



Appeal Decision

Site visit made on 24 October 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/H0520/W/22/3297736

Church Farm, Blacksmiths Lane, Abbotsley PE19 6UG

- 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 Mary, Helen & Catherine Burd, Palin & Gibbins on behalf of Church Farm Estate against the decision of Huntingdonshire District Council.
 - The application Ref 20/01068/FUL, dated 15 June 2020, was refused by notice dated 24 November 2021.
 - The development proposed is erection of three new family houses with associated landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the proposal is in a conservation area and affects the settings of listed buildings, I have had special regard to the statutory duties set out under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - The effect of the proposal upon the character or appearance of the Abbotsley Conservation Area (the CA);
 - The effect of the proposal upon the settings and thereby the significance of the Grade II* Listed Church of St Margaret (the Church) and the Grade II Listed No 2 Blacksmiths Lane (the Cottage); and
 - Whether or not an adequate contribution towards the provision of wheeled bins would be secured.

Reasons

The site and surroundings

4. The appeal site is not formed of a single plot. It is instead comprised of two separate but adjoining parcels of land. The northernmost part has an historic association to Church Farmhouse and abuts High Street (the Street) to the north. It is overgrown and contains the dilapidated remains of a tennis court. The southernmost part of the site is predominantly grassed, comprises part of the plot that contains the Cottage, and abuts Blacksmiths Lane (the Lane) to

the south. The site is bordered by a public footpath that provides a connection between the Street and the Lane via the Church's churchyard.

5. The tennis court is enclosed by low-visibility mesh fencing that is supported in places by lightweight and inconspicuous metal posts and framework. It does not appear as prominent within available views from the Street. Instead, a sense of the tennis court being subsumed by vegetation was much in evidence upon inspection. Its influence upon the historic environment is thus limited.

Significance and special interest

6. The CA encompasses much of the village of Abbotsley, including the entirety of the appeal site. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its range of historic buildings, which include the Church, the Cottage and Church Farmhouse, its abundance of green features and the often open and rural nature of its fringes and wider surroundings. Consistent with these broad characteristics, the Lane comprises a quiet and well-vegetated route of rural character. The appeal site, which is verdant and offers a sense of space between neighbouring buildings, makes a positive contribution to the CA.
7. The Grade II* listed Church stands centrally within the village and its surviving fabric dates largely to the fourteenth century, albeit subject to restoration by William Butterfield during the mid-nineteenth century. The Church's large square tower, decorated by gargoyles and statues of kings, is amongst its distinctive features. The significance and special interest of the Church is drawn, in part, from its age, its relevance to the historic evolution of the village and its role and function as a visual and social landmark. This significance and special interest is further underpinned by the Church's prominent positioning on high ground and, notwithstanding its location at the heart of the village, the verdant spaciousness of its immediate surroundings including its yard. The appeal site, which adjoins the eastern boundary of the churchyard, comprises a part of the Church's wider verdant setting.
8. The Grade II Listed Cottage is of modest size, is roughcast rendered and thatched and sits alongside a curtilage listed barn (the Barn) that has weather-boarded timber elevations and a steep-pitched metal sheet roof. The significance and special interest of the Cottage is drawn, in part, from its seventeenth century origins, its relevance to the rural history of Abbotsley, and the continued legibility of its historic functional relationship with the Barn.
9. Whilst historic mapping indicates that the southernmost part of the appeal site has at previous points in history been separated from the Cottage and the Barn, it provides an undeveloped open space immediately adjacent to these buildings. Indeed, the southernmost part of the site comprises an integral part of the Cottage's setting and promotes that the designated asset's rural origins are easily interpreted. The site's contribution in this sense is especially important in the context of modern development having already occurred to other sides of the plot that contains the Cottage.
10. Church Farmhouse is situated to the opposite side of the appeal site relative to the Cottage. It is a Grade II listed former farmhouse that is of late seventeenth century origin. Its significance and special interest is drawn, in-part, from its traditional materials, its historic agricultural origins, and the spaciousness of its verdant grounds.

The effect of the proposal

11. The proposal would introduce three new dwellings onto the site. Those that are proposed to the site's northern parcel, Units 1 and 2, are of contemporary design but would incorporate elements of traditional detailing and a palette of render-led external facing materials. Unit 3 would be finished externally with timber boarding to its elevations and profiled sheeting to its roof. It would be located in a setback position relative to the Lane, away from the Cottage to the western side of the site's southernmost part.
12. I acknowledge the quality of the proposed materials and detailed design of Units 1 and 2, and that their finished floor levels would be set beneath the ground level of the neighbouring churchyard. Further, the intended setback positioning of built form relative to the Street, as well as the orientation of Unit 1's gable end, would assist in minimising the perception of new mass and urban built form materialising within the setting of the Church when experienced in views from the Street.
13. Nevertheless, Units 1 and 2 would each occupy a sizeable footprint and rise to a full two stories. Thus, these proposed dwellings would noticeably urbanise the site and introduce new residential development of considerable height, bulk and mass at odds with the site's extant undeveloped and verdant character, and within the setting of the Church.
14. I accept that there are various examples of existing built development to the periphery of the churchyard, including Church Farmhouse. However, from the churchyard, available outward views of buildings tend to be sporadic and are often of a glimpsed or restricted nature. This is particularly so on an eastern axis. For example, the village hall, being single storey and setback from the churchyard, does not compete with the Church and respects its status as a focal building.
15. The submitted Heritage Statement (June 2020) contains views analysis and the sixth view identified considers views south-east from the Church. The accompanying image seeks to illustrate the scheme's visual effect from a setback position relative to the delineation of the footpath that serves as the main route through the churchyard. Thus, to my mind, the analysis underplays the proposal's visual effect from the grounds of the Church. Moreover, when experienced from this footpath, heavily fenestrated west-facing elevations would be visible, if only in-part. Units 1 and 2 would not appear as genuinely subservient to Church Farmhouse and would instead unacceptably impinge upon the spaciousness of the Church's setting, harming an aspect that contributes to its significance. So too would the proposals erode the rural character and appearance of the CA taken as a whole, causing harm.
16. Whilst there is established planting in place at points along the boundary shared by the churchyard and the appeal site, at no point does planting provide an especially thick or reliable screen to views. It must be also noted that existing and/or additional planting could not be relied upon to provide impenetrable buffers to views. This is not least because planting is ever evolving and reliant upon continual maintenance to retain a consistent form.
17. Unit 3 is intended to resemble the aesthetic of a converted barn and would respond to the form and appearance of the Barn. Further, Unit 3's height would reflect the intention to accommodate first floor living space within its

roof. Indeed, owing to the manner in which the Church is read and experienced, I do not consider that Unit 3 would adversely affect its setting or significance.

18. However, even before factoring in the intention to erect a lightweight structure for associated parking, Unit 3 would occupy a significantly larger footprint when compared to either the Cottage or the Barn. In the context of the Cottage's diminutive scale and modest proportions, Unit 3 would have a domineering and overbearing presence. It would also have an unacceptable urbanising influence upon various views available from either the Lane or the southern end of the adjoining public footpath.
19. I am not opposed per se to the principle of a courtyard being formed to the centre of the site and thus stepped back from the Street and the Lane. However, when experienced in conjunction with the new vehicular gravelled access that is intended, Unit 3 would, at least to some extent, disrupt the relationship that is currently shared with nearby vernacular buildings, including the Cottage. I thus consider that Unit 3 would noticeably encroach upon the open and undeveloped surroundings and setting that this asset currently enjoys, undermining its significance.
20. Moreover, owing to its size and prominence in the streetscene, and to it necessitating the removal of some established planting in proximity to the Lane, Unit 3 would contrast unacceptably with the typically green and rural makeup of the Lane to the detriment of the CA's character and appearance considered as a whole.
21. For the above reasons, the proposal would fail to preserve the character or appearance of the CA and thus cause harm to its heritage significance. The proposal would fail to preserve the settings and special interest of the Grade II* Listed Church and the Grade II Listed Cottage, causing harm to their significance as designated heritage assets. Consistent with the views of the main parties and given the nature of the proposal and the separation distances involved, I do not find harm to the significance or special interest of any other listed building located in the vicinity of the site by virtue of development within its setting. This includes Church Farmhouse.
22. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I would qualify that the degree of harm to the CA, the Church and the Cottage as designated heritage assets would, in each case, be less than substantial. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits, which I shall turn to in my overall planning balance.

