



Appeal Decision

Site visit made on 12 November 2019

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/W0530/W/19/3220022

Land east of 12 Church Lane, Little Eversden, Cambridgeshire

- 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 Thomas Banks (Eversden Construction Ltd) against the decision of the South Cambridgeshire District Council.
 - The application Ref: S/1235/18/FL, dated 29 March 2018, was refused by notice dated 4 October 2018.
 - The development proposed is erection of a live/work unit with associated parking and landscaping including the demolition of silos.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant refers to a number of previous appeal Decisions and Council reports at other locations. The circumstances and considerations in those are not identical to those in this appeal, and I am unaware of the detail of the submitted evidence and arguments relating to them. I have therefore taken account of them only insofar as they are relevant to the matters before me and I have determined this appeal on its own merit.
3. In reaching my decision I have had regard to the statutory duty imposed upon me by s.66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

4. The main issues are:
 - (i) the effect of the proposed development upon the setting of the Grade II* listed building Church of St Helen, Church Lane, (Ref. 1309238),
and;
 - (ii) if any harm would be caused, whether that harm would be outweighed by public benefits.

Reasons

Effect on setting of the listed building

5. The parish Church of St Helen dates from the 14th Century and was constructed from fieldstone and clunch¹ rubble. As a designated heritage asset² its Grade II* listing is reflective of it being a particularly important building. The listing description, referred to by the appellant, is for identification purposes only although it does briefly describe some of the features which contribute to the building's significance.
6. The significance of a heritage asset derives not only from its physical presence, but also from its setting; the surroundings in which a heritage asset is experienced. Emphasising its historic social importance, the church is prominently and conspicuously located within a walled churchyard, separate and distinct from surrounding buildings. Serving a parish of predominantly agricultural workers its landmark presence would have been seen not only in closer range views but also from afar across the surrounding fields. Thus, the association and inter-visibility of the building and the surrounding countryside is also an intrinsic and important element of its setting. I acknowledge that the setting has evolved over time including from the built form of the village (including the remaining grain silos to the south) and the line of trees between the appeal site and the church. However, I saw during my visit to the appeal site that the inter-visibility remains, including through gaps and under tree canopies. Thus, the inter-visibility and association of the building to the surrounding countryside nonetheless still contributes greatly to its significance.
7. The existing metal grain silos were justified at the time as agricultural requirements, and hence came to form part of a more modern agricultural landscape. Now defunct, I have no doubt that their removal from both close and longer range views of the church would enhance its setting. However, following their removal the remaining silos would be replaced by the proposed live/work unit. I turn to this next.
8. The proposed two storey building would be similar in rectangular form, massing and materials to a live/work unit already approved in 2016³ on the adjoining site to the west. It would utilise dormers in the pitched roof and comprise a three bedroom dwelling with an attached work unit, with separate parking provision and rear amenity area.
9. Given its location and massing I consider that the proposed unit would further enclose the church from the countryside, blocking views to the south which, as I have already described, are important to the setting and significance of the listed building. That would be compounded by the presence of additional vehicle parking along the southern churchyard boundary wall. The provision of garden/amenity space, together with normal associated domestic activity and related paraphernalia, would inevitably permanently change the character and appearance of the land and add to the sense of separation of the church from the countryside beyond. Taking account of all these factors I find that the visual and physical relationship of the church to the countryside would be all

¹Clunch': hardened chalk, probably dug from the nearby clunch pits in South Cambs

² The National Planning Policy Framework (2019) Annex 2: Glossary

³ Planning permission S/2512/15/FL

but lost, markedly reducing the ability to interpret and understand the historic significance of the listed building.

10. Removal of all 7 silos has already been permitted by the 2016 planning permission. However, the appellant argues that scheme can be implemented without removing all of the silos. Consequently, it is suggested that this appeal proposal should be assessed on the basis that dismissing the appeal would allow some of the silos to remain in situ, particularly in respect of any perceived harm to the setting of the listed building. In essence this is a 'fall-back' argument.
11. However, it is not for me to determine in this appeal whether the appellant's scenario of partial implementation of the earlier planning permission and retaining some of the silos, including compliance with any relevant planning conditions, would be lawfully possible or not. Even if it were a possibility, it seems highly unlikely to me that occupation of the 2016 approved unit would be desirable to anyone if any unsightly redundant silos were to remain in such close proximity, severely affecting outlook from that unit. I consider it would potentially undermine the viability of that development in those circumstances. For these reasons I cannot be sure therefore that the appellant's scenario of some silos remaining in situ would prevail in the longer term.
12. The above notwithstanding, even if the silos were to remain they would at least be structures that give a visual cue to the historic agricultural character of the land on which they sit and to the land beyond to the south, whereas the proposed appeal scheme, taken as a whole, would not do so. Consequently, I consider the harm to the setting and significance of the listed building that would result from the appellant's scenario of partial implementation of the 2016 permission would be less harmful than would result from the proposed redevelopment. Consequently, I attach little weight to the appellant's fall-back argument.
13. To conclude on this first main issue; I find that the development would result in harm to the setting and hence the significance of the listed building. In terms of the Framework⁴ the harm resulting from the proposed scheme would be less than substantial. Thus, in accordance with paragraph 196 of the Framework the harm should be weighed against any public benefits.

Whether public benefits would outweigh harm

14. There is some disagreement between the parties concerning the relevance of the Council's Development Plan policies to the location of the proposed development. That aside, the appellant argues that the development would overall constitute *sustainable development* as set out at paragraph 8 of the Framework, thereby providing public benefits to outweigh the harm to the significance of the listed building.
15. To achieve sustainable development the Framework identifies overarching economic, social and environmental objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
16. With regard to the economic objective I acknowledge there would be some benefit in the provision of a permanent employment use in a rural area and

⁴ National Planning Policy Framework (2019)

also during construction, together with economic support for local businesses and services from spending following occupation.

17. I also accept that for the social objective there would be no need to travel to work and there would be accessibility and support to the local community and its services. However, given the scale of the proposed development these benefits would be very limited. The residential unit would not be remote or isolated from the village. However, there is no dispute that the Council has a minimum five year supply of housing land and in that context there is no convincing evidence before me that there is a demonstrable need for additional housing, particularly in this location. While it would nonetheless add to the overall supply of housing it would also be a small benefit.
18. In terms of the environmental objective there would be no commuter trips by car, although that benefit could be reduced by other employment related trips to and from the site, or to more distant services and facilities. It would also provide some small benefits from additional parking that could be used by visitors to the church, together with permeable paving to reduce surface water runoff and biodiversity gains from planting. However, the environmental objective also includes contributing to and enhancing the historic environment. In this regard I have previously set out the harm that would result from the development, including from the additional parking. The proposal would not meet the Framework's environmental objective.
19. To conclude on this second issue, I find that the public benefits of the scheme are limited and small scale. Individually or taken together they are clearly insufficient to outweigh the harm I have identified to the significance of the listed building. For the same reasons the proposed development would not be sustainable development overall when considered against the Framework as a whole. As such, it would also conflict with Policies E/17, HQ/1 and NH/14 of the South Cambridgeshire Local Plan (2018) which, taken together, require new development to bring about environmental improvement, and to conserve or enhance important historic assets and their setting as appropriate to their significance.

Other matters

20. I have considered whether planning conditions would overcome or mitigate the harm I have described to the significance of the listed building, but there are none that would do so.
21. I have also taken account of the submitted comments from third parties in reaching my decision. However, they do not lead me to reach any different conclusions on the main issues or to a different decision overall.

Conclusion

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

Thomas Shields

INSPECTOR