



Appeal Decision

Site visit made on 5 November 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal Ref: APP/C3430/W/24/3339752

A J Sellman Ltd, Clay Street, Penkridge, Stafford, ST19 5AF

- 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 Poole Estates against the decision of South Staffordshire District Council.
 - The application Ref is 23/00606/FUL.
 - The development proposed is the erection of 2 storey block of four 1 bed flats with separate bin and cycle store.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal has two elements. Firstly, the effect of the proposed development on the character or appearance of Penkridge Conservation Area (CA). Secondly, the effect of the proposal on the setting of nearby listed buildings.

Reasons

3. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area and listed buildings, great weight should be given to the asset's conservation.

Conservation Area

4. The appeal site is located within Penkridge CA. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Core Policy 2 and Policies EQ3 and EQ11 of the South Staffordshire Core Strategy Development Plan Document (SSCSDPD) require the protection of the character and appearance of a locality, including heritage assets, through high quality design that respects local design features.
5. Policy EQ4 of the SSCSDPD has also been cited by the Council in its decision notice. However, as this policy relates to the protection of landscapes, and the appeal site is located in a heavily built up area close to the centre of a large village, this policy is not relevant to this case.

6. The CA covers the village centre and its environs that contain well designed older and historic buildings that predominantly date from the 16th century (C16) through to the C19. Use of red brick, white painted render and clay tiles or slate is widespread. The significance of the CA is therefore architectural and historical.
7. The appeal site is located to the rear of two storey buildings set on, or close to, the back edge of the pavement that line the eastern side of Clay Street. Appearing to be contemporary to the C20 widening and straightening of Clay Street (A449) which drove a wedge through the CA, the monotonous, uninspiring design of these buildings is at odds with the well-designed older and historic buildings that characterise much of the CA. As a result, I agree with the Penkrige CA Appraisal which identifies these properties as negative buildings that detract from the overall character and appearance of the CA.
8. The detached building at JD Selman Ltd occupies one half of the width of the appeal site, with a wide driveway and a set-back single storey outbuilding occupying its other half. At present, the appeal site therefore forms a break in development, and with it providing views towards the rear of buildings that line Market Street it introduces some depth and spaciousness to the street scene.
9. The proposed apartment building would be located close to the rear of the detached building and would occupy almost the full width of the A J Selman plot. As such, even though the outbuilding would be demolished to facilitate the development, a significant portion of the proposed building would be obscured from public view. Its position on the plot would result in the building having a cramped, awkward relationship with its neighbours that would be at odds with the pattern of development along the eastern side of Clay Street.
10. Reference has been made to the two storey apartment buildings that has been built on the opposite side of the brook between Clay street and Market Street. However, these buildings are spaciouly set well back from Market Street and so do not harm the character and appearance of the area. Reference to these buildings therefore has not altered my findings in relation to this issue.
11. Outline permission was previously granted for an apartment building to the rear of JD Selman Ltd¹. However, as that site had different dimensions to the appeal site, the layout that was approved allowed the building to be positioned further back and centrally in the gap between JD Selman and the neighbouring shop to the south. As a result, unlike the appeal proposal, the layout of this scheme would be more spacious and would sit comfortably within the street scene. Reference to this permission therefore has not altered my assessment of the appeal proposal.
12. For the reasons given above, I therefore find that the proposal is poorly designed and would harm rather than preserve or enhance the character and appearance of the CA as a whole. The harm caused would not be compensated by the form and simple architectural details of the building which would be consistent with the appearance of the other buildings along the eastern side of Clay Street.

Listed buildings

13. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the

¹ Ref 21/01354/OUT

- building or its setting, or any features of special architectural or historic interest which it possesses².
14. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Setting embraces all of the surroundings from which an asset can be experienced, or that can be experienced from or within the asset.
 15. The Church of St Michael and All Angels (List Entry No: 1039195) is a Grade I listed building dating from the C13. Constructed from red sandstone it has a large square tower dressed in pinnacles and buttresses and is a key landmark in the village. Alterations and additions were made in the C14 and C16, with restoration in the C19. The special interest and significance of the building relates not only to its age, form and architecture but also to its history as a collegiate church and centre of ecclesiastical power. The elements of setting that contribute to its heritage significance include its relationship to the surrounding churchyard and adjacent streets.
 16. The appeal site at approximately 130m away from the Church lies within its wider setting and is visible from it. Owing though to the urbanising effect of the widened A449 the appeal site contributes little, if anything, to the heritage significance of the church itself, or those listed features within the churchyard, the significance of the latter deriving from their immediate rather than extended setting.
 17. The Littleton Arms (list entry No:1374094) is a large, detached early C19 Grade II listed building. Its special interest and significance relates to its attractive design, authenticity and the building being one of the few surviving coaching inns along the original turnpike road. In the main, its special interest and significance is therefore architectural and historical.
 18. Set on the back edge of the pavement on the corner of St Michael's Square and Clay Street, the Littleton Arms dominates its surroundings and is significantly nearer to the appeal site than the Church. Whilst its front elevation with its impressive central entrance door framed by pilasters, steps and a cornice faces the Square, its long return flank elevation on Clay Street, which contains a second framed entrance door and multiple sash windows, is almost directly opposite the appeal site. As a result, the appeal site forms part of the setting of this building.
 19. In views of and from this listed building, the replacement of the break in development represented by the appeal site by a cramped, awkward, and thus poorly designed building, would undermine the setting and appreciation of this well designed, designated heritage asset.
 20. The Grade II listed C17 Ivy House and Cuttlestone Mews (list entry No: 1188131) is located between The Church of St Michael and All Angels and Littleton Arms. Its significance relates to its polite architectural style, age and authenticity. However, as the building is set back from St Michael's Square there is no intervisibility between it and the appeal site. As no other connection between it and the appeal site relating to its significance is apparent, or has been brought to my attention, no harm would occur to its setting.

Planning balance

² s66(1) Planning (listed Buildings and Conservation Areas) Act 1990

21. The harm caused by the proposed development to the significance of the Conservation Area as a whole and setting of The Littleton Arms, a Grade II listed building, would be less than substantial. In such circumstances, paragraph 208 of the Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal.
22. In accordance with the statutory duties described, I attach considerable importance and weight to the harm that would be caused to the CA and the setting of the Littleton Arms. On the other side of the balance, the proposal would result in some construction employment and provide four dwellings within a settlement that has a range of services and facilities within easy access. It would also increase by a small amount the housing stock in the Borough which would help meet housing need. I attach notable weight to these benefits of the scheme.
23. Taking all these matters into account, my overall conclusion is that the public benefits do not outweigh the harm that would be caused to Penkridge Conservation Area and the setting of the Grade II listed Littleton Arms. The proposal would therefore be contrary to a policy of the Framework that provides a clear reason for refusing the development proposed, as well as failing the statutory tests. Conflict would also occur with Core Policy 2 and Policies EQ3 and EQ11 of the SSCSDPD, as well as the provisions within the Framework, which seek to conserve and enhance the historic environment and achieve good design.

Conclusion

24. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector