



Appeal Decision

Site visit made on 30 January 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal Ref: APP/P1805/W/22/3313598

Fields off Icknield Street, Beoley, Worcestershire B98 9AH

- 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 Ms Naylor against the decision of Bromsgrove District Council.
 - The application Ref 22/01324/FUL, dated 6 October 2022, was refused by notice dated 1 December 2022.
 - The development proposed is the erection of a new agricultural building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Naylor against Bromsgrove District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Moreover, the main parties have been given the opportunity to comment on the revised Framework during the appeal process. Hence, I am satisfied that no one would be prejudiced by this change to the national policy context.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, including having regard to the significance of the Grade I listed Church of St Leonard (the church) and relevant non-designated heritage assets.

Reasons

5. The Grade I listed church is built on a high point relative to the surrounding countryside and stands somewhat apart from Beoley village. This gives the ancient stone church a striking presence and elevated hierarchy in comparison to its surroundings, which was a probable deliberate part of its design.
6. Its significance is comprised of several components which include the following. Firstly, it possesses considerable aesthetic value as a historic religious building. Originating from the early 12th century, the list entry indicates it was subsequently extended in the 13th, 14th, 15th and 16th centuries, with later 19th

century restorations. Consequently, the building reflects the evolution of English church architecture over a considerable period. This extends to the interior architecture and fittings of the church.

7. Furthermore, the church holds historic value owing to its connection with the Sheldon family. The historic fabric and presence of the building is a tangible and direct connection with the past and constitutes an important and longstanding religious building likely to have been a focal point for the community it served.
8. In addition, the surrounding rural and verdant landscape forms part of the setting of the church. This includes remnants of a medieval manorial deer park and undeveloped areas where ridge and furrow earthworks are discernible. The proximity of a legible medieval historic landscape amplifies the significance of the church as it allows for a greater appreciation of the interrelationship between the church, the likely structure and occupations of the local community and their past connection with the land.
9. The appeal site concerns a former gravel pit that sits within a field that lies adjacent to the churchyard of the listed church. The information provided shows the site is within the historic deer park associated with Beoley Manor. It comprises part of a field that is largely covered with ridge and furrow earthworks. These landscape features possess heritage interest meriting consideration in this case, which is reinforced by the submitted Heritage Statement¹ identifying them as non-designated heritage assets.
10. The evidence before me considers at some length the extent of direct inter-visibility between the appeal site and the church. My observations were that glimpses of the appeal site were possible from the western part of the churchyard. Moreover, the site featured in some views on the approach to the church from the north, via Icknield Street. However, given intervening vegetation, the extent of visibility would be liable to change with the seasons. Even so, given its proximity to the church, the appeal site forms part of the rural surroundings within which the church and grounds is experienced.
11. As a former gravel pit the landform of the appeal site is distinguishable from the wider field. This is exacerbated by the level area of gravel surfacing, associated fencing and trackway leading to it. Hence, the appeal site has a somewhat stark appearance in comparison to the character of the pasture. Nevertheless, because built form is predominantly absent, the appeal site has undeveloped spacious qualities that reinforce the wider prevailing parkland characteristics. Furthermore, established vegetation on the elevated land to the east has a softening effect. Consequently, overall, the appeal site makes a positive contribution to the attractive rural qualities of the landscape and historic setting of the listed church.
12. I have a statutory duty² to have special regard to the desirability of preserving listed buildings and their settings.
13. The proposed development would introduce a sizable agricultural building onto the land which has historically been devoid of built form. Therefore, the physical presence and notable volume of the structure would adversely erode the spacious qualities of the appeal site. Moreover, the building would have a

¹ Prepared by Elmwood Heritage, page 19.

² Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

utilitarian form built in functional materials giving it an unmistakably modern appearance. Whilst the form and materials are commonplace for agricultural buildings and not inherently objectionable, positioned within the sensitive historic and largely undeveloped context of the appeal site, the impact would be discordant and unsympathetic.

14. A consequence of the proposed siting of the building would be to further emphasise the presence of the underlying 19th century gravel pit. As a later addition to the remnant medieval landscape, it is not convincingly explained how such an approach would preserve or enhance the positive qualities that contribute towards the significance of the church's setting or historic landscape. Furthermore, the development would draw more attention to the levelled surfaced area, which I have identified as a negative aspect of the appeal site.
15. In addition, a new access splay and track to the building would be created. This would have an obvious visual presence in views from Icknield Street that would dilute the verdant rural qualities of the pasture. It would also be likely to cut through an area of well-preserved ridge and furrow. Albeit limited in scale, the access works would cause direct harm to the earth works, an undesignated heritage asset.
16. Taking these factors together, the proposal would undermine characteristics that presently reinforce the surviving historic landscape, and which form valuable components of the setting of the church. Consequently, it would adversely affect elements important to the significance of the church as a designated heritage asset.
17. I understand that the appellant's approach is to utilise existing topography largely wrought by the former gravel pit, and to add additional screen planting to reduce the visual impact of the building. Nevertheless, ultimately such measures would be unsuccessful in fully overcoming my concerns because they are of a more fundamental nature. Additional planting would only limit the extent of harm rather than surmount it. In any event, it is unlikely that natural vegetation would completely obscure views of the building from Icknield Street as is suggested, particularly given that natural vegetation is subject to seasonal changes. Furthermore, planting to the sides and front of the appeal site would take some time to become established and would not address the impact of the new access and track.
18. Neither am I persuaded that concealing an otherwise inappropriately sited building by landscaping is an approach encouraged by the Framework to achieving well-designed and beautiful places. For the reasons outlined, the proposal would not be sympathetic to local character and history including the surrounding built environment and landscape setting. Therefore, it would fail to meet the requirements of paragraph 135c) of the Framework.
19. In coming to my views, I have had regard to the Council's High Quality Design Supplementary Planning Document, June 2019 which contains advice relating to new agricultural buildings. Paragraph 6.3.4 states that new buildings should form part of a group rather than stand in isolation, and that the siting of new proposals within the setting of a heritage asset is of particular importance. Although the appellant considers that the proposal would not be isolated due to the gravel pit, my reading is that this advice is referring to groups of buildings. As such, the proposal would depart from the guidance in this respect, and it would tend to reinforce my concerns.

20. Consequently, the proposal would have an unsympathetic effect on the character and appearance of the area, would directly and harmfully impact on non-designated heritage assets and would fail to preserve the special interest of the setting of the Grade I listed church. In the latter respect, conflict would arise with the expectations of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
21. The proposal would affect only part of the setting of the listed church, and as such I judge that the harm caused to its overall significance would be, in the terms of the Framework, less than substantial. I find a similar degree of harm would be caused to the non-designated heritage assets of the former deer park and ridge and furrow earthworks.
22. In relation to designated heritage assets, paragraph 208 of the Framework states that in these circumstances, the harm should be weighed against the public benefits of the proposal. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Moreover, the more important the asset, the greater the weight should be. In this case, the church is designated with the highest grade of listing, denoting its exceptional heritage interest.
23. The proposal would respond to an acknowledged need and would assist the appellant with their plans to develop and expand an agricultural business. Some representations received in support of the proposal highlight the need to house livestock suitably and the importance of agricultural food production. There is general support for this found in paragraph 88 of the Framework. As such, there would be some public benefit arising from the support to the rural economy. The appellant further generally highlights that if agricultural practices are not supported, there could be consequent implications for the management and maintenance of the landscape. In addition, some biodiversity enhancement would probably be associated with the proposed additional native planting.
24. However, based on the evidence before me, I am not persuaded that the appeal proposal, although preferred, represents the only means by which to support and expand the agricultural business. Hence, the existence of a less harmful approach that might yield broadly similar public benefits cannot be ruled out. This tempers the positive weight given to them.
25. Overall, I find the sum of public benefits would not outweigh the great weight attributed to the harmful effect on the significance of the church. Therefore, the proposal would conflict with national policy that seeks to protect designated heritage assets.
26. With regards to non-designated heritage assets, paragraph 209 of the Framework indicates that a balanced judgement will be required. In this case, the harm identified adds further limited weight against allowing the proposal.
27. In making my determination and when considering the setting of the church, I have had regard to the highlighted case law principles³ and extracts from Historic England's advice⁴ relating to the wide visibility of church towers. However, for the reasons already set out, I have found that the proximity and

³ Paragraph 4.1.6, Appellant's Appeal Planning Statement

⁴ The Setting of Heritage Assets, page 7.

nature of the development proposed would detrimentally impact on aspects of the setting of the church that would compromise part of its significance.

28. The appellant contends that the new track would be sited where ridge and furrow features have already been lost and would be inconsequential when assessed against the total area of such features. However, the aerial photographs in the Heritage Statement⁵ suggest that ridge and furrow is well preserved for at least some of the length of the proposed track, and I have not seen convincing contrary evidence. Only affecting a small area of the earth works would not negate the harm. Instead, this point is reflected in the extent of harm found, namely less than substantial.
29. Reference is made to an Esso pipeline having been permitted in the vicinity. Limited information is provided in terms of the location or circumstances leading to a decision to permit the pipeline which inhibits a comparison with the appeal proposal. However, as probable infrastructure, such development is of a different nature and would be likely to raise different public benefits and it is not shown to be directly comparable with the appeal proposal. Whilst it attracts some weight in favour of the proposal, it would not ultimately lead me to find otherwise on this main issue.
30. Four appeal cases⁶ where agricultural buildings have been permitted are brought to my attention. None are shown to be close to the Church of St Leonard, as two concern different districts and the remaining cases are a considerable distance from the appeal site. It follows that, given the unique character of land and heritage assets, the context of those cases must be different. As such, they have little bearing on the specific merits of this case.
31. Accordingly, I find that the proposal would be detrimental to the character and appearance of the area and would result in unjustified harm to the setting of the listed church, and further limited harm to non-designated heritage assets. Therefore, the proposals would conflict with policies BDP19 and BDP20 of the Bromsgrove District Plan 2011-2030, January 2017 (BDP). Amongst other matters, these policies seek development that enhances the character and distinctiveness of the local area and seeks to sustain and enhance the significance of heritage assets.
32. The Council further refers to policies BDP1 and BDP4 of the BDP on its decision notice. BDP1 sets out generic sustainable development principles and lists factors to which the Council will have regard when assessing proposals for development. Whilst this refers to the effect on the historic and natural environment as relevant matters to be considered, I find no direct conflict with the wording of the policy as such.
33. Policy BDP4 relates to the Green Belt and confirms that buildings for agriculture are an exception to the presumption that new buildings in the Green Belt are inappropriate development. The Council does not otherwise suggest the proposal represents inappropriate development, rather the opposite⁷. Accordingly, I find no conflict with this policy.

⁵ Figure 5

⁶ Page 4, Appellant's Addendum Report, appeal references APP/P1805/W/19/3231487; APP/M9496/W/21/3270501 & APP/J1860/W/20/3248191 and Appellant's comments on revised NPPF, reference APP/P1805/W/23/3316476

⁷ Page 2, Green Belt section within reasoning on Council's decision notice.

Other Matters

34. The appellant raises concerns regarding the behaviour of the Council before and during the planning application. However, these matters lie outside the scope of my determination, which has been based on the planning merits of the case.

Conclusion

35. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have not found reasons that would justify taking a decision other than in accordance with the BDP in this case. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR