



Appeal Decision

Site visit made on 27 February 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2024

Appeal Ref: APP/B3410/W/23/3320618

Land West of Ellastone Village Hall, Wootton Lane, Ellastone, Ashbourne, Staffordshire DE6 2GW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr William Tomkinson against the decision of East Staffordshire Borough Council.
 - The application Ref is P/2021/00999.
 - The development proposed is described as "Siting of five holiday cabins".
 - The description on the decision notice is "Change of use of agricultural land to facilitate the siting of five holiday cabins and associated formation of access track".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issue of this appeal, I have not sought comments on the revisions.

Main Issues

3. The main issues are the effects of the proposal on the character and appearance of the area, with particular regard to the Ellastone Conservation Area (ECA) and the settings of listed buildings.

Reasons

4. The appeal site is a field located centrally within the northern section of the village of Ellastone. The site rises to the north and is bound by a mix of dwellings, local leisure facilities and Ribden Road. The proposal seeks to change the use of the field and install five holiday cabins including an access track and parking areas. The appeal site is located within the ECA and the settings of two listed buildings. These are the Church of St. Peter, which is Grade II* listed, and Adam Bede's Cottage, which is Grade II.

Significance of the ECA

5. I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act), which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of a conservation area.

6. The ECA appraisal document (November 1973) describes Ellastone as a scattered village and is broadly formed of upper and lower sections, with the appeal site located in the former. Despite the age of the ECA appraisal, from all I have seen and read, the significance of the ECA is derived mainly from this scattered form of development, loosely grouped clusters of stone buildings and the generous spaces between. The irregular arrangement of built form and features such as stone walls and surrounding agricultural environs emphasise a rural character which further adds to the significance of the ECA.

Significance of Listed Buildings

7. As required by section 66(1) of the Act, I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
8. The Church of St. Peter is a prominent feature in the local area and sits roughly halfway up the rising topography of Church Lane. From all that I have seen and read, the Church's special interest and significance are mainly derived from its historic and architectural interests. This includes its community role historically and ongoing ecclesiastical use. Furthermore, its traditional construction and materials are of particular importance.
9. The building's setting further contributes to its special interest and significance. Its immediate setting, comprising the enclosed graveyard has, to varying degrees, historic, functional, physical and visual links with the asset. This tranquil space allows the Church and its status and role within the Village to be experienced and contributes considerably to both its significance as an asset, as well as the ability to appreciate that significance.
10. Beyond the built form along Church Lane, the surrounding land including the appeal site, is largely open and verdant. This generally open character maintains the historic relationship of the Church with the Parish it serves and the local rural landscape within which it sits. This reinforces the building's enduring functional and communal importance. Although foliage and some built form screen the church from some views in and around the appeal site, these positive qualities of the Church's wider setting contribute in a meaningful way to its special interest and significance. Its setting therefore makes a significant contribution to the significance of the designated asset.
11. Meanwhile, Adam Bede's Cottage derives most of its significance from its historic and architectural interest. This is through its impressive architectural detailing and being a fine example of local craftsmanship, with features such as the crested ridge tiles and stacks. Moreover, its traditional form, which has evolved over the years as an indicator of increased local wealth, shows the development of the area over time. Although the cottage is named for a literary character, it would appear as though the construction predates the novel and as such there is little substantive evidence as to the significance of this connection.

Impact of Proposal

12. The proposal would see the partial development of the field with five cabins of predominantly timber construction along with the associated access tracks and ancillary features such as lighting. The introduction of the holiday cabins would partially erode the open and verdant nature of the appeal field which

contributes considerably to the character of the local area and the significance of the ECA. The pods would have a simple design, of low overall height and some views from the nearby roads and vantage points would be limited by hedges and proposed landscaping. However, while I agree that a conservation area designation does not equate to a moratorium on further development, visibility is but one consideration and the development of the holiday accommodation would fundamentally change the character of the site and its contribution to the area.

13. Furthermore, the introduction of timber structures would jar with the prevailing stone buildings along Church Lane and Ribden Road. While there are other timber structures in the area, such as the bowling green hut, these do not generally add quality to the area and their presence, temporary or not, does not justify the development of more structures of this type. While timber can naturally weather to a silvered colour, this would take some time and the proposal would in the meantime appear incongruous to the area.
14. Moreover, the cabins would necessitate the parking of vehicles and access tracks which would partially urbanise the field. Although there is a suggestion that grass tracks could be used to navigate the site, I have nothing substantive before me on this matter. I would also question the practicality of such an arrangement during inclement weather on a steeply rising site.
15. Given the contribution of the rural character of the area to the setting of the church, which includes in no small measure the appeal field, this development and change of character would lead to harm to the setting of the listed building. Despite some setback from the field edges, this would be particularly evident in views when travelling along Ribden Road, whereby the prominence of the church would be diminished in part by the development of holiday accommodation at the appeal site.
16. Although the appeal field is located in close proximity to the listed cottage, from my observations on the site visit the building is set below the road and footpath and therefore is not prominent from the north. The setting of the cottage is generally limited to its curtilage and longer-range views to the south whereby the land level drops towards the beck.
17. My attention is drawn to two planning appeals on the proposed development site from 1991¹. While these are helpful in establishing the character of the site, the proposed development in those cases were for residential use rather than tourism facilities. Moreover, these are of some age and far predates the development plan and the Framework. As such, other than their description of the site, they have had little bearing on my decision which was assessed against contemporary policy and guidance using my own judgement.
18. Drawing things together, I conclude that the development would fail to preserve the significance of the ECA and would harm the setting of the listed church. The proposal would therefore conflict with Sections 66 and 72 of the Act. It also conflicts with policies SP1, SP8, SP15, SP24, SP25, DP1 and DP5 of the East Staffordshire Local Plan (LP) (adopted October 2015). It also conflicts with guidance in the Framework, which seeks to heritage assets are conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

¹ T/APP/B3410/A/90/169206/P2 & T/APP/B3410/A/90/170359/P2

Planning Balance

19. I have had regard to both the superseded heritage statement and the updated statement submitted with the appeal (identified as HS2 by the appellant). Although HS2 is critical of the lack of reasoning by the Council in its decision as it relates to harm to heritage assets, HS2 includes little substantive explanation of significance of the ECA or either of the listed buildings other than general descriptions.
20. Regardless, I have come to my own view on significance and overall, I find that the proposal would lead to harm to the ECA and the setting of the listed church for the reasons given above. I agree that this harm would be less than substantial in the parlance of paragraph 208 of the Framework. As per paragraph 205 of the Framework, 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. This harm weighs considerably against the proposal.
21. I have agreed that there would be no harm to the setting of the listed cottage. A lack of harm would be neutral in the planning balance rather than of benefit.
22. The proposal would offer an opportunity for the appellant to diversify their agricultural business with income derived from land under their ownership. This increased revenue would attract positive weight in favour of the plans. There would also be a knock-on effect whereby local businesses may also benefit, such as the nearby restaurant. However, there is little substantive information on these benefits before me other than those generally found with the development of similar tourism facilities.
23. I have had regard to the management plan submitted with the appeal which outlines procedures to generally maintain the operational running of the site should it be granted permission. However, this does little to address the fundamental issues identified in the preceding sections of this decision. Moreover, while the managing of the site by the appellant's wife would appear a sensible arrangement, the reduction in their travel would be far outweighed by the increased trip generation by visitors to the site. As such this would not weigh in favour of the scheme.
24. The proposal would likely be reversible given the cabins would be prefabricated and any excavations could be infilled. However, this would appear an unlikely development if the proposal was successful. In the meantime, the harm identified would be evident and would not be outweighed by the benefits such as those forwarded.
25. There would likely be a small net gain in biodiversity from additional planting and landscaping. Be that as it may, net gain is a requirement of development to meet the aims of the Framework and any boost in this regard would be neutral in the planning balance.
26. Taking things together, the benefits of the proposal would be outweighed by the harm identified to the ECA and the listed church, which would weigh considerably against granting permission.

Conclusion

27. The proposal would conflict with the development plan taken as a whole as well as the provisions of the Framework. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR