



Appeal Decision

Site visit made on 22 January 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/H1840/W/23/3328132

Bickmarsh Lodge, Buckle Street, Ullington, Worcestershire, WR11 8QJ

- 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 Green against the decision of Wychavon District Council.
 - The application Ref W/22/02666/FUL, dated 14 December 2022, was refused by notice dated 4 July 2023.
 - The development proposed is described as “new agricultural access and track.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have taken the revised Framework into account as part of the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on i) the setting of the Grade II Listed Building known as Ullington House; ii) the character and appearance of the area; and iii) biodiversity.

Reasons

Listed Building

4. 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 a development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
5. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 208 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6. Ullington House is 17th century blue lias stone house, which, due to its proximity to a range of barns and its location surrounded by agricultural fields, appears to have historically been a farmhouse. The building has been altered over time and the agricultural barns appear to have been converted into a residential use. To the north more modern farm buildings have been constructed. A parcel of land and agricultural field between Ullington House and the properties that front Buckle Street provides an important link to its historic use as a rural dwelling and therefore contributes to its significance. Consequently, the significance/special interest of the listed building, in so far as it relates to this appeal, includes the evidential, aesthetic, and historic value of a historic rural dwelling.
7. Ullington House, derives intrinsic historic and evidential value from being experienced in a rural setting and as part of the wider agricultural landscape. The conversion of the barns and construction of modern agricultural buildings in close proximity to the listed building have somewhat diminished its rural setting and sense of independence as a historic rural dwelling.
8. The agricultural field to the west assists in reinforcing the sense of independence and provides an important link to its historic use. The appeal site is therefore an important part of the building's setting and contributes positively to its significance.
9. I have had regard to the appellants submission that the proposed development would not be intervisible with Ullington House. From the appeal submission and what I viewed during my site visit; the proposal would be visible with the listed building, particular in views from when travelling along Buckle Street. The proposed development would introduce a new access and track across the adjoining agricultural field, which would be seen in the context of the heritage asset. Its relatively formal, structured appearance, when compared with the more verdant and open agricultural field, would sit incongruously within the wider undeveloped, rural setting of the heritage asset. Consequently, the rural character and experience of the site would be harmfully eroded. Furthermore, the setting of Ullington House and its status as a historic rural dwelling would be meaningfully diminished.
10. The harm that would arise would be localised and therefore the impact on the significance of the setting of the listed building would be less than substantial within the meaning of paragraph 205 of the Framework. In weighing the public benefits of the proposal against the harm identified, the appellant has suggested that the proposal would improve highway safety by separating providing separate residential and farm/commercial accesses on to Buckle Street. I have had regard to the appellants submission in relation to the substandard access and understand the rationale for the development. However, there is no robust evidence before me indicating that the particular scheme before me is the sole means of achieving an improved highway safety, particularly as the existing access would remain. As such, the public benefits of the scheme are of no more than limited weight.
11. I conclude that the proposed development, due to its scale, design, and location, would harm the significance of the listed building. I find in relation to paragraph 205 of the Framework that whilst harm would be less than substantial, there are no public benefits that would outweigh that harm.

12. For the reasons above, I conclude that the proposal would be contrary to Policy SWDP6 of the South Worcestershire Development Plan (2016) (SWDP) which seeks, amongst other things, to ensure that developments conserve and enhance heritage assets. The proposed development would be contrary to paragraph 205 of the Framework which seeks to ensure that great weight is given to a heritage asset's conservation.

Character and Appearance

13. The appeal site is located in an area of open countryside characterised by sporadic built development with access roads to farms and dwellings located along the highway. The highway is bound by hedgerows and trees, beyond which lies open agricultural land giving the area a strong rural character. During my site visit I noted that the proposed access would necessitate the removal of a post and rail fence, and some minor hedgerow which has become overgrown. Whilst this area provides a green element to the street scene, the lack of mature landscaping and the overgrown nature means it makes a neutral contribution to the overall character and appearance of the area.
14. The introduction of a wide splayed entrance, from Buckle Street, would present itself as a formal entrance to the host farmyard on a stretch of road which is distinctly rural in character. This would alter the appearance of the frontage and verge. Nevertheless, agricultural accesses are a common feature of the area, and the proposed development would be located adjacent to a small cluster of dwellings and their associated accesses. The proposal would therefore appear as a further agricultural access along Buckle Street, in conformity with the characteristics of the area.
15. As such, the proposal would comply with SWDP Policy SWDP25 which seeks, amongst other things, to ensure that developments are appropriate to, and integrate with, the character of the landscape setting. The proposal would also comply with paragraph 135 of the Framework which seeks good design sympathetic to local character.

Biodiversity

16. The proposed development would remove a post and rail fence along with overgrown greenery and small hedgerow. It is not proposed that any trees or significant areas of hedgerow be removed. The existing fence/landscaped line is set back from road behind a grassed verge.
17. During my site visit I noted that the hedgerow appeared sparse, and no trees were located within the proposed access location or its visibility splays. Evidence submitted with the appeal states that the hedgerow is of low ecological value and no protected species were evident at the site. Based on the submission, what I viewed on site and subject to conditions I consider that the proposal could be acceptable in terms of its impact on biodiversity. However, as I am dismissing on other issues, I have not pursued this further.
18. As such the proposal would comply with SWDP Policy SWDP22 which seeks, amongst other things, to ensure that developments are designed to enhance biodiversity and geodiversity conservation interests. The proposal would also be contrary to paragraph 186 of the Framework which seeks to ensure that proposals conserve and enhance biodiversity.

Other Matters

19. Whilst the appellant states that a track, without the proposed access, could be constructed so as to meet the requirements of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), the proposal before me does not. I have no evidence that the access track would be constructed in this location without the proposed access. The potential fallback position can therefore only be afforded limited weight, which does not outweigh the aforementioned harm.

Conclusion

20. For the above reasons, there are no relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR