



Appeal Decision

Site visit made on 3 June 2024

by L Fleming BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 July 2024

Appeal Ref: APP/X2410/W/24/3340100

Land adjacent to 64 Anstey Lane, Thurstaston, LE7 7JA

- 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 John Mulligan against the decision of Charnwood Borough Council.
 - The application Ref is P/23/0966/2.
 - The development proposed is proposed new 3 bedroom residential dwelling with vehicular access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal refer to harm to ecology. A preliminary ecological appraisal has been submitted with the appeal. The Council, contend that this is insufficient to demonstrate no net loss of biodiversity, which would need to be shown through a biodiversity impact assessment calculation. However, the evidence does show that the biodiversity impacts of the scheme could be mitigated and a solution could be found which would comply with local and national policy on this matter. However, as I am dismissing the appeal for other reasons it has not been necessary for me to pursue this matter any further. For the avoidance of doubt, I have determined the appeal on the basis that the policy requirements for biodiversity would be met.
3. I have also noted the comments about whether or not the appeal site forms part of the curtilage of the grade II listed Thurstaston Grange 7 Stable Block (Thurstaston Grange). However, my role is to determine the appeal on its merits, based on the evidence before me and the development applied for. It has not been necessary for me to make a determination on this point because, even if I were to accept the appeal site was not part of the curtilage of Thurstaston Grange, I would still have dismissed the appeal.
4. The Council refers to conflict with Policy EV/8 of the emerging Charnwood Local Plan (2021-2037) (CLP) and has provided detailed information on the weight it considers should be attributed to each draft policy of the CLP. However, I must make my decision based on the adopted development plan. Insofar as is relevant to this case the aims of the most important policies, which are those referenced in my decision, are not materially different from those of the emerging plan. I therefore give the emerging CLP only limited weight in my determination. However, even if I had afforded it or any specific policies within it, full weight, again, the outcome of the appeal would have been the same.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area bearing in mind it would be within the Thurstaston Conservation Area (CA) and within the settings of the grade II listed Thurstaston Grange and the grade II* listed Church of the All Saints (the Church).

Reasons

6. The appeal site is an area of lawn surrounded by thick hedging and trees except for an access gate on Anstey Lane and its boundary with No 64 Anstey Lane (No 64). It is within the village of Thurstaston and the CA. It is also within the settings of the grade II listed Thurstaston Grange and the Church.

Significance of the CA, Thurstaston Grange and the Church

7. The CA covers part of a rural village which is positioned above Rothley Brook in an agricultural landscape. It includes a variety of traditional buildings many of medieval origin including farmsteads, dwellings of a variety of sizes, the Church and other notable historical buildings such as Thurstaston Grange.
8. The buildings in the CA are generally arranged along the Anstey Lane and Mill Road frontages with mature planted spaces between them and are finished using a variety of local traditional materials such as red brick (sometimes painted), stone and slate. The Council's character appraisal¹ notes the Church and Thurstaston Grange as key listed buildings. Thurstaston Grange, is also noted for its 'delightful grounds' although hidden from public view and the Church is noted for a 'sense of intrigue from the canopy of trees by the churchyard'.
9. Insofar as is relevant to this appeal, I find the significance of the CA is founded on the variety and quality of the traditional architecture, the spacious positioning and layout of the built form in relation to the surrounding countryside and the historical relationship of the settlement with agriculture.
10. Thurstaston Grange is a late 18th Century former rectory, now a private dwelling. The main L-plan building is constructed from painted brick, with a brick plinth and is partly brick banded. It has end and ridge stacks and sash windows of a variety of forms, moulded brick cornice and a Swithland Slate roof. Its adjoining stable block has arches, leaded light windows and also has a Swithland Slate roof.
11. Having regard to all the evidence before me, irrespective of intervening landscaping and how the appeal site has evolved, in my view, with the absence of detailed substantive evidence to the contrary, Thurstaston Grange as a former rectory opposite the Church is spatially and historically related to the Church, and this relationship clearly forms part of the significance of both listed buildings.
12. Thus, insofar as is relevant to this appeal the significance of Thurstaston Grange derives from its traditional architectural detailing, its relationship with the Church and its associated relationship with the village.

¹ Thurstaston Conservation Area Character Appraisal, Charnwood Borough Council, 2012

13. The grade II* listed Church is 12th century in origin, with significant later extensions and alterations undertaken over the centuries. It is constructed mainly of rubble stone with stone dressings and a Swithland Slate roof. It displays a rich variety of attractive ecclesiastical architectural details of varying ages which include its Norman doorway, an unusual beam nave roof, large perpendicular style windows, a crenelated square tower and other high quality internal and external ecclesiastical architectural features, fixtures and fittings.
14. The Church and its leafy churchyard are the dominant features of the Anstey Lane frontage upon entering the built-up part of the village travelling north.
15. Insofar as is relevant to this case, I therefore find the significance of the Church is founded on its architectural detailing which narrates the evolution of the building from the 12th century, its value and use as a place of worship and its associated positioning in relation to other buildings within the settlement.

Effect on the significance of the CA, Thurcaston Grange and the Church

16. I note the intention to provide a high quality dwelling which reflects local character and heritage assets nearby. I also accept a high quality, detailed landscaping scheme could be agreed by conditions and the proposed landscaping details take reference from Thurcaston Grange, with a scattering of trees resembling an orchard or informal garden and would include significant areas of wildlife meadow. I also note the retaining wall has the effect of setting the proposed dwelling within the slope of the existing land which together with landscaping would assist to partly screen and soften the proposal.
17. I also acknowledge No 64 was once a gatehouse to Thurcaston Grange. I note, when Thurcaston Grange was listed in 1984, No 64 had already been subdivided to create a separate dwelling. The planning history associated with No 64 also shows that no applications seeking listed building consent have ever been made. However, none of the historical planning applications for No 64 appear to relate directly to the specific area of land which comprises the appeal site.
18. Irrespective of what the lawful use of the appeal site is, or whether or not it is part of the curtilage of Thurcaston Grange, the fact remains with the exception of planting on its boundaries and a scattering of trees and shrubs, it is mainly undeveloped lawn. Furthermore, that space, is positioned towards the edge of the built-up part of the village, between Thurcaston Grange, the Church and No 64 on a main entrance and route through the CA.
19. The proposed large detached two storey dwelling would be positioned relatively close to Anstey Lane. In my view, with the proposed garaging, gates and hard landscaping it would appear as a substantial modern executive house which would inevitably be noticeable above and through boundary vegetation and the access. It would be close to the Church and churchyard and in front of No 64 when entering the CA on Anstey Lane travelling north. Through its scale, form and positioning, the proposed dwelling would be the most prominent feature of this part of the CA.
20. In place of an otherwise open green area, opposite the leafy churchyard, the proposal would therefore erode the spacious quality of this part of the CA and draw attention away from the simple traditional architectural features of No 64

as a former gatehouse related to Thurstaston Grange. These effects would also diminish the historical connection between Thurstaston Grange and the Church.

21. For these reasons, overall, I find the proposal would harm the significance and fail to preserve or enhance the character or appearance of the CA as a whole and would harm the setting and significance of both Thurstaston Grange and the Church.
22. The harm to the significance of the designated heritage assets, in all three cases, would be less than substantial and towards the lower end of any range. The Framework requires such harm to be weighed against the public benefits of the proposed development including, where appropriate, securing its optimum viable use. I will return to this matter below.

Conclusion and Balance

23. The appellant states the Council is unable to demonstrate a five-year supply of deliverable housing sites. The Council has put forward new evidence on this point during the appeal stating it now can demonstrate a sufficient supply which is not contested by the appellant. However, it has not been necessary for me to seek further evidence on this point, because, either way, the outcome of the appeal would have been the same. For the avoidance of any doubt, I confirm I have determined the appeal on the basis of the appellant's best case (supply and shortfall) as detailed in the appellant's statement of case, attaching additional weight to the benefit of housing accordingly.
24. The proposal would provide a new dwelling where the occupants could easily access services, facilities and employment without dependence on a private car, this is a public benefit, to which in the context of the housing land supply, I attach substantial weight. The proposed dwelling would be built to the Lifetime Homes standard and would meet a local need for the type of housing proposed. It would also be built from high quality traditional local materials, energy efficient, set in a well landscaped plot and would result in an overall net gain in biodiversity. There would also be economic benefits associated with construction and local expenditure, which carries significant weight.
25. However, all these benefits combined, even if I accept them all as public benefits, are still relatively modest. In this case, in my view, they are insufficient to outweigh the great weight I must attach to the harm I have identified to the CA. The great weight I attach to the harm associated with the setting and significance of the two listed buildings only carries further weight against the proposal.
26. The application of policies in the Framework that protect areas or assets of particular importance therefore provides a clear reason for refusing the development proposed. On balance, the proposal would also conflict with the development plan, particularly CS14 of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) and Policy T&C7 of the Thurstaston and Cropston Neighbourhood Plan 2015 to 2028 (2016) which, taken together and amongst other matters seek to ensure a good standard of design and that proposals do not harm heritage assets without justification.
27. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR