



Appeal Decision

Site visit made on 6 August 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/H1840/W/24/3339671

Land at Back Lane, Beckford GL20 7AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Daniel Jackson against the decision of Wychavon District Council.
 - The application Ref is W/23/00917/PIP.
 - The development proposed is Permission in Principle for up to 3 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 2 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 2 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. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a maximum of three dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and the PPG.

Main Issues

5. The main issues are whether the location, the proposed land use and the amount of development is suitable with particular regard to:
 - whether the location would provide a suitable location for housing, having regard to the development strategy for the area;
 - the effect on the character and appearance of the area, having particular regard to the effect on the significance of the Grade II Listed building

known as Manor House as a designated heritage asset through development within its setting; and

- the effect of the proposed development on trees.

Reasons

Suitable Location

6. Policy SWDP2 of the South Worcestershire Development Plan (SWDP) (adopted February 2016) sets out the development strategy and the settlement hierarchy for the area. Criteria C of Policy SWDP2 sets out that in the open countryside, development will be strictly controlled and will be limited to dwellings in certain circumstances.
7. The appeal site lies outside of any adopted settlement limits as defined by Policy SWDP2, albeit I acknowledge the proximity of the development boundary which the appellant states is only 2m away. Nevertheless, the proposal would be a new dwelling in the open countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside, including the exceptional circumstances set out in Policy SWDP2. It would not be supported by any other policies in the SWDP. As such, it would be contrary to the development strategy for the area.
8. The appellant has drawn my attention to criteria B of Policy SWDP2, which supports infill development within the defined development boundaries of villages such as Beckford. However, despite the development boundary being only 2m away, the appeal site is classed as open countryside and thus any 'infill development' in this location would be in conflict with the development plan.
9. The appellant also argues that the appeal site is 'walkable to local amenities and serviced by local transport'. They have set out the approximate distances to a bus stop, a church, the Old Post Office Shop (albeit I noted that this was now a café) and to a Public House. However, the Council did not advance a reason for refusal in regard to the locational sustainability of the site. I see no reason to come to a different conclusion on this matter.
10. Nonetheless, in conclusion, the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area. The proposal would be contrary to Policies SWDP1 and SWDP 2 of the SWDP which, in combination, set out the overarching development strategy and settlement hierarchy for the District, including the sustainable development principles, strictly controlling development in the open countryside.

Character and Appearance

11. The appeal site relates to a parcel of land situated to the rear of the built form which fronts Back Lane. It is a relatively open field, with an existing small stone built agricultural building on the site. Whilst there is existing built form to the north and west, the appeal site is open to the east and southern boundaries, with further open countryside beyond.
12. Whilst the village of Beckford has grown, resulting in a varied pattern of built form, the character and appearance of Back Lane in the immediate vicinity of the appeal site is one of a linear street pattern with properties fronting onto

Back Lane. I noted these were a mixture of traditional stone cottages and some modern infill. However, the street frontage of the immediate built form is the more consistent feature along the street scene and contributes positively to the character and appearance of the area. The site in its current undeveloped form and its relationship with the surrounding open fields also contributes positively towards the established rural setting of the linear built form along Back Lane.

13. The appeal site lies adjacent to Manor House, which is a Grade II Listed Building, set back from Back Lane with its sweeping driveway. The house has early 17 century origins of limestone and ashlar dressing. The country house comprises of 2 storeys and attics with large wall dormers to the south elevation. Its significance for the purposes of this appeal lies primarily within its architectural details and historical value, as a historic country house.
14. Map evidence shows that the appeal site was historically orchards and as such forms an important part of the agricultural setting of the heritage asset. Notably, the OS maps¹ provided by the appellant in their Heritage Impact Assessment (HIA)² shows that the built form on the appeal site and the land around Manor House hasn't changed that much since 1883. The parcel of land where the proposal would be sited has remained undeveloped over the years. The appeal site therefore forms part of the rural setting in which the heritage asset is experienced, and thus contributes towards its significance, aiding understanding of the Manor House's agricultural setting.
15. Notwithstanding the unknown nature of the final quantum, design, scale and positioning of the proposed dwellings, the proposal would introduce up to 3 dwellings across the appeal site. It would introduce built form of a domestic nature into the open countryside, in a back land location, which would appear incongruous within the more established street frontage built form and settlement pattern, detrimental to the rural landscape setting of the village. The introduction of residential development on to the site would harm the character and appearance of the area, permanently eroding the positive contribution the existing site makes towards the rural setting of Beckford. The use of the land for residential development would fail to integrate with the character of the landscape setting.
16. Furthermore, as confirmed by my site visit, the appeal site would be seen from a Public Right of Way (PROW) which runs close to the southern boundary of the site. It is also noted that this PROW was identified on the aforementioned historic OS maps in the HIA. Consequently, the proposal's visibility from the PROW would exacerbate its incongruity in the landscape setting of the village.
17. Consequently, the harm to the character and appearance of the area would harm the rural setting of Manor House, and thus the significance of the designated heritage asset. It is noted that there is some screening around Manor House, including a 'woodland area encircling the house', and that this planting could mitigate direct views from Manor House towards the appeal site, with the appellant stating that 'views would be restricted to the west end of the south front where there is a gable end abutting a projecting bay at first floor level'. However, such intervisibility is not a prerequisite for harm to occur and any landscaping or planting would not make up for the unsuitable nature of the principle of the proposed development.

¹ Figures 18,19, 20 and 21

² Prepared by James Mackintosh Architects, dated July 2023

18. It is acknowledged that at technical details stage, the scheme could be 'designed to integrate well with the local area through the use of high quality, locally sourced materials and will be respectful to the listed manor house and setting', as alleged by the appellant. However, alongside the lack of any landscape designations, I am not convinced that given the harm identified above that these matters would be sufficient to overcome my concerns.
19. Consequently, the proposal would harm the character and appearance of the area, having particular regard to the effect on the significance of the Grade II Listed building known as Manor House as a designated heritage asset through development within its setting. It would be contrary to Policies SWDP6, SWDP 21, SWDP 24 and SWDP 25 of the SWDP. In combination, these policies seek to ensure that development integrates effectively into its surroundings, in terms of form and function, reinforcing local distinctiveness and conserving heritage assets and their settings. Development should complement the character of the area, including safeguarding the distinct character of settlements, ensuring that they are appropriate to, and integrate with, the character of the landscape setting. Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting.
20. The proposal would also be contrary to the principles within Chapters 12 and 16 of the Framework which seek good design sympathetic to the local area to conserve and enhance the historic environment respectively.

Trees

21. The proposal would be served by a single point of access from Back Lane. This is an existing field access point, which is currently a grass track. A double row of mature Lime Trees, which are covered by a Tree Preservation Order, run along the access track. Due to their height and age, the trees contribute positively towards the character and appearance of the area. I acknowledge that they have been previously pollarded.
22. Concerns have been raised by the Council's Tree Officer in relation to the impact and potential harm the access to the proposal would have, by virtue of the resurfacing of the grass track to make it appropriate for residential vehicle use. This could intersect the Root Protection Areas (RPAs) of the Lime trees, which could result in their loss.
23. A Tree Report has been submitted by the appellant³ which sets out 'Pre-Development Tree Work' including the re-pollarding of some trees, the raising and crown lifting of some of the canopies, the removal of 2 trees and the cutting back of the canopies of some of the neighbouring trees. The report states that 'due to the pollarding of the trees the root system in turn would have reduced'. However, the Council are still concerned that the proposed driveway location would still be too close to the RPA's of these trees, stating that this could 'limit the future amenity value.....creating a, sooner than usual, time limitation for the viability of these trees in this location'.
24. Nevertheless, I am satisfied that further matters in regard to the effect on trees, including relevant protection measures, the use of suitable permeable materials and the use of no-dig construction techniques, are matters that can reasonably be addressed further at the technical details consent stage. I

³ Prepared by Pail Betambeau

consider that there would be scope for some works to be undertaken and I note that there is a willingness by the appellant to undertake a full arboriculture impact assessment and follow any mitigations and recommendations provided.

25. Consequently, for the reasons set out above, I am satisfied that further detailed information regarding the trees can be provided at technical details consent stage. It would be in accordance with Policies SWDP21, SWDP 22 and SWDP 25 of the SWDP. In combination, these policies require development to respond to distinctive features that contribute to the visual and landscape quality of the local area, and to ensure that they are appropriate to and integrate with the character of the landscape setting. Development should be designed to enhance biodiversity and geodiversity conservation interests.

Other Matters

26. The appellant has drawn my attention to other appeal decisions in support of their case⁴, alleging significant comparisons with the proposal at Back Lane. However, whilst I have been provided with the relevant plans and appeal decisions, I do not have the full details before me so I cannot be certain that the circumstances are directly comparable. Notably, the proposal before me now is within the setting of a Grade II Listed Building, which is a key difference. Nevertheless, both of these other decisions involved a 'planning balance' judgement, weighing up the lack of a housing land supply, their position in relation to existing built form and settlement boundaries, and the accessibility to walk to services and facilities. I have determined this appeal on its own merits and have found harm for the reasons set out above.
27. The appellant also argues that heritage concerns are beyond the scope of the 'Permission in Principle' stage. However, the duty in Section 66(1) of the Listed Buildings and Conservation Areas Act 1990, including the effect on the setting of listed buildings, would apply, as a reference to permission in principle was introduced by the Housing and Planning Act 2016. Therefore, this duty needs to be exercised when considering permission in principle cases.

Planning and Heritage Balance

28. The harm that I have found would be caused to the significance of the listed building, by virtue of development within its setting, would be localised. Accordingly, the harm would be less than substantial. Nevertheless, I afford considerable importance and weight to that harm. The Framework also requires that great weight should be given to heritage assets' conservation. As required by paragraph 208 of the Framework, this harm must be weighed against the public benefits of the proposed development.
29. The Council is unable to demonstrate a five-year supply of deliverable housing sites, with the most recent position statement confirming that they can only demonstrate 2.65 years supply. Such a level of shortfall would mean that the provision of 3 houses, would attract significant weight in the balance, consistent with the Government's aim in paragraph 60 of the Framework of significantly boosting the supply of homes. The site would also offer an off-site financial contribution towards affordable homes.
30. There would also be economic benefits contributing to building a stronger, responsive and competitive economy, supporting the economy through the

⁴ APP/F0114/W/22/3313796 and APP/H1840/W/23/3315676

construction process as well as the new homes bonus and council tax. The proposal would encourage development and associated economic growth with future occupants contributing to the local economy and continued viability of services in the local area, notably in Beckford and the adjacent settlements. There would also be some sustainability credentials associated with the proposal regarding its location and proximity to the defined development boundary. Together these benefits carry moderate weight in favour of the development.

31. Taking all the above into consideration, I am of the view that taken together, the public benefits do not outweigh the harm I have found to the heritage asset. Given that I have found that the Framework paragraph 208 balance is not satisfactorily achieved, the application of policies in the Framework provides a clear reason to refuse permission. Accordingly, even though paragraph 11 (d) of the Framework is engaged, in accordance with paragraph 11 (d) (i), the presumption in favour of sustainable development does not apply to this appeal.
32. In conclusion, I have identified that there would be conflict with the development plan as a whole, as the proposal would not provide a suitable location for housing and would be contrary to the relevant policies in relation to the development strategy for the area. The proposal would also harm the character and appearance of the area, having particular regard to the effect on the significance of the Grade II Listed buildings known as Manor House as a designated heritage asset through development within its setting, the harm to which would not be outweighed by public benefits. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan. The appeal should therefore be dismissed.

Laura Cuthbert

INSPECTOR