



Appeal Decision

Site Visit made on 1 June 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2021

Appeal Ref: APP/A2470/W/21/3266583

Land at Bridge Street, Ryhall, Rutland PE9 4HH

- 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 Stephen Fenn (C.S. Fenn & Sons (Ryhall) Ltd) against the decision of Rutland County Council.
 - The application Ref 2020/0612/FUL, dated 11 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is Construction of 1No. single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the site address from the Decision Notice, as it more accurately reflects its location, but included the postcode on the Application Form.

Main Issues

3. The main issues are: -
 - the extent to which the proposed development would preserve or enhance the character and appearance of the Ryhall Conservation Area, and its effect on the setting of the Grade II listed building known as 'Bridge over River Gwash' and the significance of the Millhouse Inn public house, as a non-designated heritage asset; and
 - whether the proposed development would conform to local policies and national guidance with regard to archaeology.

Reasons

Significance and setting

4. The appeal concerns an open area of land at the corner of Bridge Street and Waterside within the Ryhall Conservation Area (RCA). It appears to be in use for the storage of building materials and contains two small structures.
5. The RCA is centred around the historic core of the village and includes two distinct elements of built form separated by the River Gwash and open and planted areas of farm and other land to either side of it. Each element contains older stone houses and buildings, but to the north the buildings are primarily arranged in spacious grounds and set back from the street, while to the south they are more densely arranged and closer to the street.

6. The part of the RCA around the appeal site is predominantly residential in character with properties of varied age to either side of Bridge Street, but opposite the site is the Millstone Inn public house and its outbuildings, which the Council consider to be non-designated heritage assets. The built form of development in the street ends abruptly with the public house and the houses south of the site. The open and undeveloped form of the site therefore has a closer relationship with and provides a transition to the undeveloped, open, and verdant rural edge to the north.
7. In so far as it relates to the appeal proposal, the significance of the RCA lies in the undeveloped, open, and verdant rural edges between the two built-up parts of the village. The characteristics of the site therefore contribute positively to the character and appearance of the CA and its significance.
8. The north and south of the RCA are linked by the Grade II listed 'Bridge over River Gwash', which is a 17th Century stone and ashlar structure with three semi-circular recessed arches to the east and pointed cut-waters to the west and 19th Century iron railings. The fall of the bridge is more pronounced to the north but falls more gradually to the south where it is raised above land either side until the junction with Waterside. This creates a rather grand sense of arrival into the village.
9. The significance of the listed building today is therefore derived from its architectural and historic interest, as a well-preserved 17th Century bridge elevated above neighbouring land, with later iron railings, which links the elements of the village separated by the river. As far as it is relevant to this appeal, given that Bridge Street is the main route through the village and the open and verdant surroundings of the bridge are apparent from the south, the site and its immediate environs form part of its setting. Moreover, the site forms part of the transition to the undeveloped, open, and verdant land around the bridge. The bridge and its setting therefore also make a significant contribution to the character and appearance of the RCA.
10. The grouping of the public house buildings is pleasant due to the predominant use of natural materials and their varied scale and form. Together they contribute positively to the character and appearance of this part of the RCA and form a focal point in views from Waterside across its green verge and the open appeal site.

Effect of the proposed development

11. The individual design of the proposed dwelling would not, of itself, offend the character and appearance of the RCA and it would be arranged at a similar distance from the street to the existing dwellings south. However, it is the introduction of built form, and the subsequent erosion of the openness of the site in its prominent corner location that would be harmful. The proposal would disrupt the general pattern of development in the RCA and reduce the visibility of the public house and close in the view north towards the bridge and its open, undeveloped, and verdant surroundings.
12. Although the three detached houses to the western side of Bridge Street incorporate off road parking to the front, the proposed area of hard landscaping would be extensive and primarily open to the street. The location of the plot on a corner would exacerbate its prominence. This would take on a distinctly urban form that would jar with the immediate rural village setting. I appreciate

that the layout of the parking and access to the proposal has accommodated previous concerns identified by the Local Highway Authority, but it would be significantly harmful to the character and appearance of this village street.

13. The appellant has referred to an overall masterplan for houses at New Road, Bridge Street and Waterside. While houses have been built in all but the proposed plot and it was originally intended to be developed, this masterplan does not provide conclusive evidence of a fallback position for approved houses within the appeal site. Moreover, the Council has referred to the description of the development contained on the original planning permission¹ for the three dwellings in situ immediately south and this does not include the site.
14. The proposal would therefore introduce a harmful form of development that would have a significantly detrimental effect on the setting of the listed bridge, the character and appearance of the RCA and the public house and, thereby, their understanding and significance as heritage assets.

Public benefits and conclusions on the first main issue

15. The statutory duties in Sections 66(1) and 72(1) the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 192 of the National Planning Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 197 is also relevant given that identification of the public house as a non-designated heritage asset. The Framework makes it clear that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
16. The proposal would be harmful to the setting and significance of the non-designated public house; and the designated Grade II listed bridge and the RCA, which would have a negative effect on their significance as heritage assets. In my view the harm that I have identified would equate to less than substantial harm to the significance of the designated heritage assets. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings. For clarity, the harm to the significance of the non-designated heritage asset is not relevant to the balancing exercise which follows.
17. The proposal would provide a single dwelling within the village, but the contribution to the supply and mix of housing would be modest in its extent, so this benefit would be afforded limited weight.
18. The public benefit outlined above would not justify allowing development that would have a harmful effect on the setting of the listed building and fail to preserve or enhance the character and appearance of the RCA. Therefore, in accordance with paragraphs 193 and 196 of the Framework, considered

¹ Planning Reference: 74/0053.

together, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the heritage assets.

19. I therefore conclude that the appeal proposal would fail to preserve the setting of the Grade II listed building, or preserve or enhance the character and appearance of the Ryhall Conservation Area and the Millhouse Inn public house and, thereby, their understanding and significance as designated and non-designated heritage assets. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 127, 130, 192, 193, and 197 of the Framework and conflicts with the design and heritage aims of Policies CS19 and CS22 of the Council's Core Strategy² and Policies SP15 and SP20 of the Council's Site Allocations and Policies Plan³.

Archaeology

20. The evidence before me suggests that the location of the appeal site in Bridge Street means that it was likely part of the medieval and post-medieval historic settlement core of Ryhall, a point which has been reinforced by evidence from nearby of Civil War coins. The Council has also referred to historic maps and plans from the Leicestershire and Rutland Historic Environment Record which suggest that the site has remained undeveloped since the 19th Century and there are likely to be well-preserved archaeological remains in the area.
21. The appellant's Heritage Impact Assessment submitted with the appeal does not refer to assessment of the archaeological implications for the development of the site. The appellant appears to accept that no development could take place first without such assessment but suggests that this could be addressed by planning condition and his contractor is well-versed in such matters. Despite such assurances, given the potential for archaeological remains within the site, I consider that it would not be appropriate to proceed on this basis, particularly as the extent of remains and a mitigation strategy to address them is absent.
22. Given that the site remains generally clear of built development, I can see no reason why a field evaluation could not have been undertaken or, at the very least, a desk-based assessment carried out. The Council's cautious approach in respect of this matter was therefore justified, as such information would have identified whether archaeological remains are present within the site, which would have reduced the risks to the proposed development.
23. In light of the above, there is insufficient evidence before me to enable me to conclude that the proposed development would not have a harmful effect on archaeological remains within the site. Hence, the proposal would be contrary to the heritage aims of Policy SP20 of the Council's Site Allocations and Policies Plan and Policy CS22 of the Council's Core Strategy; and paragraphs 189 and 190 of the Framework. In particular, where a development has the potential to affect heritage assets with archaeological interest Policy SP20 and the Framework require the submission of an appropriate desk-based assessment and, where necessary, a field evaluation.

² Rutland Local Development Framework Core Strategy Development Plan Document (Adopted July 2011).

³ Rutland Local Plan Site Allocations and Policies Development Plan Document (Adopted October 2014).

Other Matter

24. I also acknowledge that neighbours of the site and the Parish Council did not object to the proposal, but the lack of objections is not a consideration that outweighs the harm I have identified in the main issues.

Conclusion

25. The proposed development would not comply with development plan policy in respect of harm to the Grade II listed bridge, Millhouse Inn public house and the Ryhall Conservation Area.
26. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission. The proposal would also not amount to sustainable development under the terms of the Framework. Consequently, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
27. For the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR