



Appeal Decision

Site visit made on 22 October 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2024

Appeal Ref: APP/H0520/W/24/3338509

Site North West of Lodge House, Church Street, Old Hurst PE28 3AF

- 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 W S Campbell & Son Ltd against the decision of Huntingdonshire District Council.
 - The application Ref is 23/01880/PIP.
 - The development proposed is 'residential development'.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 4 dwellings at Site North West of Lodge House, Church Street, Old Hurst PE28 3AF in accordance with the terms of the application reference 23/01880/PIP.

Application for Costs

2. An application for costs was made by W S Campbell & Son Ltd against Huntingdonshire District Council. This application is the subject of a separate decision.

Preliminary Matters

3. 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 (permission in principle) establishes whether a site is suitable in principle and the second stage (technical details consent) assesses detailed development proposals. This appeal relates to the first of these two stages.
4. 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. The Council has not taken issue with the land use element of the proposal before me. I have determined the appeal accordingly.
5. 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 four dwellings at the appeal site. The PPG advises that the amount must be expressed as a

range¹. In this case, only a maximum has been given by either main party. As such, I have taken the range to be a minimum of one and maximum of four units. 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.

6. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). As the proposed changes do not affect the main issue of this appeal, I have not sought the views of the main parties in coming to my decision.

Main Issue

7. The main issue is whether the location and amount of dwellings is suitable, having special regard to the desirability of preserving the nearby listed buildings, or their settings or any features of special architectural or historic interest which they possess.

Reasons

8. The appeal site comprises a cluster of agricultural buildings in a yard accessed from Church Street in the village of Old Hurst. The site adjoins the boundary of Trinity Hall Farmhouse, a Grade II listed building², while the Grade II* listed³ Church of St Peter is located to the northwest on the opposite side of Church Street.
9. The statutory duty in Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 (the Act) requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, including in applications for permission in principle.
10. The listing description for Trinity Hall Farmhouse advises the building dates from the early 19th century and is constructed of brick with a rendered exterior. From all that I have seen and read, the special interest and significance of the listed farmhouse is mainly derived from its architectural and historic interests. Historic interest is predominantly drawn from its age and being a fine example of a farmhouse of its time as well as its associations with the agrarian context within which it sits. Its architectural interest is mainly taken from its polite form and proportions, traditional materials, surviving historic fabric and detailing such as headed arch and fanlight.
11. The farmhouse is generally experienced from within the appeal site and the areas to the front, particularly along Church Street. As such, these spaces form the main setting of Trinity Hall Farmhouse as a designated heritage asset. Due to its agricultural heritage, the rural locale, low density housing in large plots, open and verdant surroundings and the farm buildings on the appeal site itself, the setting of the Farmhouse makes a considerable contribution to its significance.
12. The Church evidently dates from the 13th century and is constructed from pebble rubble and stone dressing. Its special interest and significance is

¹ Paragraph: 052 Reference ID: 58-052-20180615

² List Entry Number: 1330786

³ List Entry Number: 1163560

generally drawn from its historic and architectural interests. This includes its age, connection to the community historically and ongoing ecclesiastical use, and its traditional construction and materials.

13. The Church'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.
14. The surrounding area, which encompasses much of Old Hurst and its environs, is largely open and verdant. This 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 rural 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.
15. Paragraph 205 of the Framework advises that 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 (and the more important the asset, the greater the weight should be). This is of particular relevance to the church, which is Grade II* listed.
16. I understand that at this stage, there are no substantive design details before me. I note the concerns of the Council in this respect, particularly with regards to a wall of one of the existing buildings which adjoins the rear boundary of Trinity Hall Farmhouse. However, the PPG⁴ is clear that a completed application form, a plan which identifies the land to which the application relates, drawn to an identified scale and showing the direction of North, and the correct application fee are all that is required to validate an application of this type. My reasoning is therefore focussed on whether the proposal is acceptable *in principle* in the location and with regard to the quantum of development.
17. As the appellant contends, there is nothing in the submitted plans or other evidence confirming that demolition of the farm buildings is the only way of developing the site. Residential development in the setting of a listed building would not be unusual and matters of detailed design would be assessed at the technical details consent stage. Similarly, while I agree that generally speaking the density of development in the village is low, the proposal specifies a range of dwellings from 1 to a maximum of 4. There is no guarantee that 4 would be built out, or that this could not be achieved satisfactorily without harming the setting of the listed buildings given the size of the site. Moreover, I note that the Council did not refuse the application against any policies of the development plan which relate to the spatial distribution of housing in principle.
18. The settings of listed buildings are one aspect of their special interest and significance. Although devoid of any substantive detail, based on all that I

⁴ Paragraph: 058 Reference ID: 58-058-20180615

have seen and read, the introduction of built residential form on to the appeal site would not affect the physical fabric of the Church, its immediate enclosed graveyard setting or the majority of its wider setting. This is due to intervening built form, the enclosed nature of the appeal site and the distance between the two elements which reduces intervisibility. The introduction of housing would also be unlikely to affect the physical fabric of the Farmhouse. I understand that there is concern from the Council that some adjoining buildings on the shared boundary may be affected, but that is not before me given the 'in-principle' nature of the proposal. This would be considered in detail at the technical details consent stage. Furthermore, much of the immediate setting of the farmhouse and the majority of its wider setting would be unlikely to be affected due to the same enclosed nature of the appeal site.

19. Whilst any proposal could alter how heritage assets are experienced to a degree, conservation is a process of managing change in ways that sustain, reveal or reinforce their significance. Change is only harmful if significance is eroded. There is no substantive evidence before me which demonstrates that in developing the site, the settings and thus significance of the assets could not be preserved.
20. Based on the above, from the evidence before me, I consider that a proposal could come forward that would be suitable in this location and up to a maximum of 4 dwellings to preserve the setting and therefore special interest and significance of the listed buildings. Consequently, in principle, the location and amount of development at the site could preserve the nearby listed buildings, their settings and any features of special architectural or historic interest which they possess. The proposal could therefore accord with the requirements of section 66(1) of the Act and policy LP34 of Huntingdonshire's Local Plan to 2036 (adopted May 2019) in principle. This seeks, among other things, to ensure great weight and importance is given to the conservation of heritage assets and their settings. The proposal is also considered to accord with the heritage conservation aims of the Framework in principle, particularly paragraph 205.

Conditions

21. The PPG⁵ is clear that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be allowed.

C McDonagh

INSPECTOR

⁵ Paragraph: 020 Reference ID: 58-020-20180615