



Appeal Decision

Site visit made on 22 July 2020

by G Rollings BA (Hons) MAUD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/R0660/W/19/3243561

Land adjacent to Swan Inn, Wrenbury Road, Marbury, Cheshire, SY13 4LS

- 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 Cronin Development Consultancy Ltd against the decision of Cheshire East Council.
 - The application Ref 19/1230N, dated 11 March 2019, was refused by notice dated 17 July 2019.
 - The development proposed is the erection of a detached dwelling house and creation of access onto Wrenbury Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address as provided on the appeal form, as opposed to the shorter version on the application form, to provide clarity on the location of the proposed development. No site postcode was provided on the application or appeal forms or decision notice; the version that I have used above was provided by the Council on the appeal questionnaire.
3. The Council's refusal notice included a reason relating to surface water drainage. The appellant has provided new information and the Council has agreed that this satisfies its concerns on this issue. I see no reason to disagree and therefore make no further reference to the matter.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the setting of the outhouse to the Swan Inn, a grade-II listed building; and
 - The effect of the proposed development on the character and appearance of the Marbury Conservation Area.

Reasons

Effect on the setting of the listed building

5. 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, its significance, or any features of special architectural or historic interest.

6. The site is adjacent to the Swan Inn, with the main pub building located between the site and the listed outbuilding, which is adjacent to the main village intersection of Hollis Lane, Wirswall Road, and Wrenbury Road. The other space between the building and the appeal site is occupied by a field directly to the rear of the pub, the pub garden, and a bituminised car park.
7. In its immediate setting, the outbuilding marks the centre of Marbury, being set at the junction of the roads into the village. This also informs its significance. Further from the site, views towards the building are obscured by the pub, a ridge running towards the rear of the pub, and the general townscape. However, the outbuilding is visible from the site, particularly the higher ground to the rear, and vice-versa. Accordingly, the site falls within the setting of the listed building.
8. The significance of the listed building lies in its architectural form and features, together with its historic use. The listing description notes that it was originally a farm building. The appellant's Heritage Statement indicates that the appeal site once formed part of a domestic garden that was associated with a nearby smithy and linked dwelling, and that the outbuilding pre-dates the pub. There is limited evidence of a historic functional link between the two buildings, and the fields associated with the farm of which the outbuilding was a part have been segmented and subjected to piecemeal development over time. The development of the appeal site would continue this pattern, whilst retaining most of the existing field around the pub, and would not harm this historic association.
9. The proposed dwelling would be recessed into the slope of the land, and intervisibility between the outbuilding and the proposed dwelling would largely be obscured by the pub and its associated structures. Public views of the listed building would continue to be glimpsed from the right of way running between the proposed dwelling and the existing dwelling to the east (The Smithy). The appeal proposal would also be seen in the same views as the listed building when observed from the north and south. However, there are a range of building styles and sizes in these views, as well the modern car park and paraphernalia around the pub, all of which contribute to the setting. The listed building's importance is further reinforced by its location at the intersection, and the proposed building would not affect the townscape in a way that would reduce this significance.
10. Taking all of these considerations into account, I consider that the setting of the listed building would not be harmed. There are other listed buildings within the village, but the Council is satisfied that the proposed development would not have a harmful impact on their setting. I see no reason to disagree.
11. I therefore conclude, in accordance with the clear expectations of the Act, that the setting of the listed building would be preserved, together with the significance of the designated heritage asset. There would be no conflict with *Cheshire East Local Plan Strategy 2010-2030* (adopted 2017) (the 'Local Plan') Policies SD 1, SD 2, SE 4 and SE 7, which amongst other matters anticipate that heritage assets are conserved, respected and enhanced in a manner

appropriate to their significance. These are consistent with paragraphs 184 to 202 of the National Planning Policy Framework (2019) (the 'Framework'), which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting.

Character and appearance

12. The Council's adopted *Marbury Conservation Area Character Appraisal and Management Strategy* (2007) (the Appraisal) identifies the heritage features of significance around the village, and sets out a management plan that includes guidance for new development. The village is concentrated in and immediately around the Conservation Area and has minimal sprawl. Nonetheless, there are several open or green areas within, which segment the area. The appeal site is part of one of these. The pub and outbuilding do not have any directly adjacent neighbours.
13. There is a green space at the main village junction, adjacent to Little Mere and directly opposite the pub. This contains a significant tree and seating and has a 'village green' function, lying at the junction of the main routes through the settlement. The Appraisal identifies this as a focal point within the village, and the views from it help to define a sense of place. The glimpses of green space around the pub contribute, along with the hedge bordering the site, harking back to the original rural use of the land and the present-day, semi-rural character of the settlement.
14. The proposed dwelling would be located at the edge of the open land to the east of the pub, furthest from the green space at the intersection. Whilst the siting of the proposal would consolidate the existing ribbon pattern of development along Wrenbury Road and would be infill development, this must be considered in conjunction with the importance of the existing site to the character and appearance of the Conservation Area and its features.
15. The proposed house would be the sole dwelling on its plot, which would be a similar size to the neighbouring plots to the east. The plot/dwelling size ratio would allow the dwelling to be surrounded by open space, replicating within the appeal site the "looseness" of development identified within the Appraisal. Being set into the slope of the land would also minimise the visibility of much of dwelling's built form, and open land would remain visible to the rear of the building.
16. Nonetheless, despite its recessed position, the dwelling would be clearly visible from the aforementioned focal point and from other areas within and outside the Conservation Area, particularly the frontage and approaches along Wrenbury Road and Hollins Lane. It would only partly obscure the modern dwelling at The Smithy, thereby cumulatively adding to the quantum of built form in eastward views. A new opening would be formed in the boundary hedge, to allow site access. Together with the loss of some of the open land, the spacious, semi-rural character of the land around the green, and associated views, would be harmed.
17. The modern appearance of the proposed dwelling would also be at odds with other development in the Conservation Area. I appreciate that development can sometimes interestingly contrast with more historic forms. However, the introduction of disparate features such as the curved roof and a flank wall unbroken by openings would create features that would be both obtrusive and

incongruous amongst both the traditional architecture within the Conservation Area, and the newer development to the east which references traditional forms. The Appraisal identifies that some of this newer development is unsympathetic to the Conservation Area, and allowing such development within the boundary of the Area would be counterproductive and harmful to its significance.

18. I acknowledge that the design of the proposal evolved in conjunction with discussions with the Council, but this does not mitigate the fact that the proposal fails to preserve or enhance the character and appearance of the Conservation Area. In accordance with paragraph 196 of the Framework, the less than substantial harm to the area must be balanced against the public benefits of the proposed development. Modern building materials and additions such as photovoltaic panels would reduce the proposal's impact on local infrastructure and it would contribute to the local housing supply. The Council has advised me that it currently has a sufficient supply of housing land, and although I have given some weight to these benefits, they do not outweigh the harm.
19. I therefore conclude that the proposed development would have a harmful impact on the character and appearance of the Marbury Conservation Area. It would conflict with Local Plan Policies SD 1, SD 2, SE 1, SE 2, SE 4 and SE 7, and the *Borough of Crewe and Nantwich Replacement Local Plan 2011* (adopted 2005) 'saved' policies BE.7 and NE.3. Together, these seek to avoid harm to heritage assets and make a positive contribution to the character of the historic and built environment, amongst other considerations, and are consistent with paragraphs 184 to 202 of the Framework.

Other issues

20. Objections to the proposal were also raised by numerous interested parties. However, as I have found that the proposal is harmful on the basis of the main issues above, I have not considered these matters in further detail.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR