

Appeal Decision

Site visit made on 28 June 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/J3720/W/22/3311353

The Old Forge, Main Road, Upper Brailes, Brailes, Warwickshire OX15 5AT

- 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 Sanjay Sandhu against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00588/FUL, dated 24 February 2022, was refused by notice dated 19 May 2022.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the setting of The Old Forge, a Grade II listed building and the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. Upper Brailes is a linear village located within the Cotswolds (AONB). The appeal site comprises part of the garden to the side of The Old Forge, a Grade II listed thatched property located on the main road through the village. The existing dwelling is adjacent to the back edge of the pavement although it is slightly angled into the site. To the north and west of the site there are dwellings which vary significantly in form, materials and their relationship with the road. Views of the countryside are available over the adjoining field and through gaps between properties that front the main road within the village. Although not allocated as Local Green Space, the site is part of a patchwork of small open spaces, bound by mature planting which characterise this part of the AONB.
4. The site is within the built-up area boundary (BUAB) of the village as defined by Policy E2 of the Parish of Brailes Made Neighbourhood Development Plan 2011 – 2031 (NDP). This along with Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011 – 2031 (CS) allows for small scale housing schemes within the BUAB subject to proposals conforming with the principles of sustainable development and other policies in the development plan and the National Planning Policy Framework (the Framework).

Setting of listed building

5. The appeal site is within the setting of a Grade II listed building, The Old Forge. I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting, or any features of special architectural or historic interest which the listed building possesses.
6. The Old Forge dates from the late 17th Century. It derives its significance from its architecture including the distinctive, steeply sloping thatched roof and stone walls, along with the combination of stone and timber detailing to the door and window openings and chimneys. It also has historic interest, with the ground floor room having been used for the shoeing of horses in the 1900s.
7. The setting of the listed building is mixed, comprising residential development to the north and west and open space, including the appeal site, to the south and east. Due to the orientation of the building in relation to the road it is experienced most fully from vantage points along the pavement to the east and on approach from the south. These allow a full appreciation of the front elevation and side gable of the building with its distinctive coursed stonework and window arrangement. The evidence suggests that the appeal site has been used as amenity space for the property since the 1960s or 70s and the appellant contends that it is not historically associated with The Old Forge. Nevertheless, the appeal site comprises an element of the setting of the listed building and its undeveloped nature allows the building to be appreciated across the site and in the context of the countryside beyond.
8. Although the proposed dwelling would be smaller in scale and set back from the listed building, due to its siting and mass, it would be clearly visible within its immediate setting. Whilst the features of the listed building itself would not be obscured from view, the proposed dwelling would be in relatively close juxtaposition with the listed building and would therefore be prominent in views of The Old Forge from public vantage points. This would result in the crowding of the listed building, and in combination with the hard surfacing proposed, would result in an urbanising effect and the erosion of the open, rural context which forms part of its setting. As such, whilst the proposal would preserve the features of special architectural and historic interest of the listed building, it would be harmful to its setting and thereby the significance of the designated heritage asset. The appellant contends that until recently the listed building was screened from view by vegetation and that could be the case again in the future. However, I have determined the appeal based on the current circumstances and even were the site to be more comprehensively landscaped in the future this would not fully mitigate the harm which I have identified.
9. As required by paragraph 199 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, the proposal would lead to less than substantial harm to the significance of the listed building. Paragraph 202 of the Framework states that if a development proposal would lead to less than

substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal. There would be economic and social benefits arising from the provision of a new home in a reasonably sustainable location and the Framework aims to significantly boost the supply of homes, although the Council can demonstrate a 5 year housing land supply. Given the limited scale of the development I attach moderate weight to these benefits, however given the great weight that must be given to the conservation of a heritage asset, I conclude that the public benefits of the proposal do not outweigh the harm.

AONB

10. The appeal site is located adjacent to existing buildings with the land rising to the west. In longer views of the site from the east the proposed dwelling would be seen against this backdrop and would not be unduly prominent within the wider landscape. The Council contends that the site falls within parcel BR08 of the Landscape Sensitivity Assessment of Local Service Villages (2012), however the appeal site is excluded from this parcel. Nevertheless, the appeal site does contribute to the patchwork of green spaces which form part of the local landscape character. In more localised views, the proposal would erode the sense of openness of the site, detracting from the rural setting of the village and as a consequence would result in harm to the landscape character of the area. In accordance with the Framework, I give great weight to the duty to conserve the landscape and scenic beauty of the AONB.
11. The Council contends that the proposal would result in loss of definition of the gap between Upper and Lower Brailes. Whilst development becomes more sporadic between the central sections of the two settlements, the gap has not been defined in policy and no evidence has been provided that explains the extent of the gap. The proposal encroaches into the open area to the south of the existing building, and I have found harm to the character and appearance of the area as defined above, however I do not find specific harm with reference to the gap between Upper and Lower Brailes. Nevertheless, the absence of harm in this respect does not justify the harm otherwise identified as previously set out.
12. It is evident that the appellant has sought to address concerns raised in relation to a previous application (21/02000/FUL). However, I have not been provided with the full details and in any event, I have determined the appeal proposal on its own merits.
13. Having regard to all of the above, I conclude that the proposal would have a harmful effect on the character and appearance of the area with particular regard to the setting of The Old Forge, a Grade II listed building and the Cotswolds Area of Outstanding Natural Beauty (AONB). It would therefore conflict with Policies CS.5, CS.8, CS.9 and CS.11 of the CS and Policy E4 of the NDP. These policies when taken together, and amongst other things, seek to ensure that development has regard to local distinctiveness, protects and enhances heritage assets and their settings and protects landscape character including conserving and enhancing the special landscape qualities and scenic beauty of the AONB.

Conclusion

14. I conclude that the proposals conflict with the development plan as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR