



Appeal Decision

Site visit made on 25 February 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/V4630/W/24/3350197

Oak House, Cedar Court, Walsall Wood Road, Aldridge WS9 8QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms Pennie Chapman against Walsall Metropolitan Borough Council.
 - The application Ref is 21/1711.
 - The development proposed is erection of 5 bedroom dwellinghouse with 3no parking spaces, private amenity space and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). Both parties have had the opportunity to comment on any implications for the appeal, and I have taken comments received into account. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.
3. I have taken the description of development from the appeal form, as this more accurately describes the proposal.
4. The Council did not issue a decision notice. In its Statement of Case it is clear that the Council would have refused the application. The main issues identified below are taken from my site visit, the appellant's appeal statement and the Council's Statement of Case.
5. A S106 Legal Agreement, in the form of a Unilateral Undertaking, has been submitted in support of the proposal. This would provide a financial contribution to address the mitigation sought by the Council in regard to the integrity of the Cannock Chase Special Area of Conservation (SAC).
6. The garden area of the proposed dwelling would lie within the West Midlands Green Belt. In its Statement of Case the Council indicated that part of the building would also fall within the Green Belt. I sought clarification on this matter, and a plan specifying the Green Belt boundary in relation to the proposal was provided. Whilst there is disagreement as to the extent of the building which would fall within the designation, it would appear from the evidence before me that a small part of the proposed building would fall within the Green Belt. I have determined the appeal on this basis.

Main Issues

7. The main issues are:

- whether the setting of Cedar Court, a Grade II Listed Building, would be preserved;
- whether the proposal would preserve or enhance the character or appearance of the Aldridge Conservation Area (CA);
- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Setting of Cedar Court

8. The appeal proposal is located within the immediate setting of Cedar Court, a Grade II Listed Building. As required by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) I have had special regard to the desirability of preserving this building or its settings or any features of special architectural or historical interest which it possesses.
9. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Setting is not fixed and may change as the asset and its surroundings evolve.
10. Cedar Court is a fine example of an early nineteenth century house, which has been converted into apartments. It is brick built in Flemish bond, with a symmetrical front composition of three-storeys and three bays. To each side of the main façade are two bays of two-storeys. The property has Tuscan columns, painted stone dressings and a slate roof. An outbuilding, a former stable block, lies in proximity and is Grade II listed for its group value. The significance of Cedar Court, as it relates to this appeal, lies in the good preservation of its historic fabric, architectural detailing and the legibility of its historic planform.
11. The heritage statement submitted with the appeal details that historic maps demonstrate that between the mid to late nineteenth century the grandeur of Cedar Court was enhanced by the layout of a designed landscape which reflected its high status and impressive architectural proportions. In recent years these original formal gardens have been subject to considerable change through the selling of land parcels and subdivision of the grounds. This has eroded the setting of Cedar Court.
12. Despite these changes, the current setting forms an attractive verdant backdrop to the house, providing a sense of privacy and enclosure. Cedar Court's historic spatial relationship within its setting remains readable. Notwithstanding the changes over time, this remnant of Cedar Court's once larger grounds, reflects the

building's historic importance in the nineteenth century. Consequently, the setting contributes to the ability to appreciate the listed building's significance and special interest.

13. The proposal would involve the construction of a new dwelling on land that was historically part of the gardens of Cedar Court, and now forms part of the garden area to Oak House. The proposal would introduce further built development within the historic grounds of Cedar Court. New development is not necessarily harmful, and can be built within the setting of listed buildings without diminishing the ability to understand and appreciate their significance. Indeed, there have been other new dwellings built within the setting of Cedar Court, including Oak House. However, these properties are more subservient to and situated at a greater distance from the listed building than the proposal, which would be a more prominent addition within the listed building's setting.
14. The proposed dwelling would be offset from Cedar Court, and mature trees and foliage would help to screen the new building. However, there would be partially filtered views of the proposal from the front and side of Cedar Court. Improvements have been made to the design of the proposal through the application process, with the design referencing the neighbouring property and heritage asset. Furthermore, the choice of materials could be addressed by condition. Nevertheless, due to its scale and mass the proposed new dwelling would appear as incongruous and prominent in the context of the proposal's surroundings.
15. The extent and quality of the historic landscape at Cedar Court have been partly eroded. However, the scale and siting of the new building would contribute to a further erosion of the importance that the listed building currently commands within its setting and would contribute to a weakening of the ability to appreciate the space historically associated with it.
16. Overall, the appeal proposal would contrast with the immediate vicinity, fail to preserve the setting of the listed building and thus cause some harm to its significance. The harm, given the limited nature and extent of the development, would be less than substantial.
17. The proposal would therefore not preserve the setting of the listed building, and would thus fail to satisfy the requirements of the Act. It would conflict with Policy ENV2 of the Black Country Core Strategy (2011) (CS) which seeks to conserve historic aspects of the Black Country and Policy ENV32 of the Walsall Unitary Development Plan (2005) (UDP) which seeks to ensure that developments take account of surroundings and context in the vicinity of listed buildings. Furthermore, it would conflict with the Framework, which seeks to conserve and enhance the historic environment.

Conservation Area

18. The appeal site is located in the Aldridge CA. Section 72(1) of the Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
19. The CA encompasses the main surviving areas of the historic village of Aldridge, comprising a mixture of residential areas and public open space. As it relates to this appeal, the CA derives its significance from the prevailing built vernacular of

local brick, its rural village character, pleasant green areas and views in and out of the countryside. Within this context are various historic buildings that offer focal points, architectural and historic interest to the CA, including Cedar Court.

20. Although the urban area of Aldridge is nearby, the immediate vicinity of the appeal site comprises Oak House, recreational land, gardens, trees and the impressive Cedar Court. Being set back from Walsall Wood Road, the appeal site has a relatively secluded and peaceful character. The appeal site contributes positively to the character and appearance of the area and the CA.
21. The proposal would be well screened with no views of the proposed dwelling from much of the CA due to the presence of vegetation and intervening buildings. As detailed above, the proposal would be sited within the setting of a listed building within the CA. Cedar Court is part of the built backcloth of Aldridge with its grounds reflecting its development over time, and its high architectural, artistic and historic value contributes to the character and appearance of the CA. As it forms part of the remnant historic grounds associated with Cedar Court, the appeal site therefore contributes to the historic character of the CA. This contribution is very small in consideration of the CA as a whole. Nonetheless, as a result of the proposed development Cedar Court, to a small degree, would be less of an historic and visual landmark when experienced from its historic grounds.
22. The proposal would therefore cause harm to the significance of the CA and would fail to preserve its character or appearance. I consider that the harm in this case, given the limited extent of the development in relation to the wider CA, and its secluded position within the CA, would be less than substantial.
23. The proposal would therefore fail to satisfy the requirements of the Act. It would conflict with Policies ENV29 and ENV32 of the UDP, ENV2 of the CS and EN5 of the Walsall Site Allocation Document (2019), insofar as they seek to conserve and/or enhance the historic environment. It would also conflict with the Framework which seeks to conserve and enhance the historic environment.

Whether inappropriate development

24. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
25. Paragraph 154 of the Framework sets out that the construction of new development in the Green Belt should be regarded as inappropriate, other than in a few exceptions. One such exception, at Paragraph 154 e) is limited infilling in villages. Neither 'village' nor 'limited infilling' are defined in the Framework. Nevertheless, the courts have found that the question of whether a settlement is or is not a village is inevitably a matter of planning judgement.
26. I observed on my site visit that Aldridge has a distinct identity and a range of services and facilities including a district centre. Aldridge is physically separate from the centre of Walsall, with a distinct settlement boundary, and is almost entirely surrounded by Green Belt. The appeal site lies along Walsall Wood Road, which is one of the main thoroughfares through Aldridge. I am satisfied that Aldridge can be considered to be a village for the purposes of the Framework.

27. For the proposal to qualify as an exception under Paragraph 154 e), it should represent limited infilling. The proposal would only be for one dwelling, and in numerical terms, limited. However, the proposal would not infill a gap in built up development. There would be gaps to the north elevation and to the front and rear of the proposed property between existing built structures. From my observations on the ground, I do not consider that the appeal site would be sufficiently enclosed or surrounded by adjoining development to be accurately described as infill.
28. Consequently, having assessed the site-specific circumstances on the ground, I do not consider that the proposal comprises limited infilling even if it would be in a village and therefore does not find exception under Paragraph 154 e) of the Framework.
29. Paragraph 155 of the Framework has introduced the concept of grey belt land. This establishes that development would not be regarded as inappropriate where it would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt; where it would meet a demonstrable need; would be in a sustainable location; and (where applicable) meets the 'Golden Rules'.
30. However, in order for development not to be regarded as inappropriate, grey belt excludes land where the application of the policies relating to the assets in footnote 7 of the Framework would provide a strong reason for refusing or restricting the development. Designated heritage assets are included in the list of exclusions.
31. I have found that the proposal would cause less than substantial harm to the CA and would not preserve the setting of Cedar Court, which are designated heritage assets. The Framework is clear that great weight should be given to heritage assets' conservation. Consequently, the proposal would not meet the relevant provisions of Paragraph 155, and this paragraph does not render the development not inappropriate.
32. The proposal would therefore be inappropriate development in the Green Belt having regard to the Framework. It would conflict with Policy GB1 of the SAD which will not permit inappropriate development unless very special circumstances exist.

Openness

33. The Framework identifies that the essential characteristics of Green Belts are their openness and permanence. The concept of Green Belt openness has both a spatial and visual dimension.
34. The garden area of the proposal which lies within the Green Belt already forms part of a garden area of Oak House. As such, domestic paraphernalia associated with the garden of a residential dwelling could already be located at the appeal site. The introduction of a further dwelling is likely to increase the amount of domestic paraphernalia, such as facilities for drying clothes, outbuildings, garden furniture and play equipment. However, as the proposal is for a single dwelling the level of paraphernalia would be limited. Moreover, permitted development rights relating to outbuildings could be removed by condition were the appeal to be allowed. The effect of the proposal on the visual and spatial dimension of openness of the Green Belt as regards the garden area would therefore be minimal.

35. However, a small element of the proposed dwelling would fall within the Green Belt. Regardless of the extent of the building to be sited within the Green Belt, this would introduce built form where none previously existed. As such the proposal would have more of an impact on the openness of the Green Belt in spatial terms than the existing circumstances.
36. The appeal site would be well screened by mature trees and vegetation, and has a generally secluded character. However, the building would be partially visible from various vantage points including from Cedar Court. Consequently, the proposed dwelling would have more of an impact on the openness of the Green Belt in visual terms than the current situation.
37. The harm to Green Belt openness would be modest and localised. This would, however, be contrary to the Framework.

Other considerations

38. The provision of an additional high-quality property to the local housing market, in an area with a growing and ageing population, would be an undoubted social benefit of the proposed development. The proposal would support the Government's objective of significantly boosting the supply of homes, and would be in a sustainable and accessible location close to services and facilities. I have given these considerations moderate weight.
39. The proposed new dwelling would provide a home for residents who would contribute to the local economy. Furthermore, the development would generate economic activity during the construction of the dwelling. However, given the scale of the proposal this would be to a limited degree. I therefore afford these considerations limited weight.
40. The appeal proposal would include landscaping measures including the planting of native hedgerows and a replacement pond, which would be of high ecological value. However, there is nothing to indicate that these features and resultant improvements to biodiversity could only be achieved through the implementation of the appeal scheme. These considerations therefore attract neutral weight.
41. The appeal site has a safe and convenient vehicular access which would not impact upon highway safety. The proposal would not harm the living conditions of neighbouring occupiers. However, these are requirements of planning policy and they carry neutral weight.

Other Matters

42. The site is located within the influence of the Cannock Chase SAC. The SAC is designated for its unique heathland habitat. The potential adverse effects from increased recreational pressure can be relieved via the provision of mitigation measures targeted at mitigating impacts arising from the increase of residents within the zone. Such mitigation is secured from developer contributions in respect to individual planning applications. The appellant has provided a signed UU with the appeal to secure a financial contribution in relation to the impacts of the proposed development on the SAC.
43. The Habitats Regulations requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, the requirement for

an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, as the scheme is unacceptable for other reasons it has not been necessary to address this in any further detail as it would not alter the outcome of the appeal.

Green Belt Balance

44. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness, and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
45. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and harm to the openness of the Green Belt.
46. Weighed against that are the other considerations set out above. However, for the reasons given I give moderate weight to the contribution of the sustainably located dwelling to the housing supply, limited weight to the benefits to the local economy, and neutral weight to the effects on biodiversity, highway safety and neighbours' living conditions.
47. Consequently, those other considerations would not, in their totality, clearly outweigh the harm that I have identified. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework and Policy GB1 of the SAD.

Heritage Balance

48. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The proposal would fail to preserve the setting of the listed building and thus harm its significance. It would also harm the character or appearance of the CA.
49. I have found the harm to be less than substantial. The Framework states that great weight should be given to the conservation of designated heritage assets irrespective of whether that harm would be substantial or less than substantial. Under such circumstances, Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
50. The benefits of the proposal I have identified above would be relatively modest and would not outweigh the harm to the heritage assets that I have identified. The proposal would therefore not accord with the Framework.

Conclusion

51. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
52. As a result, the appeal should be dismissed.

L C Hughes INSPECTOR