



Appeal Decision

Site visit made on 31 May 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/E2530/W/22/3312898

The Presbytery, 32 High Street, Corby Glen, Lincolnshire NG33 4LX

- 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 Mark Hamblin against the decision of South Kesteven District Council.
 - The application Ref S22/1002, dated 16 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is erection of single dwelling and garage within grounds of The Presbytery.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form used in the application is one for both planning permission and listed building consent. The parties have confirmed that during the course of the application, it was determined that listed building consent was not required for the proposed development and that part of the application withdrawn. I have therefore determined this appeal as against the refusal of planning permission only.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area with specific regard to the setting of listed buildings, the Corby Glen Conservation Area (CA) and Non-Designated Heritage Assets (NDHA).

Reasons

4. The appeal site is part of the garden of a former Presbytery immediately adjacent to High Street within Corby Glen. The site slopes upwards from the street towards the Presbytery and is predominantly grassed with some landscaping and domestic paraphernalia. To one side lies a deconsecrated church, while to the other is a former schoolhouse which from the evidence before me are in residential use.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the 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.

6. The Roman Catholic Church of Our Lady of Mount Carmel (the Church) and the Presbytery House at Roman Catholic Church of Our Lady of Mount Carmel (the Presbytery) are both Grade II listed buildings. The list entry for the Presbytery acknowledges it was included for group value only. They date from 1855-56 and are both constructed in ashlar with slate roofs and connected by a single storey link. The significance of both buildings, in relation to this appeal, is in their evidential and historical value in illustrating changing attitudes to religion and their aesthetic value from their design, materials and as a group.
7. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The CA Appraisal and Management Plan (CAAMP) summarises its special interest. The significance of the CA as it relates to this appeal lies in its harmonious character derived from the defined building line and material palette.
8. The former school is identified as a positive unlisted building in the CAAMP, and both parties have considered it as a NDHA. From my observations, I concur with this assessment. The significance of the school as it relates to this appeal is in its evidential and historic value in demonstrating the close relationship between religion and education and aesthetic value in supporting the prominence of the listed buildings.
9. The appeal site forms part of the substantial open setting to the front of both listed buildings. It is in marked contrast to the prevailing enclosed character of High Street, particularly towards Market Place. It also allows the group value of the listed buildings to be fully appreciated by allowing uninterrupted views. This setting is an important component in confirming the status and importance of both buildings and is reinforced by the former school building also being set away from High Street.
10. The proposed location of the dwelling, detached and set forward of the Church and Presbytery would result in it appearing as a poorly sited, incongruous feature in the setting of the listed buildings. It is not readily apparent how this siting would represent organic phasing. The introduction of built development would interrupt the open setting of the listed buildings and unacceptable diminish its role in emphasising their importance. It would also disturb the uninterrupted view of both listed buildings to the detriment of the appreciation of their group value. The proposal would therefore fail to preserve the special interest of the listed buildings.
11. High Street is characterised predominantly by the sense of enclosure derived from the proximity of the built form to the street, particularly moving towards Market Place from the appeal site. This character is less pronounced when moving from the appeal site toward Irnham Road where more varied relationships between the buildings and the street exist. Taken in isolation of its relationship to the listed buildings, the position of the proposed dwelling would not offend either character. It would be set further behind the boundary wall and so would not be immediately adjacent to the street. It therefore would not project forward of the defined building line of High Street nor would it be prominent in the important view along the street.
12. The design of the proposed dwelling takes clear reference from the listed buildings, particularly through the use of gables, proportions of the windows and the pitch of the roof. Suitable materials could be secured by condition. The

scale of the dwelling would be proportionate in the area and further reduced through the proposed lowered floor level. The proposed dwelling has clearly been designed to be sympathetic to its context. The CAAMP recognises buildings stand gable end to the street and I observed several examples of this during my site visit which made a positive contribution to the distinctiveness of the area. Further interest to the gable could be secured by condition. The layout of the dwelling would therefore not be an incongruous or uncharacteristic feature.

13. A new access in the boundary wall and gate is proposed. The appellant's evidence suggests there has historically been a further opening in the wall and I have no reason to dispute this. Details of the gate could be secured by condition. Given its limited width and the overall length of the wall, I consider this would have a neutral effect on the character and appearance of the CA.
14. For these reasons, and despite the harm that would be caused to the listed buildings, the appeal proposal would have a neutral effect on the character and appearance of the CA, ensuring both would be preserved. For these reasons, I also do not find any conflict with South Kesteven District Council Local Plan 2011-2036 (2020) (LP) Policies DE1 which requires development to make a positive contribution to the local distinctiveness and vernacular of the area and SP3 which requires infill development to be in keeping with the character of the area. In reaching this conclusion and in the absence of any supporting text to the policy, I have considered the setting of adjacent properties as meaning the physical inter-relationship between properties which could be applied to any development in any location and not as meaning the setting of a heritage asset. There would also be no conflict with section 12 of the National Planning Policy Framework 2021 (the Framework) which confirms the creation of high quality buildings is fundamental to what the planning and development process should achieve.
15. The significance of the NDHA in this appeal is not derived from its physical characteristics, but from the role it plays in supporting the prominence and importance of the listed buildings. I therefore consider the appeal proposal would have a neutral effect on its significance.
16. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given that the appeal proposal would not result in the complete loss of the open setting of the listed buildings, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
17. The appeal site is clearly part of the garden of the Presbytery, which I would not categorise as underutilised scrubland. Notwithstanding, the Framework seeks to promote the efficient use of land and there would be an undoubted public benefit from the provision of an additional dwelling. Biodiversity enhancements could be secured by condition. The site would be located within Corby Glen, with ready access to the services and facilities within it by means

of transport other than the private car. However, these benefits would be limited given the proposal is for only one dwelling and some would be a lack of harm in any case.

18. At the time of my site visit, and acknowledging that the landscaping that was present on the site is due to be removed, views to the more recent development to the rear of the site were not prominent due to the layout and topography of the area and only available in limited circumstances directly opposite or within the site. The views of those dwellings have a negligible effect on the significance of the listed buildings and there would only be a limited public benefit from the screening thereof.
19. It would not be necessary for the dwelling to be constructed for the works to prevent further damage to the curtilage listed wall to be carried out. I therefore do not consider this to be a public benefit.
20. The suburban style properties or new additions in the streetscape that directly affect the north-south views to which the development would represent a counterpoint have not been identified. In any event, even if I were to find the proposed development formed a pleasing contrast to such buildings, this would not alter my conclusion as to the effect of the development on the significance of the designated heritage assets.
21. I have found that the proposed development would have an acceptable design, not conflict with policies for the development of infill plots and have a neutral effect on the character and appearance of the CA and the NDHA. However, given my findings above with regard to the effect on the setting of the listed buildings, and in the absence of any public benefits worthy of sufficient weight either on their own or cumulatively, the proposal would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with LP Policy EN6 that seeks, among other things, to protect and enhance heritage assets and their setting.

Other Matters

22. I recognise, and have had regard to, the appellant's personal circumstances and the intention that the proposed dwelling would be occupied by them or other members of their extended family. I am mindful of the advice contained in the Planning Practice Guidance (PPG) that in general planning is concerned with land use in the public interest¹. It is probable that the appeal proposal would remain long after the appellants' personal circumstances cease to be material. Future occupation of the proposed dwelling would not necessarily entail a similar situation and there is no mechanism before me to ensure this would be the case. I therefore attach limited weight to the personal circumstances of the appellant in the context of this appeal.
23. The site is within an area of low flood risk, and sustainable drainage could be secured by condition. Any potential risks from contamination could be addressed through the imposition of an appropriate condition. There would not be an adverse effect on the living conditions of neighbouring occupiers and the living conditions of future occupiers would be acceptable including through the provision of outdoor amenity space. A suitable amount of private amenity space would be retained to the Presbytery. A suitable landscaping scheme

¹ Determining a planning application Paragraph: 008 Reference ID: 21b-008-20140306 Revision date: 06 03 2014

could be secured by condition which could retain the pollarded tree and have regard to the designated heritage assets in its design. Access to the site would be shared with the Presbytery and appropriate off-street parking provided and would limit the need for alterations to the boundary wall. However, these would be expected of any well designed development and would be neutral factors overall.

24. I have not been provided with substantive evidence of the availability of public transport serving Corby Glen and it has not been demonstrated that the dwelling would comply with anything beyond the mandatory aspects of the building regulations. I would therefore ascribe very limited weight to these matters.
25. I note the comments of the appellant with regard to how the Council dealt with the application, including in how the submitted application responded to the pre-application advice and the availability of public comments. However, addressing these concerns does not fall within the remit of this appeal.

Conclusion

26. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance therewith. The appeal should therefore be dismissed.

J Downs

INSPECTOR