



Appeal Decision

Site visit made on 22 February 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal Ref: APP/R1845/W/22/3290130

Rock Farm, Porchbrook Road, Rock Cross, Kidderminster DY14 9SA

- 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 Mrs A Mares against the decision of Wyre Forest District Council.
 - The application Ref 20/0690/FUL, dated 1 September 2020, was refused by notice dated 10 September 2021.
 - The development proposed is construction of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In April 2022, after the Council had refused planning permission, the Wyre Forest District Local Plan (2016-2036) (hereafter the Local Plan) was adopted. As a consequence, the policies referenced in the Council's decision notice, which were taken from previous development plan documents, are superseded. During the appeal, the Council took the opportunity to effectively update these reasons for refusal in order to reflect the policies which now form part of the Local Plan. The appellant also had the opportunity to comment on this change in circumstances during the appeal, and I made my assessment on this basis.

Main Issues

3. The main issues are:
 - whether or not the site would be suitable for the development having regard to the development plan's approach to the supply of housing, with reference to the accessibility of services and facilities; and,
 - the effect of the proposal on the character and appearance of the area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Grade I listed building the Church of St Peter and St Paul (hereafter the Church).

Reasons

Suitability of the site for the development

4. The site comprises a loosely treed former orchard to the west of the former farmstead Rock Farm and close by to the south west of the settlement of Rock. The Church is a short distance to the north. The former farmstead has been converted into a collection of dwellings and is beside the office of an equestrian facility, the land associated with which extends around the appeal site.

5. Policies SP.1 and SP.2 of the Local Plan together convey the Local Plan's spatial strategy for the delivery of 5,520 new homes in the Wyre Forest District over the plan period. Policy SP.2 establishes a hierarchy of settlements for delivery of the housing, with the majority directed to Lea Castle and Kidderminster. Its supporting text tells us that the purpose of the hierarchy is to provide a clear steer on the future role of the District's settlements and to focus development where it will promote sustainable communities, based on an assessment of the services and facilities that are available in each settlement.
6. Rock is at the bottom of the hierarchy and, as such, housing is only supported here where it is allocated, would meet an affordable housing need, or a local housing need at a site that would be within the settlement boundary. The appeal site is a fairly short distance outside of the Rock settlement boundary and is therefore, for the purposes of the Local Plan, within the countryside.
7. In the countryside, Policy SP.11 of the Local Plan strictly limits housing development to dwellings which are demonstrably, functionally needed for rural workers, and to replacement dwellings and rural exception sites. The proposed dwelling would be none of those things. Whilst I recognise the appellant's intention to live in the dwelling in conjunction with the management of the equestrian facility at Rock Farm, the appellant has not sought to establish that there is a functional requirement to do so.
8. It is suggested that a settlement boundary may create an arbitrary distinction between the acceptability of sites either side of the line. In my view, however, the use of a settlement boundary is not necessarily an arbitrary tool when it is utilised as a component of a wider and more comprehensive, evidence based spatial strategy. Indeed, Paragraph 15 of the National Planning Policy Framework (the Framework) informs us that the planning system should be genuinely plan-led. Conflict with the spatial strategy of a development plan constitutes harm in of itself, and particularly so here, with a Local Plan less than a year old which has recently borne the scrutiny of detailed examination.
9. As for the access to services and facilities, I acknowledge that the site is a short, achievable walk into the village. Nevertheless, Rock is itself limited in this respect. That is a reason why it is in the least favoured tier for growth, at the bottom of the hierarchy, where housing is restricted to within the settlement and when it is locally needed, or affordable housing. It is also a reason why sites in the countryside are restricted to an even greater extent. I am reminded by Paragraph 78 of the Framework that in rural areas, policies and decisions should be responsive to local circumstances and housing developments that reflect local needs.
10. Reference is also made to Paragraph 80 of the Framework insofar as it requires decision makers to avoid isolated homes in the countryside¹. Whilst the site is close to Rock, it does not adjoin it and, owing to Rock Farm and intervening tree cover, has fairly limited intervisibility with the settlement. Instead, it has a greater affinity with the surrounding rural landscape. Rock Farm has its origins in its use as a single residence and then a farmstead, and it still reads as such overall, not as a settlement, despite its conversion to housing. I therefore find the appeal site to be isolated in the countryside under the Framework's terms.

¹ Drawing on *Braintree District Council v Secretary of State for Communities and Local Government & Ors* [2018]

11. Accordingly, I conclude on this issue that the site would not be suitable for the development having regard to the development plan's approach to the supply of housing, with reference to the accessibility of services and facilities. In this respect, the development would conflict with the spatial strategy set out across Policies SP.1, SP.2, SP.6, SP.11 and SP.27 of the Local Plan.

Character and appearance

12. The site is passed by a Public Right of Way (PROW) on a north to south axis and is thus experienced intimately from close range, with its remnant fruit trees leading its former use as an orchard to remain legible. It presents a somewhat bucolic appearance against the surrounding landscape and contrasts with and complements Rock Farm as former agricultural and then horticultural land functionally associated with the historic farmstead. The PROW contains Rock Farm and acts as a delineator between the built and natural environments.
13. In my view, the encroachment of the scheme west of the PROW would blur this palpable distinction between Rock Farm and its immediate, complementary rural setting. I acknowledge that the design of the dwelling seeks a pseudo agrarian typology to assimilate with this environment. However, the intrinsic value I place on the appearance of the site as a former orchard, set against a sweeping pastoral backdrop, would be diminished. Consequently, whilst I note that the Council's landscape advisor did not object to the proposal, I agree with the Council's ultimate position that the landscape character would be harmed.
14. The ancient Church draws much significance from its wider setting. It is set commandingly on the summit of a largely undeveloped hilltop where it presides over its parish in a position likely intended to convey its supreme status to the community. The effect is particularly perceptible in a network of views from an area to the south where public footpaths, Porchbrook Road and Pensax Road convene with the B4202. From these locations, the Church, particularly its tower but also the silhouette of its nave, rise from a shroud of trees.
15. As noted by the appellant's heritage evidence, the Church was likely to have been once accompanied by an associated medieval manor house and village. However, it has little competition now in terms of built form, with Rock fading to the background to the northeast. The boldest interloper is Rock Farm, which is directly within the lower right foreground of the Church. The appeal site appears right below the Church and, given that it is undeveloped and treed, defers to the Church and makes a small, positive contribution to its setting.
16. The two-storey dwelling would be on the south east corner of the site, with its taller wing along the south site boundary. It would be visible in the key views from around the B4202. From here, whilst the nearest part of the dwelling to Rock Farm would appear set directly in front of the former farmstead, the west side would likely not. Instead, it would have the visual effect of enlarging and extending Rock Farm westwards, which would amplify its extent of intrusion into the setting of the Church. Mitigation is proposed in the form of a different roof cladding. However, as an obvious bulk of built form, with the potential for light reflection, and light from its large, glazed window openings, the occupied dwelling would remain obvious in the aforementioned viewpoints regardless.
17. The effect would be small but perceptible; the result would be limited harm to the primacy of the Church and less than substantial harm to the significance it draws from its setting. Even so, Paragraph 199 of the Framework explains that

great weight should be given to the conservation of designated heritage assets. Paragraph 202 directs decision makers to weigh less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use. That balancing exercise must take place in the context of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets a strong presumption against a grant of permission for development that would cause harm to the setting of a listed building.

18. The scheme would provide social and economic benefits through the provision of a single dwelling. There is a potential benefit to the equestrian facility if staff were to live in the dwelling, and a small, resultant environmental benefit if this reduced commuting. The weight I attach to these public benefits is modest and falls short of outweighing the harm to the setting of the Church.
19. Consequently, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Church. It would conflict with the heritage, landscape and design aims of Policies SP.20, SP.21, SP.22 and DM.23 of the Local Plan and the Framework.

Other Matters

20. The Council has also alleged harm to the nearby 'Rock Farm moated site, deserted medieval village and ridge and furrow' Scheduled Monument. However, the Council's evidence does not explain why. In my view, and subject to archaeological monitoring secured by way of a condition, the proposal would not impact on the significance of the Scheduled Monument.

Planning Balance and Conclusion

21. Planning law and the Framework require that decisions are made in accordance with the development plan unless other considerations indicate otherwise. The conflict with the spatial strategy of the Local Plan and the harm to the setting of the Church draw the scheme into conflict with the development plan when read as a whole. The other considerations before me, including the aforementioned public benefits of the scheme, do not compel me to set aside the conflict with the development plan in this case.
22. Consequently, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR