



Appeal Decision

Site Visit made on 16 November 2021

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/H0520/W/21/3274236

Land to the rear Royal Oak, High Street, Hail Weston PE19 5JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for permission in principle
 - The appeal is made by Mr & Mrs G Taylor against Huntingdonshire District Council.
 - The application Ref 21/00229/PIP is dated 31 January 2021.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is dismissed and permission in principle for the erection of one dwelling is refused.

Application for costs

2. An application for costs was made by Mr and Mrs G Taylor against Huntingdonshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has raised concerns that all those that have an interest in the land may not have been notified of the development in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015. However, the appellant confirms that all relevant parties who have an interest in the land have been notified and I see no reason to dispute this. Therefore, I am satisfied that I can proceed to determine the appeal.
4. The Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
5. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

6. The appeal relates to a permission in principle application that was not determined by the Council within the prescribed period. The Council has provided a statement of case which sets out the reasons why it would not have supported the proposal. I have had regard to the limitations of the permission in principle procedure and the parties' submissions in establishing the main issue which I set out below.
7. As the proposal is adjacent to a listed building, I have had special regard to sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and I have had regard to it in reaching my decision.

Main Issue

9. The main issue is whether the appeal site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

10. Policy LP9 of Huntingdonshire's Local Plan to 2036 (HLP) identifies Hail Weston as a small settlement. In small settlements Policy LP9 supports proposals within the built-up area where the amount and location of the development is sustainable in relation to the level of services and infrastructure provision within the settlement; opportunities for users to access everyday services and facilities by sustainable modes of travel including walking cycling and public transport; and the effect on the character of the immediate locality and settlement as a whole.
11. The appeal site comprises an area of land to the rear of the Royal Oak Public House, a grade II listed building. The site is accessed from High Street via a driveway to the side which is shared with the public house. A part of the site is separated by hedging and is in use as a pub garden, but the majority of the land is currently unused grassland with areas of mature landscaping within the plot and at its boundaries.
12. Within the vicinity of the appeal site there is a wide range of house types and styles but generally dwellings face a road frontage. The garden areas of residential properties facing High Street, Manor Way, Orchard Close and Ford End adjoin the appeal site. Most of the southern boundary is adjacent to the hard surfaced area to the rear of the public house (occupied by a marquee at the time of my site visit) with a section in the south eastern corner delineated by outbuildings to the rear of 81 Main Street. Planning permission has been granted for two dwellings on land immediately next to the eastern boundary, but this site has yet to be developed.
13. The significance of the Royal Oak Public House derives from the aesthetic value of the C17 timber framed building with thatched roof located in a prominent position on the High Street frontage and its communal, evidential, and historical value associated with its continued use as a public house within the village.
14. The application form indicates that the appeal site is vacant and was formerly garden land, but it is not stated with which property the garden land was

previously linked. The evidence presented suggests that the garden was associated with the public house and buildings related to the public house use previously occupied the land. In addition, the appeal site extends from the rear of the public house, has no street frontage and shares the same access arrangements, indicating an historic association between the two sites.

15. The appeal site is set back from the street frontage and has a distinctly rural quality. It is a green space that is visible from adjacent properties and more generally visible to public view from the rear of the public house. The current absence of development provides the public house with an extended rural setting and the appeal site's mature landscaping, undeveloped and attractive appearance contributes to the area's character and appearance.
16. The illustrative plan indicates a dwelling designed as an incidental outbuilding or former stable block close to the eastern boundary with parking and turning areas in front. The development is intended to be small scale and positioned adjacent to other buildings. However, the appeal site's back land location, the introduction of built development and hard surfaced areas and the intensification of the site's use, including associated comings and goings to an independent property, would reinforce the plot's separate occupation and would have a discordant and urbanising effect on the site's undeveloped rural character. Consequently, the proposal would detract from the character of the immediate locality. It would also detract from the surroundings in which the public house, as a heritage asset, is experienced and would result in moderate harm to its setting.
17. In terms of Policy LP9, the parties agree that the appeal site is within the built-up area of Hail Weston. Whilst, I have limited evidence of the services and facilities within the village and little information about the availability of public transport, the development strategy recognises that opportunities for development in built up areas of small settlements will vary according to the scale and nature of the individual settlement. Only very small-scale development opportunities are likely to be sustainable where there are few or no services or facilities. In this case, the proposal is for one dwelling with a village hall and public house in close proximity to the site and, in this context, I consider that the scale and nature of the village can accommodate an additional dwelling.
18. However, notwithstanding that the small-scale proposal would be an appropriate amount of development, and the site has access to services and facilities, the development would detract from its immediate locality and would therefore not be suitably located. The proposal would conflict with Policy LP9 of the HLP and Policies LP11, LP12 and LP34 which seek to ensure that development contributes positively to the area's character and identity, responds positively to its context and protects heritage assets.
19. In the terminology of the Framework the proposal would result in less than substantial harm to the significance of the public house as a designated heritage asset. Paragraph 199 of the Framework is clear that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 202 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of heritage assets, that harm should be weighed against the public benefits of the proposals.

20. One dwelling would make a minimal additional contribution to the delivery of housing and the economic and social benefits would be small. The area of the appeal site currently used as a garden to the public house may be provided permanently for this use, but I have no means to secure this as part of the proposal were I to allow the appeal. Nevertheless, I acknowledge that the provision of garden space could support the public house use and I attach some limited positive weight to this public benefit.
21. Even so, the appeal proposal's modest public benefits would not outweigh the great weight to be attached to the conservation of heritage assets and the proposal would conflict with the Framework in this respect. It would also conflict with the Framework where it seeks to ensure that development is sympathetic to local character and history.

Other Matters

22. I accept that planning permission has been granted for two dwellings on land immediately to the east of the appeal site which is accessed via a shared drive from Ford End. The development does not have the same relationship with the listed building and does not change my conclusions in this respect. Therefore, although I acknowledge this permission it does not change my view about the location of the proposed development.
23. The appellant draws my attention to a site with permission in principle at Bird Lane. The location of that site, which has a frontage to Bird Lane and is not adjacent to a listed building, does not lead me to a different conclusion on the appeal proposal.
24. In considering the main issue, I have taken into account the third-party support for the development and the views expressed that the development is respectful of neighbouring dwellings, a well-conceived development and one that would aid the viability of the public house. For the reasons set out and having regard to the evidence before me, none of these matters outweigh the harm I have identified.
25. Highway matters, neighbouring and future occupiers' living conditions and biodiversity issues could only be addressed in detail through a full assessment of technical matters. As such, these matters are neutral in the planning balance.
26. It is suggested that there may be protected species on the site, this is refuted by the appellant. However, given my conclusions above it has not been necessary for me to address this issue further.

Conclusion

27. For the reasons set out above, I conclude that the appeal should be dismissed and permission in principle refused.

Diane Cragg

INSPECTOR