitute sustainable development or sustainable growth, and the scheme would thus be contrary to policies LP1 and LP3 of the Local Plan.
29. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the area, including upon the setting of designated heritage assets, and would be contrary to policies LP1, LP3, LP12, LP16 and LP18 of the Local Plan, as well as to the Framework.

Other Matters

30. A further reason for refusal of the planning application centred on the lack of a Section 106 Agreement to secure financial contributions generated by the proposed development. In response to this a viability assessment has been submitted detailing that such contributions would make the scheme unviable, which has been accepted by the Council. However, given that I am dismissing this appeal on other grounds, I have not considered this matter further.
31. The appellant raises doubt over the Council's ability to demonstrate a five-year supply of deliverable housing land supply, does not "submit a full study" on this matter but considers that this illustrates the need to look positively and proactively at the proposals. I have considered the scheme in a positive manner but consider that the application of policies in the Framework concerning designated heritage assets provide a clear reason for refusing the development proposed.

Conclusion

32. I have concluded that the proposal would have an adverse effect upon the character and appearance of the area and upon the setting of designated heritage assets. The proposed development would be contrary to the development plan and to the Framework. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

Jon Hockley

INSPECTOR