
Appeal Decision

Site visit made on 19 November 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/F2605/W/19/3236051

Land south of The Street, Rockland All Saints, Rockland NR17 1UX

- 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 Ms M Corcoran against the decision of Breckland District Council.
 - The application Ref, 3PL/2018/1533/O dated 7 December 2018, was refused by notice dated 26 July 2019.
 - The development proposed was originally described as the erection of 2 No dwellings with parking and turning and improved highway access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with access to be considered at this stage and all other matters reserved for future consideration. I have determined the appeal on this basis.
3. An illustrative layout accompanies the application and I have paid regard to this layout in so far as assessing the principle of development in land use terms.
4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
5. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of erection one dwelling and garage with parking and turning and improved highway access. The Council dealt with the proposal on this basis and so shall I.
6. The Breckland Local Plan 2011 – 2036 (BLP) has been adopted since the appeal was submitted. Policies DC16 and DC17 of the Breckland Core Strategy and Development Policies Development Plan Document (2009) have been superseded by new Policies in the BLP. As such Policy DC16 has been superseded by Policies GEN 02 and COM 01 and Policy DC17 superseded by Policies ENV 07 and ENV 08.

7. The appellant and the Council have commented on the new policies. I must make a decision based on the development plan at the time of my decision. I am satisfied that no main party has been prejudiced by my approach.

Main Issue

8. The main issue is the effect of the development upon the setting of nearby listed building The Rookery and upon the character and appearance of the area.

Reasons

9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
10. The Rookery is a 17th century house with later alterations and additions. The house is brick and roughcast clay lump. The Rookery is largely screened from the surrounding area by trees and landscaping with glimpsed views available from within the surrounding area. The listed building's significance is informed by its architectural and historic interest as a building dating back several centuries. From the evidence before me, the appeal site until a few years ago, formed part of the curtilage of The Rookery. Whilst development has taken place around The Rookery the land extending to the junction of The Street and Low Lane, formed in part by the appeal site, has remained undeveloped and makes a positive contribution to the area.
11. The village has a strong linear form along The Street and Low Lane. The Rookery and the surrounding land are a variance to this pattern, with the dwelling set deeper into its irregular and spacious plot with a number of buildings dispersed around the house.
12. The extent of the setting of a heritage asset is not fixed and may change and be experienced differently as the asset and its surroundings evolve. I acknowledge that the site has been physically separated from The Rookery by a semi-mature reasonably tall hedge, however, it has the inherent value as an area of green and undeveloped land neighbouring the house and forms part of the setting of the listed building.
13. In addition to the historic relationship between the appeal site and The Rookery there is a visual one due to the inter visibility between the two, although I acknowledge that existing hedge and trees, including the Chestnut trees, limit views between the sites.
14. Notwithstanding the illustrative position of the proposed dwelling and distance between it and the heritage asset, I find that the introduction of the built form through a new dwelling and the urbanisation of the site and the associated residential paraphernalia would significantly erode the verdant nature of the site. The loss of this green area would unacceptably diminish the contribution it makes to the setting of the heritage asset and the character and appearance of this part of the village through this urbanisation. Whilst the Council's Historic Buildings Consultant did not raise heritage concerns to the application this does not alter my findings in respect of the main issue.

15. I acknowledge that the proposal has been submitted in outline form, however, based on the evidence before me, I am not satisfied that a scheme appropriate to its context could be secured at reserved matters stage. I am not persuaded that a low-key building or one that appears as a historic outbuilding would overcome my concerns.
16. In light of the above I find that there would be some, albeit limited harm to the setting of The Rookery. In accordance with Paragraph 196 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. In this case I conclude that the proposal would lead to less than substantial harm to the setting of the neighbouring listed building. This harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use, which I now turn to.
17. In this regard, the proposal would contribute to local housing supply and employment with the construction of one dwelling, but these benefits are modest. I therefore afford these benefits limited weight. Taking into consideration the points above I find that the harm to the setting of The Rookery would clearly outweigh the public benefits of the proposal and afford this considerable weight.
18. As such, in my judgement, the proposal would not preserve the significance of the neighbouring listed building The Rookery and would harm the character and appearance of the area. The proposal would be contrary to Policies GEN 02, ENV 07, ENV 08 and COM 1 of the BLP 2019 which, amongst other things, requires development to respect and be sensitive to the character of the surrounding area and to preserve the special character of the historic environment and designated heritage assets. It would also conflict with the Framework.

Other Matters

19. I note the appellant's comments in relation to the granting of planning permission for new dwellings in the village. However, every appeal must be considered on its own merits. The granting of other permissions in the area does not justify the harm that I have identified in relation to the setting of the listed building.

Planning Balance

20. I acknowledge at the time the application was determined the Council was unable to demonstrate a deliverable five year supply of housing land. That situation has changed with the adoption of the BLP. Consequently, paragraph 11(d) of the Framework is not engaged. Planning law requires that applications for planning permission, should be determined in accordance with the development plan, unless material considerations indicate otherwise.
21. However, even if the Council was not able to demonstrate an adequate supply of housing land, the proposal would make only a small contribution to the area's housing supply and its social and environment benefits would be limited.
22. Furthermore, I have found that the proposal would give rise to harm to the setting of neighbouring listed building. The adverse impact of which would significantly and demonstrably outweigh the benefits.

23. I conclude that the proposal conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that harm. The appeal is therefore dismissed.

Conclusion

24. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR