



Appeal Decision

Site visit made on 20 February 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

Appeal Ref: APP/H1840/W/23/3329579

Back Lane House, Back Lane, Beckford, Tewkesbury, GL20 7AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Chris Barnett against the decision of Wychavon District Council.
 - The application Ref W/23/00223/PIP.
 - The development proposed is described as "permission in principle for 9 dwellings."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became "National Landscapes". The legal designation and policy status of AONBs are unchanged, but I have replaced reference to the Cotswolds AONB with the Cotswolds National Landscape in my decision to reflect this change.

Main Issues

5. The main issues are;
 - The effect of the proposed development on the character and appearance of the area, including on the setting of the Cotswolds National Landscape and on a nearby Grade II listed building; and
 - Whether the proposed development is an efficient use of land.

Reasons

Character and Appearance

6. Whilst the proposed development is for a permission in principle, illustrative plans have been submitted showing a potential layout. These detail a proposed development of the construction of nine dwellings in a cul-de-sac formation. Access would be via an access on to Back Lane. In any case, this stage identifies that there could be up to nine dwellings occupying the appeal site.
7. The appeal site is an area of land comprising an open field to the rear of dwellings that front on to Back Lane. The appeal site is bound by the rear gardens of those properties to the west, open fields to the north and east, and an area of established mature landscaping and agricultural land to the south. The area is predominantly characterised by two-storey buildings, mainly in residential use, in a linear form fronting on to the highway. There is much variation in the design of buildings which have been developed over time. The open field that comprises the appeal site appears as agricultural land and adjoins other open land, which combined with the mature landscaping and hedgerows that run along the highway and in the wider area gives the area its rural characteristics which positively contributes to the character and appearance of the area.
8. 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.
9. The National Planning Policy Framework (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.
10. Manor House is a Grade II listed former farmhouse constructed in the 17th century from coursed and dressed limestone rubble with ashlar dressings and a stone tiled roof. It is located to the north of the appeal site and is set back from Back Lane by a driveway, mature landscaping and grounds. The building has been altered over time and has been divided in to five dwellings. To the south of the building lies its gardens and open fields, including the appeal site, which provide an important link to its historic use as a farmhouse 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 farmhouse that has been altered over time.
11. The appellants submission identifies the changes that have occurred within the appeal site and the surroundings over the years, and I acknowledge that there has been a degree of change to the setting of Manor House since the 17th century, including the demolition and erection of various buildings in the surrounding area and the construction and removal of a nearby railway.

12. Based on the evidence before me, the appeal site once formed part of the farmland and possibly park land associated with Manor House. It would have been prominently sited and would have derived intrinsic historic and evidential value from being experienced in a rural setting and as part of the wider agricultural landscape.
13. I have had regard to the appellants submission that due to existing mature landscaping the proposal and Manor House are not intervisible. Additionally, they state that further landscaping could reduce any harmful impact. Due to mature landscaping existing around Manor House. Whilst views of both the appeal site and the listed building are limited due to the landscaping, a right of way runs between the appeal site and Manor House where glimpses of the Manor House would be available. Nevertheless, the open fields to the south, including the appeal site 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.
14. The construction of nine dwellings to the rear of dwellings that front Back Lane and into an area of open agricultural land would appear at odds with the nearby linear development and rural character of the area. Along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having a suburbanising effect upon it. The proposal would therefore appear as an incongruous addition to the area, adversely affecting the rural character and appearance of the site and its surroundings. Furthermore, an area of open land would be lost and replaced by built form, resulting in the setting of Manor House and its status as a historic farmhouse being harmfully eroded.
15. Additionally, the site lies within the setting of the Cotswolds National Landscape (NL), the designation of which is afforded the highest status of protection, as explained in paragraph 182 of the Framework. The replacement of an area of open land with nine dwellings would domesticate the simple rural character of the site, harming the landscape and scenic beauty of the NL.
16. I conclude that the proposed development, would harm the character and appearance of the surrounding area., as well as the setting and therefore significance of the Manor House, a Grade II listed building. 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. I find in relation to paragraph 208 of the Framework that whilst harm would be less than substantial. I will come back to this matter later in my decision.
17. In relation to the character and appearance of the area and the impact on the NL, I conclude that the proposed development would not accord with the development plan as a whole. It would be contrary to Policies SWDP 21, SWDP 23 and SWDP 25 of the South Worcestershire Development Plan (2016) (DP). These together seek, amongst other things, to ensure that developments conserve and enhance the natural beauty of an NL and complement the character of the area. The proposed development would also be at odds with paragraph 135 of the Framework which seeks to ensure developments are visually attractive and sympathetic to local character. It would also be contrary to paragraph 182 of the Framework which seeks to ensure that great weight is given to conserving and enhancing landscape and scenic beauty in NL's.

Efficient Use of Land

18. DP Policy SWDP13 specifically relates to the effective use of land and considers, amongst other things, housing density. This policy states that within villages, and on sites of less than 100 dwellings, new development should be provided at a net density of thirty dwellings/ha. The policy also states that windfall housing development should be assessed against the density criteria relevant to their locality and the character of the built and natural environment context.
19. Paragraph 129 of the Framework advises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and that developments make optimal use of the potential of each site.
20. The Council have advised that the proposal would achieve approximately 15 dwellings per hectare. This would be significantly lower than the Council's policy which seeks to achieve thirty dwellings per hectare. The appellant has provided evidence detailing a large area that would be required in order to access the site. This would reduce the developable area of the site and the appellant concludes that approximately 18 dwelling per hectare would be the density.
21. Adjoining and nearby dwelling would be a similar density. I am mindful that DP Policy SDWP13 also states, with regards to windfall site, that these should be assessed against the relevant density criterion and the character of the built and natural environment context, including heritage assets. Due to the lower density dwellings nearby, a higher density development may not be appropriate. The proposal would be a similar density to nearby dwellings and would therefore accord with the windfall part of SWDP13.
22. Consequently, the proposal would therefore comply with DP Policy SWDP13 which seeks to make the most effective and sustainable use of land. The proposal would also comply with Paragraph 129 of the Framework that seeks to avoid homes being built at low densities.

Planning Balance

23. 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. I have already found that the proposed would have a less than substantial harm on a Grade II listed building.
24. In weighing the public benefits of the proposal against the harm identified, the appellant has suggested that the proposal will provide socio-economic benefits, self-build dwellings and affordable housing.
25. Under Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended) the Council is required to grant sufficient planning permissions to meet the demand for self-build and custom housebuilding in the authority's area in each base period. The Council's submission details that 81 self-build plots have been granted consent out of a total requirement of 84 plots by October 2024. Whilst there is currently a shortfall in plots the Council have been steadily increasing the numbers of plots (i.e., from 50 plots in October 2022) and their submission states that they predict meeting the target by

- October. Nevertheless, there is a minor shortfall, and the proposal would aid the Council in meeting this target. As such, I afford this moderate weight.
26. The proposal would deliver two residential units which the appellant suggests would be affordable and deliverable. This is a clear public benefit that carries significant weight.
27. I have also found that the proposal would harm the character and appearance of the area and to the setting of the Cotswold NL. I am mindful that the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in NL's which weighs against the proposal.
28. Paragraph 195 of the Framework states that heritage assets are an irreplaceable resource and paragraph 205 of the Framework establishes that great weight should be given to the conservation of heritage assets. As set out above the proposal would cause harm to the setting Manor House. The impact would be considerable. The proposal would result in a significant and permanent change to the setting of the listed building. In this context I find that the public benefits of the proposal would not be sufficient to outweigh the degree of harm identified.
29. Consequently, the proposal would therefore not accord with DP Policies SWDP 6 and SWDP 24 which seeks to ensure that developments conserve and enhance the significance of heritage assets, including their setting. It would also not comply with Paragraph 205 of the Framework which requires great weight to be given to an asset's conservation.
30. The Council is unable to demonstrate a 5-year housing land supply and therefore a presumption in favour of sustainable development applies. However, with reference to paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets and national landscapes. I have found that the proposal would harm an aspect of the setting of a nearby listed building that contributes to its significance and the Cotswold NL. It would therefore not accord with the Framework. Consequently, the presumption of sustainable development in the Framework does not apply.

Conclusion

31. The appeal scheme would, for the reasons I have given, conflict with the development plan which has been considered as a whole. There are no material considerations, including the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Tamsin Law

INSPECTOR