
Appeal Decision

Site Visit made on 23 November 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/F1610/W/21/3276663

Land to rear of Walnut Tree Cottage, Main Street, Willersey WR12 7PJ

- 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 C Wright of Willersey Development Company Ltd against the decision of Cotswold District Council.
 - The application Ref 20/04273/FUL, dated 23 November 2020, was refused by notice dated 8 April 2021.
 - The development proposed is construction of a vernacular style Cotswold stone dwelling with detached double garage and all associated site works to include landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Willersey Conservation Area (CA) and the setting of grade II listed Walnut Tree Cottage.

Reasons

4. The appeal site forms a parcel of land associated with Walnut Tree Cottage. The cottage has an elongated linear plot with a formal garden occupying roughly half of it with the site forming the remainder of the plot. The two areas are divided by a low stone wall. Whilst the site has a rural appearance, in contrast to the dwelling's formal garden, it is well maintained and has a functional and visual relationship with the listed building.
5. There is no character appraisal or management plan for the CA. But, from the evidence before me including my observations on site the CA is characterised by a historic road layout focused along Main Street and green spaces that extend through the village and surround the built form contributing to its rural agrarian character. This landscape provides a verdant setting for a number of attractive traditional vernacular buildings. Whilst development has taken place around the site it has remained undeveloped and makes a positive contribution to the area.

6. 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. The appellant's evidence indicates that historically the site was an orchard and has been incorporated into Walnut Tree Cottage's plot relatively recently. I acknowledge that the site is separated from the dwelling by a low wall and does not have the appearance of a formal garden, however, it has the inherent value as a surviving example of an historic orchard and an area of green and undeveloped land neighbouring the house and forms part of the setting of the listed building.
7. I acknowledge that the proposed development would be largely hidden from the public realm. However, 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 character and appearance of the CA and to the setting and significance of the listed building through this urbanisation.
8. In light of the above I find that there would be some, albeit limited harm to the character and appearance of the CA and the setting of Walnut Tree Cottage. In accordance with Paragraph 202 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. 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.
9. In this regard, the proposal would result in a family dwelling contributing to local housing. It would be located within an accessible location close to local services and facilities and future occupiers would support the existing services in Willersey, but these benefits are modest. The proposed development would reflect local vernacular, but this is a neutral factor in the balance. I therefore afford these benefits limited weight. Taking into consideration the points above I find that the harm to the character and appearance of the CA and the setting of Walnut Tree Cottage would clearly outweigh the public benefits of the proposal and afford this considerable weight.
10. As such, in my judgement, the proposed development would not preserve the character or appearance of the Willersey Conservation Area or the setting of listed Walnut Tree Cottage. It would be contrary to Policies EN1, EN2, EN10 and EN11 of the Cotswold District Local Plan (2018) which, amongst other things, seek the promotion of the protection of existing natural and historic environmental assets; proposals to sustain and enhance the character, appearance and significance of designated heritage assets and preserve and where appropriate enhance the special character and appearance of conservation areas.

Other Matters

11. I note the appellant's comments in relation to the grant of planning permission for residential development neighbouring the site. 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.

Conclusion

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

B Thandi

INSPECTOR