Wheeled bins contribution

23. Policy LP4 of the LP sets out that contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements may be necessary to make a proposal acceptable in planning terms. It is confirmed within the Developer Contributions Supplementary Planning Document (December 2011) (the SPD) that new housing will trigger a need for the provision of wheeled bins and that contributions shall be sought accordingly.

24. The appellants have provided a Unilateral Undertaking dated 4 April 2022 (the UU) with the intention of securing the relevant contribution towards wheeled bins. Nevertheless, no plan edged in red to identify the site, as specifically referenced in the 'Definitions and Interpretation' section of the UU, is attached to the document. It should be noted that, had I not found the scheme to be unacceptable for other reasons, I would have gone back to the appellants to highlight this omission and to offer the opportunity to resubmit the UU.
25. A negatively worded planning condition requiring a planning obligation to be entered into prior to the commencement of development would not represent an appropriate course of action in the circumstances of this non-complex case. As such, in the absence of a fit-for-purpose mechanism to secure payment, I find that the proposal would cause harm on the basis that an adequate contribution towards the provision of wheeled bins has not been secured. The proposal conflicts with Policy LP4 and the SPD in so far as this policy and guidance sets out that contributions will be required to allow for the provision of appropriate coloured waste storage containers.

Other Matters

26. I have noted objections/concerns raised by interested parties with respect to matters including highway safety/parking, construction traffic, the effect upon wildlife and the effect upon the living conditions of neighbouring occupiers. However, as I have found the scheme to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.
27. I acknowledge that the proposal now at appeal evolved during the planning process and that actions were taken in response to pre-application advice that was given by the Council. Nevertheless, for the avoidance of doubt, I have considered the proposal that is before me upon its own individual merits.

Heritage and Planning Balance

28. I have identified above that the scheme would cause less than substantial harms to the significance of the Church and the Cottage and fail to preserve their settings and special historic interest, contrary to the expectations of Section 66(1) of the Act. The scheme would also fail to preserve the character or appearance of the CA and lead to less than substantial harm being caused to its significance, contrary to Section 72(1) of the Act.
29. In terms of public benefits, the proposal involves the creation of three additional units of housing that would be of a size seemingly well-suited to serving local housing needs. This would be in accordance with the Government's objective, as endorsed via the Framework, of significantly boosting the supply of homes. Nevertheless, three additional units would not make a noticeable difference to the housing supply situation in the District. Thus, the delivery of new housing is a benefit that attracts moderate weight.
30. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities and offer additional Council Tax revenue. These benefits attract limited weight due to the quantum of development under consideration.
31. Furthermore, the proposal would, in part, utilise previously developed land and make an effective use of it. However, owing to the current absence of

substantive built form and the relatively small size of the area previously developed, I attach limited weight to this scheme benefit. For the avoidance of doubt, as I have factored in the baseline condition of the site in my consideration of the first Main Issue, I attach no weight to any alleged visual benefit to be realised via the removal of the disused tennis court on-site.

32. Any net-gain in biodiversity to ultimately be achieved would realistically be limited. This is especially when noting the need to remove elements of established planting to make way for the development. I thus attach limited weight to any potential benefit in this sense.
33. The benefits associated with the scheme would be relatively modest in cumulative terms. This leads me to conclude that, in the circumstances of this case, the public benefits would not outweigh the less than substantial harm that I have identified would be caused to the Church and, on a separate basis, to the Cottage. The scheme's benefits would also not outweigh the harm that I have separately identified would be caused to the significance of the CA.

Conclusion

34. I have found that the sum of wider public benefits are insufficient to outweigh the heritage harms identified, leading to conflict with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policies LP2, LP9, LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036 (adopted May 2019) (the Local Plan) in so far as these policies require development proposals to respond positively to its context and set out that great weight and importance shall be given to the conservation of heritage assets.
35. Moreover, particularly when factoring in separate identified conflict with Policy LP4 of the Local Plan, the proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.
36. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR