



Appeal Decision

Site visit made on 28 March 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/J1860/W/23/3330334

The Anchor Inn, 67-69 Main Road, Kempsey, Worcestershire WR5 3NB

- 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 Punch Partnerships (PML) Limited against the decision of Malvern Hills District Council.
 - The application Ref is M/22/01257/FUL.
 - The development proposed is the erection of two three-bedroom dwellings (Use Class C3) utilising existing access off Main Road, with associated parking and landscaping, and reconfiguration of the public house (Sui Generis) car park.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Kempsey Conservation Area, and whether it would preserve the setting of Colne House, a Grade II listed building, and that of the Anchor Inn, a non-designated heritage asset.

Reasons

3. The appeal site is located within the Kempsey Conservation Area. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of Kempsey as a settlement, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of many of the buildings that comprise the Conservation Area. The area immediately surrounding the appeal site is predominantly characterised by the presence of large, detached buildings set within sizeable plots which provides it with a spacious feel.
4. At present, the appeal site forms part of the car park for the Anchor Inn public house, and while this contributes to the spaciousness of the surrounds, the expanse of tarmac does little to add to the significance of the Conservation Area. Indeed, the Kempsey Conservation Area Appraisal and Management Strategy (KCAAMS) identifies the site as an opportunity for enhancement.
5. The two proposed dwellings would be detached and would also be sited so as to maintain the existing building line along Main Road. While their general design features would reflect those of nearby buildings, the two houses, which would be of a modest size and set within relatively small plots, would look highly incongruous and out of keeping with the prevailing character of the immediate

surroundings. Furthermore, the space between the two buildings would be limited, which again would be at odds with the surrounds and would also erode the existing feeling of spaciousness by making the area feel more cramped. There may be instances where there are similar size gaps between existing buildings, however this is not reflective of the predominant character.

6. Therefore, rather than enhancing the area, the proposal would lead to clear and obvious harm, even considering the current appearance of the site. This harm would be exacerbated by the fact that the appeal site is in a highly visible and conspicuous position, fronting onto the primary route through the village. I acknowledge that the additional built form would reduce existing views of the more modern dwellings on Meadow Close to the rear of the site. However, these views are only partial at present, and in any event, the appearance of these dwellings does little to detract from the character of the Conservation Area.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this instance, due to the limited scale of the development, the harm would be relatively localised. However, the prominent nature of the site means that this localised harm would also be harmful to the character and appearance of the Conservation Area as a whole.
8. The site is also adjacent to Colne House, a Grade II listed building, while the Anchor Inn is regarded as a non-designated heritage asset. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of the listed building. The significance of both buildings arises from their general historic appearance, including sash windows, brick chimneys and, in the case of Colne House, a metal balustrade and a brick boundary wall which contributes to its setting. A previous appeal on the site was dismissed, in part due to the harm that would be caused to the setting of these buildings. The appellant has sought to address these concerns by reducing the overall amount of built form and by siting the dwellings further from Colne House.
9. While I accept that this mitigates the harm to some extent, these buildings are currently appreciated within a setting that reflects the spacious character of the wider Conservation Area. While the proposal would allow sufficient space to view these assets, including the boundary wall of Colne House, the harm that I have found to the Conservation Area would also extend to the settings of both the listed building and the non-designated heritage asset. There are other Grade II listed buildings nearby. However, the Council is satisfied that the proposal would not harm their settings and based on what I saw during my site visit, I have no reason to disagree.
10. I am of the view that the harm to each of the designated heritage assets would be 'less than substantial'. I am not required to describe the harm in any greater detail. However, in these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.

11. In this instance, the development would provide a small net increase in housing numbers by utilising previously developed land. A financial contribution would also be made to off-site affordable housing provision. However, the scale of the proposal means that these benefits are limited. As a result, I conclude that the public benefits do not outweigh the less than substantial harm I have identified. The proposed development would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would also fail to preserve the setting of a listed building and a non-designated heritage asset. This would not satisfy the requirements of the Act or the relevant aspects of the Framework, and would conflict with Policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan 2016, which in part, seek to preserve character and appearance, including heritage assets.

Other Matters

12. A further reason for refusal was the lack of a planning obligation to provide a financial contribution towards affordable housing. However, I note from the evidence before me that this issue has been resolved to the Council's satisfaction and it is no longer a matter in dispute.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole. The Council cannot currently demonstrate a 5-year supply and I have no evidence before me to suggest that this position is likely to improve in the short-term. The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include designated heritage assets, and provides a clear reason to dismiss the appeal.
14. As such, the proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR