



Appeal Decision

Site visit made on 18 June 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/A2470/W/24/3338852

Land at Bridge Street, Ryhall, Rutland PE9 4HH

- 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 Stephen Fenn on behalf of C S Fenn and Sons (Ryhall) Ltd against the decision of Rutland County Council.
 - The application Ref 2023/0317/FUL dated 22 March 2023 was refused by notice dated 18 August 2023.
 - The development proposed is construction of 1 no. single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal upon potential archaeological remains; and
 - whether the proposal would preserve or enhance the character or appearance of Ryhall Conservation Area ('the CA'), its effect on the setting of the Grade II listed building known as 'Bridge over River Gwash' ('the bridge') and significance of the Millhouse Inn public house, as a non-designated heritage asset ('NDHA').

Reasons

Archaeological remains

3. The National Planning Policy Framework ('the Framework') and Planning Practice Guidance ('PPG') advise that where a site includes, or has the potential to include heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.
4. The Historic Environment Desk-Based Assessment¹ ('DBA') states that within the appeal site there is some potential for the existence of prehistoric, medieval and post-medieval remains and limited potential for the presence of Anglo-Saxon remains.
5. Furthermore, although the site has remained free from buildings and lies close to a watercourse which was historically subject to flooding, the DBA does not rule out the presence of other settlement related features such as pits or

¹ Historic Environment Desk-Based Assessment: Land at Bridge Street, Ryhall, Rutland. Archaeology & Built Heritage R-0136, October 2022

ditches. It also highlights a number of Historic Environment Records within the vicinity of the appeal site, including prehistoric ring ditches and land divisions with 500m and a Civil War coin hoard within 130m. Taken together, these factors indicate that there is a reasonable likelihood that archaeological remains could be present on the appeal site.

6. It is not currently possible, based upon the information in front of me, to fully understand the significance of any such archaeological remains, as the DBA only establishes that remains may be present. As there is a reasonable likelihood that such remains exist, it would be appropriate to further investigate the archaeological potential of the site through means of a field evaluation in order to establish the significance of any remains that may exist.
7. It is suggested that this could be achieved by means of a written scheme of investigation secured through the use of a suitably worded planning condition. However, the DBA establishes that any archaeological remains are likely to be relatively well preserved, and the potential adverse impacts of the proposal, which would involve intrusive groundworks would be likely to be permanent and irreversible. It would not, therefore, be appropriate to leave this matter to be dealt with by means of condition, as it goes to the heart of whether the proposed development would be acceptable.
8. It has not been shown that the proposal would not have a harmful effect upon archaeological remains within the appeal site. The proposal would be contrary to Policy SP20 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (2014) ('SAPD') and Policy CS22 of Rutland Local Development Framework Core Strategy Development Plan Document (2011) ('Core Strategy'). Together, and amongst other factors, these policies states that particular protection will be given to the character and special features of known and potential archaeological sites, and that proposals on areas of known or suspected archaeological interest must be accompanied by an archaeological field evaluation the determines the significance of the archaeological remains and assesses the implications of the proposal on those remains. It would also be contrary to Paragraph 200 of the Framework, which similarly requires the submission of an appropriate desk-based assessment and, where necessary, field evaluation.

Other heritage assets

9. The appeal site relates to an open grassed area of land at the corner of Bridge Street and Waterside, and located within the CA. At the time of my visit, the site also contained a small number of sheds and some building materials. The appeal is also located to the south of the bridge, which is a Grade II listed structure. I am therefore mindful of the statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
10. The CA includes the historic core of the village and includes two distinct areas separated by the River Gwash, which has open and undeveloped areas of land on either side of it. The immediate vicinity of the appeal site is predominantly residential in character, but opposite the site is a collection of buildings associated with the Millstone Inn public house, a grouping which the Council considers to be an NDHA. Bridge Street is bookended by the public house and the houses to the south of the site. An established line of residential properties on Watergate terminates at the western boundary of the appeal site. The open

and undeveloped form of the site therefore provides a transition to the undeveloped, open and verdant rural edge to the north.

11. A previous Inspector² identified that the significance of the CA is derived from the undeveloped, open and verdant rural edges between the two built-up parts of the village. The characteristics of the site therefore contribute positively to the character and appearance of the CA and its significance. I have no reason to disagree with these conclusions, which remain relevant to this appeal.
12. In relation to the bridge, the previous Inspector identified that the gradual fall of the bridge to the south where it is raised above land either side of it creates a rather grand sense of arrival. They also identified that the significance of the bridge is derived from its architectural and historic interest, as a well-preserved 17th century bridge elevated above neighbouring land, with later iron railings, which links the elements of the village separated by the river. Again, I concur.
13. In addition, it was found that as Bridge Street is the main route through the village, and the open and verdant surroundings of the bridge are apparent from the south, that the appeal site forms part of its setting. The appeal site was considered to form part of the transition to the undeveloped, open and verdant land around the bridge. Again, I have no reason to disagree with these findings. I also agree that the bridge and its setting make a significant contribution to the character and appearance of the CA, along with the grouping of the buildings associated with the public house, which also form a focal point in views from Waterside.
14. The proposal would comprise a detached dormer bungalow set within the south-western part of the appeal site. It would not project beyond the established building lines along Waterside and Bridge Street and would occupy only part of the site. Its scale is such that it would be comparable with other existing residential properties in the vicinity. The scale and positioning of the proposal would retain the existing open views of the LB and the NDHA from along these roads and across the most northern and eastern parts of the appeal site when travelling north or westwards.
15. Although the proposal would result in the physical loss of some of the existing historically open area, in visual terms the effect of this would be neutral as important views, and therefore the sense of openness and transitional character that the site currently affords would be maintained. I am not aware of any particular significance of the appeal site as an open space beyond the visual contribution it makes to the character and appearance of the CA and the setting of heritage assets that I have identified above. This means that the contribution that the appeal site makes to the significance of the CA and the NDHA would be preserved.
16. The proposal would lead to the introduction of built form on the west side of Bridge Street closer to the bridge than at present, particularly evident when crossing the bridge in a southbound direction. However, its position within the appeal site, and within the extent of development established by existing buildings on Waterside and Bridge Street, means that the existing sense of transition into the tighter grain of the southern part of the village would be retained. Accordingly, the proposal would not be harmful to the setting or significance of the bridge.

² APP/A2470/W/21/3266583

17. I am not aware of other examples of dormer bungalows within the vicinity of the appeal site. However, there are buildings of a range of ages and architectural styles which are intermixed. Several buildings in the village incorporate chimneys in a variety of forms. Notably, houses immediately to the south of the appeal site, which I understand were constructed during the 1970s, are reflective of the period of their construction. In this context, the proposed design approach utilised for the proposed dwelling would not appear incongruous or harmful to the character or appearance of the CA.
18. The previous Inspector found that a previous scheme for a single dwelling on the appeal site would be harmful to the significance and setting of the bridge, the NDHA and the CA. However, that scheme differed materially from that which is before me in terms of the size of dwelling proposed and its position within the site and it does not preclude me from reaching the conclusion that I have in in respect of this main issue.
19. I conclude that the proposal would not lead to harm to the character or appearance of the CA, the setting of the Grade II listed bridge, or the significance of the Millhouse Inn as an NHDA. It would therefore be in accordance with Core Strategy Policies CS19 and CS22 and SAPD Policies SP5, SP15 and SP20, insofar as they relate to this main issue. Together, and amongst other factors, these policies states that development should protect and where possible, enhance historic assets and their settings, reflect the characteristics of a site and complement the character of the wider area, respond to surrounding buildings and be of a high quality of design that respects the local vernacular.

Other Matters

20. It is stated that the proposal would enhance the character and appearance of the CA and the setting of the bridge by presenting a considered frontage towards the road and the bridge, in place of the existing gable ends of existing housing. Whilst I have found that the proposal would preserve the significance of these heritage assets, the site and its surroundings as they currently exist are not harmful, and the proposal would have only a neutral effect.
21. By comprising an additional dwelling in an existing settlement, the proposal would represent a boost to the supply of housing. It would also provide economic and social benefits by providing employment during construction and boosting spending in local businesses and services once occupied. However, due to the modest scale of the proposal, I afford these benefits minor weight.
22. I have been referred to a previous planning permission³ which related to the erection of 9 houses, including one at the appeal site. Even if I was to agree that the planning permission remains extant and that planning permission exists for the construction of a dwelling at the appeal site, the fact that this has not occurred in the significant number of years that have passed since approval, strongly suggests that there is no more than a theoretical prospect of this occurring in the future. Accordingly, I afford only limited weight to this a fallback position.

³ 33/72

23. I am aware that the scheme has received support from interested parties, including Ryhall Parish Council, however this level of support does not outweigh the harm I found.

Conclusion

24. For the reasons given above, although acceptable in some regards, the proposal would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR