



Appeal Decision

Site visit made on 7 July 2020 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/Q1825/D/20/3251541

Mutton Hall Farm, Astwood Lane, Astwood Bank B96 6HJ

- 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 Mitchell Ferris against the decision of Redditch Borough Council.
 - The application Ref 20/00236/FUL, dated 20 February 2020, was refused by notice dated 2 April 2020.
 - The development is the creation of new access to highway. Re-build brick garden wall to 1.78m.
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Decision

1. The appeal is dismissed in so far as it relates to the creation of new access to highway.
2. The appeal is allowed in so far as it relates to the re-building of the garden wall, and planning permission is granted to re-build brick garden wall to 1.78m at Mutton Hall Farm, Astwood Lane, Astwood Bank B96 6HJ in accordance with the terms of the application, 20/00236/FUL dated 20 February 2020 and the plans submitted with it, subject to the following condition:
 - 1) the development hereby permitted shall be carried out in accordance with the approved plans, in so far as they relate to the rebuilding of the brick garden wall: 1822-LOC2 FH and 1822/13C.

Appeal Procedure

3. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. As of my site visit the brick garden wall has been rebuilt. I observed that no works had started on the proposed new access to the highway.
5. The Council has indicated that the rebuilding of the garden wall is acceptable. Given its scale, design and that it is the replacement of a previous wall, I find that the rebuilt wall does not harm the setting of the host property which is a designated heritage asset. This part of the proposal is clearly severable from the proposed access. A split decision allowing this portion of the scheme would be suitable in this case.

Main Issue

6. The main issue in this case is the effect of the new vehicular access on the setting of Mutton Hall Farm, a grade II listed building.

Reasons for the Recommendation

7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving the setting of a listed building. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
8. The appeal site is situated on the south side of Astwood Lane, within an agricultural area. The site contains Mutton Hall Farm, a 17th Century Farmhouse which is timber framed with painted brick infill and a plain tiled roof. The building is set back from the road by the former farmyard which is partly enclosed by a few former agricultural buildings and a brick wall.
9. The Framework states that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. In this regard Mutton Hall Farm is viewed in a rural landscape with the barns, farmyard and walled garden forming its setting. Its significance arises not only from the age of the building and the layout of its grounds, but also its historic associations with the nearby barns, and farmyard to the front.
10. Whilst the barns are being converted to residential use and would be served by a separate access, and separated from the host property, their legibility and historical connection to the farmstead and farmhouse remains.
11. The proposed access and associated driveway would, by linking the garden to the farmyard, erode the historic separation of these areas and therefore the legibility of the historic form and function of the site. While I note that the Council had previously approved a breach in the garden wall the proposal before me is materially different to that, and as such is not justified by the previous approval.
12. Although the appellant suggests the existing access would be closed off, the submitted plans show it being retained. Retaining both accesses would further confuse the appearance and legibility of the setting of the listed building, resulting in the type of loop access more typical of grander and modern properties than of simple farmhouses. The harm to the legibility of the residential garden would be exacerbated by the five-bar gate which is agricultural in appearance, thereby suggesting the land beyond is, or was, not a garden.
13. In light of the above, I conclude that the proposal would not preserve the setting of the listed building. Whilst the harm that would be caused to the significance of this designated heritage asset would be less than substantial, the Framework is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the proposal.

14. From the information before me it appears that, given the wider visibility splays, the new access would be an improvement over the existing access onto the highway. However, by retaining the existing access there would be unlikely to be a reduction in the risk to highway safety. Indeed, this arrangement may result in confusion to visitors to the site, who may slow down in the carriageway whilst deciding which access to use. Given this, I do not find that the proposal would be a public benefit as asserted by the appellants.
15. Given the above I consider the benefits advanced in support of the proposal do not amount to public benefits which would outweigh the harm to the significance of this designated heritage assets. Therefore, I conclude that the new vehicular access fails to preserve the setting of the listed Mutton Hall Farm and conflicts with Policies 36 and 37 of the Borough of Redditch Local Plan No 4 which require development to conserve and enhance heritage assets. This part of the proposal also conflicts with the conservation and enhancement of the historic environment aims of the Framework.

Conditions

16. In terms of the garden wall, I have considered the conditions suggested by the Council against the advice on conditions set out in the Framework and the Planning Practice Guidance.
17. In the interests of clarity, a condition referring to the approved plans is necessary. However, as the development has already been completed, I find it would not be necessary for the suggested time limit and matching materials conditions to be attached.

Recommendation

18. For the reasons given above I recommend that the appeal should be dismissed in so far as it relates to the formation of a new vehicular access but allowed in so far as it relates to the rebuilding of the garden wall.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed in so far as it relates to the new vehicular access but allowed in so far as it relates to the rebuilding of the garden wall.

RC Kirby

INSPECTOR