

Appeal Decision

Site visit made on 7 October 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/Q4245/W/22/3299640

Springvale, Wicker Lane, Hale Barns WA15 0HQ

- 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 Michael Goldstone against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 106064/FUL/21, dated 6 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is the erection of a two storey dwelling, associated landscaping and new vehicular entrance and gates from Wicker Lane.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the development would preserve the setting of Springvale, a Grade II listed building.

Reasons

Setting of the listed building

3. The starting point for the consideration of the appeal is section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires a 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 or any features of special architectural or historic interest which it possesses. I have therefore considered the effect of the appeal proposal in light of this weighty statutory duty.
4. Springvale and the adjoining barn immediately to the west of Springvale are Grade II listed buildings. Springvale is a striking two storey house built in 1808 for John Crampton, a local schoolmaster and land surveyor. The significance of the building, as set out in the Heritage Statement¹ that accompanies the appeal, is principally derived from its historic and architectural interest. The property appears to be one of the earliest houses in the area and was built as a gentleman's residence with some ancillary agricultural buildings, including the listed barn, added at a later date. The property comprises typical Georgian proportions and complementary architectural features. The classical pedimented front door surround, flanked by Tuscan columns, is of particular interest and significance. Whilst the property has been subject to alteration and extension

¹ Land adjacent to Springvale, Wicker Lane, Hale Barnes, Heritage Statement, By Kathryn Sather & Associates Heritage Conservation Consultants, dated September 2021

over the years, it is, nevertheless, a fine example of early 19th century polite design.

5. The garden area to the immediate north of Springvale, which contains the appeal site, forms part of the setting of the listed building. From the evidence before me, it appears that this area of garden has long been associated with Springvale as part of its grounds. The garden has a spacious, open and secluded character, with its generous size reflecting the historic social status of the building, thereby contributing to its significance. Much of the original garden area to the rear of the property has been developed and therefore, to my mind, the fact that a proportion of the original garden has already been lost makes that which remains even more valuable.
6. Public views of the garden area are very limited. However, this does not diminish the contribution the garden area makes to the significance of the listed building as a historic residence of high status. This is because listed buildings are safeguarded for their inherent historic and architectural significance irrespective of whether public views can be gained. Therefore, the garden area forms an important part of the setting of Springvale and makes a valuable contribution to the significance of the building as a designated heritage asset.
7. The appeal proposal would introduce a two storey detached dwelling within the garden area to the immediate north of Springvale, subdividing the existing residential plot. Associated landscaping and a new vehicular access drive and gates are proposed from Wicker Lane. The dwelling has been designed to mimic the appearance of a threshing barn laid out in an L-shaped arrangement with a dual-pitched roof covered in slates, and elevations finished with brick and stone detailing. Despite the land being slightly elevated, the height of the property would be 1 metre lower than the height of Springvale.
8. The siting of the dwelling to the rear of the plot would minimise its visual impact on the street scene and the wider surrounding area. In design terms, the proposed dwelling would offer a high quality development, with a sympathetic suite of materials that would complement the adjacent listed buildings.
9. Nevertheless, the proposal would introduce a substantial building into the garden of the listed building, where development is currently limited to ancillary domestic-scale outbuildings including a greenhouse and structures used for the keeping of poultry. The proposed dwelling, along with its access drive and gardens, would substantially reduce the area of garden serving the listed building. Therefore, despite an area of the garden being retained to serve Springvale, the proposal would harmfully intrude into the setting of the listed building, diminishing its spacious, open and secluded character. It would also appear cramped alongside the listed building.
10. Furthermore, the proposal would subdivide the existing residential plot, introducing a functionally separate unit of accommodation, and the domestic activity associated with it, into the grounds of the listed building. This would undermine the historic relationship between the house and its gardens, thereby diminishing the contribution the gardens make to the significance of the asset. Accordingly, the proposal would significantly detract from the significance of the listed building because a valued part of its setting would be lost.

11. In reaching this view, I have had regard to the analysis set out in the Appeal Heritage Statement². However, for the reasoning set out above I cannot agree with its conclusion that the proposal would have a negligible, and therefore neutral, impact on the setting of Springvale.
12. Consequently, the proposed development would fail to preserve the setting of Springvale, a Grade II listed building. The proposal would therefore be contrary to the statutory requirements set out in section 66(1) of the Act. For these reasons, the proposal would also be contrary to policies L7 and R1 of the Trafford Local Plan Core Strategy 2012 (the Core Strategy). Together these policies require development to be appropriate in its context and to protect, preserve and enhance heritage assets such as listed buildings, including their wider settings.
13. In relation to policy R1 of the Core Strategy, which is referenced in the Council's formal decision, the parties agree that the policy is not entirely consistent with the heritage policies contained within the National Planning Policy Framework (the Framework). This is because policy R1 does not set out the tests for 'substantial' and 'less than substantial' harm, and the necessity to balance such harms against any public benefits. Accordingly, the requirements of policy R1, and the conflict with it, carry less weight in my determination of the appeal.

Heritage balance

14. Paragraph 199 of the Framework advises 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, irrespective of the level of harm. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of the heritage asset or from development within its setting and that any such harm should require clear and convincing justification.
15. In accordance with paragraphs 201 and 202 of the Framework, it is for the decision maker, having identified harm to a designated heritage asset, to consider the magnitude of that harm. In this case, under the terms of the Framework, I consider the harm to be 'less than substantial' given the extent of the proposal and its consequent effects. Under such circumstances, the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. The development would provide an additional residential unit in an area with good access to a range of services and facilities, making a positive contribution to the local supply of housing. Although the proposal would only result in a single additional dwelling, this public benefit is amplified by the fact that there is a significant shortfall in housing supply and delivery in the area, and in the context of the Government's stated ambition to boost housing supply across the country. Economic and social benefits would also accrue through the construction and subsequent occupation of the dwelling. I also acknowledge the appellant's assertion that smaller windfall sites such as this can be easier and quicker to deliver. Overall, these public benefits add moderate weight in favour of the appeal.

² Land adjacent to Springvale, Wicker Lane, Hale Barnes, Appeal Heritage Statement, By Kathryn Sather & Associates Heritage Conservation Consultants, dated May 2022

17. Nevertheless, the identified harm to the significance of the listed building, by virtue of harm to its setting, attracts great weight and importance in the balance. Consequently, the public benefits would not outweigh the harm I have found in this case, and therefore the proposed development would conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.

Other Matters

18. The Council raised no issues in relation to residential amenity, trees, highway safety, access, car parking, noise, nuisance, air quality or drainage. However, these are neutral considerations that weigh neither in favour of, nor against, the appeal.
19. The appellant has drawn my attention to an appeal decision in Stroud where a new dwelling was allowed within the curtilage of a listed building. However, this decision will have been subject to a different local policy framework, and I do not have the full details of that scheme before me to consider whether it is directly comparable to the appeal proposal. In any case, it is incumbent on me to deal with the case before me on its own merits.
20. The appellant has raised several concerns in relation to how the Council have assessed the proposal and applied the tests set out in the Framework. Nevertheless, I have made my own assessment on the basis of the evidence before me and reached my own conclusion.

Overall Planning Balance and Conclusion

21. It is common ground that the Council is currently unable to demonstrate a 5-year housing land supply and as such the policies most important for determining the application are out-of-date. However, as I have found harm to a designated heritage asset, paragraph 11.d) i. of the Framework applies. Therefore, the application of the Framework's policies in relation to the protection of heritage assets provides a clear reason for refusing the development proposed. Accordingly, the proposal is not sustainable development for the purposes of the Framework, and so the presumption in favour of sustainable development does not apply.
22. In conclusion, I have found that the proposed development would fail to preserve the setting of the listed building, and, in doing so, it would harm the significance of the designated heritage asset. For this reason, the proposed development would conflict with the above-cited policies of both the development plan and the Framework. The public benefits and other material considerations advanced in favour of the appeal are not of sufficient weight to outweigh this finding.
23. Therefore, for the reasons given, the appeal should be dismissed.

J M Tweddle

INSPECTOR