



Appeal Decision

Site visit made on 4 January 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/X3405/W/21/3278793

The Old Mill, Sheep Fair, Rugeley, WS15 2AT

- 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 planning permission
 - The appeal is made by Mr T Bartlett against Cannock Chase District Council.
 - The application Ref CH/21/0149, is dated 4 March 2021.
 - The development proposed is the development a 3 bedroom bungalow with rooms in the roof with associated landscape and parking amenity.
-

Decision

1. The appeal is dismissed and planning permission for the 'development of a 3 bedroom bungalow with rooms in the roof with associated landscape and parking amenity' is refused.

Preliminary Matters

2. The appeal was made against the failure of the Council to give notice of their decision on the application within the statutory period. Subsequent to the making of the appeal the Council issued a decision notice. Whilst jurisdiction over the application decision was taken away when the appeal was lodged, I have treated it as the decision the Council would have made if it had been empowered to do so.

Main Issues

3. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Sheepfair/Bow Street Conservation Area (CA), and the effect of the proposed development on the living conditions of occupiers of The Old Mill, with particular regard to outlook and the loss of private amenity space.

Reasons

Character and appearance of the CA

4. The appeal site is located within the Sheepfair/Bow Street Conservation Area, and adjacent to the northern boundary of Elmore Park. The built form found within the CA is predominately two to three storey buildings constructed in red brick with tiled roofs, many dating from the 19th century, and these buildings, along with the winding street pattern, green spaces and mature trees define the character of the CA. The significance of the CA is derived from it being one of the historic built-up areas which developed around the town centre fulfilling commercial needs, with waterpower playing an important role.

5. As identified within the appellant's Heritage Impact Assessment, The Old Mill was re-built from the ruins of the original Hagley Mill in the 1980's, retaining an element of the original stonework towards ground level. The property was more recently converted into four residential apartments and sits within a relatively spacious plot, with its private amenity space situated to the rear.
6. To the front of the Old Mill is a gravelled parking area and a broadly triangular parcel of land containing a number of relatively mature sycamore trees. The openness of the site and the mature trees provide pleasant views across the site from Sheep Fair and Elmore Park which contribute positively to the character and appearance of the CA.
7. The proposal is to construct a three bedroom bungalow on the triangular shaped parcel of land to the front of The Old Mill. Furthermore, to facilitate the development the majority of the existing mature sycamore trees on the site would also need to be removed. The loss of these mature trees and the introduction of built development onto currently open land would significantly alter the character and appearance of this part of the CA.
8. The Sheepfair/Bow Street Conservation Area Appraisal (SBCAA) identifies the presence of gaps within the 'tight urban grain' and the general open feel as being key characteristics of this part of the CA. The proposal would largely infill one of these gaps resulting in the loss of one such parcel of historic open space identified as being a key characteristic of the CA. Accordingly, I find that the development would therefore fail to preserve or enhance the character and appearance of the CA.
9. I also consider that the proposed development would significantly impair views within and through this part of the CA. The SBCAA summarises the special interests of the CA, which includes 'its green spaces adjacent to Elmore Park offer views to attractive old buildings and trees, thereby enhancing the street scene'. Furthermore, the SBCAA also identifies four main views within and through the CA, which specifically includes the view through the appeal site itself from Sheep Fair towards Elmore Park.
10. The appeal proposal would result in significant harm being caused to these identified important views. I noted during my site visit that the view between the existing buildings from Sheep Fair towards Elmore Park was a pleasant one, dominated by numerous mature trees with fleeting views of the Park possible. Whilst some of these trees may not be of the highest quality, I find that they still contribute greatly to the character and appearance of the CA. Although replacement trees would be planted as part of the proposal, I do not consider this would overcome the harm that would be caused by the removal of the existing mature trees and the contribution they make to the CA.
11. Similarly, views from within Elmore Park across the appeal site are dominated by mature trees. The Old Mill and the neighbouring attractive buildings at 35 and 37 Sheep Fair can also be seen in the background, adding further to the views experienced. The proposed development however would drastically alter these existing views, with trees being removed and the proposed dwelling forming a dominant feature which would largely screen the existing attractive buildings.
12. Consequently, I find that the proposed three bedroom bungalow would fail to preserve or enhance the character or appearance of the CA. Paragraph 199 of

the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

13. Whilst the harm I have identified would be less than substantial, it nevertheless is of considerable importance and weight. Paragraph 202 of the National Planning Policy Framework requires this harm to be weighed against the public benefits of the proposal.
14. I acknowledge that there would be benefits to local housing supply and to the local economy, however these benefits would be modest due to the small scale of the development. The appellant also argues that the land is currently overgrown, untidy and that security is compromised. However, whilst the land is somewhat unkempt, I do not consider that the condition of the land is of particular concern and that it instead retains the appearance of unused garden land. I also do not consider that its current condition or apparent lack of use compromises security to any significant degree. Consequently, I give these matters limited weight as benefits. Taking these points together, I conclude that the benefits of the proposal would not outweigh the harm identified, which carries considerable importance and weight.
15. I therefore conclude that for the reasons given above the proposal would neither preserve nor enhance the character or appearance of the CA. As a result, the development would conflict with Policy CP15 of the Cannock Chase Local Plan 2014 (LP) which, amongst other things, seeks to safeguard historic sites and their settings from developments which would be harmful to their character and local distinctiveness.

Living conditions of occupiers of The Old Mill

16. The Council has drawn reference to a planning permission which has been granted for the change of use of a section of land to the rear of The Old Mill to parking associated with the adjacent car garage. I noted during my site visit that this permission had now been implemented, with the land sub-divided and cars parked upon it. The remaining land retained by The Old Mill has therefore already been established as the properties rear private amenity space.
17. Despite the loss of this land to the rear, I do not consider that the proposed development would result in occupiers of The Old Mill being left with insufficient amenity space. The property would retain an area of private amenity space to the rear as well as an adequate driveway and parking area to the front. I also noted during my site visit that the parcel of land subject of the proposed development appeared unkempt, and that despite the previous loss of the land to the rear, there was little if any evidence of it being used by occupants of the apartments as private amenity space.
18. The Council also briefly refers to the detrimental impact that the proposed development would have upon outlook. However, given the distance that the proposed three bedroom bungalow would be from the front elevation of The Old Mill, I do not consider that the development would be overbearing or result in unduly oppressive living conditions for occupiers of The Old Mill.
19. For those reasons, I do not consider that the proposed development would harmfully change the living conditions of occupiers of The Old Mill. The

development would therefore accord with Policy CP3 of the LP which, amongst other things, seeks to protect the amenity enjoyed by existing properties.

Planning Balance and Conclusion

20. I have identified that the proposal would neither preserve nor enhance the character or appearance of the CA. Whilst the development would be acceptable in terms of its effect upon the living conditions of occupiers of The Old Mill and does not result in any further harm being caused, this is of neutral effect and does not outweigh the great weight that I am required to give to the conservation of the designated heritage asset.
21. Therefore, for the reasons given above and having had due regard to the development plan as a whole and all other matters raised, the appeal is dismissed.

David Jones

INSPECTOR