



Appeal Decision

Site visit made on 11 May 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/H1840/W/25/3360225

Land adjacent to Midcott, Middle Lane, Crophorne, Pershore, Worcestershire, WR10 3LZ

- 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 Robert Annis against the decision of Wychavon District Council.
 - The application Ref is W/24/00851/FUL.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development in the banner heading above from the council's decision notice, avoiding superfluous wording, as this gives a more concise description of the development proposed.
3. Subsequent to the refusal of permission for the proposed development the Government published its revised National Planning Policy Framework (the Framework) in December 2024. Further minor amendments were published on 7 February 2025, containing corrections and a clarification. The wording of the relevant paragraphs of the new Framework are similar to that of the 2023 version. Therefore, I am satisfied that they do not affect the substantive matters of the appeal and that considering the development against the revised Framework without seeking further comments from the parties on it would not be prejudicial to their respective cases.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the setting of Grade II listed Midcott and Little Cottage.

Reasons

5. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to preserving listed buildings or their setting or any features of special architectural or historic interest.
6. The appeal site is located between two Grade II listed buildings known as Midcott and Little Cottage, within the Copthorne Conservation Area (CA). Both cottages have black painted timber frames with white plaster walls and thatched roofs, features which are common to several other buildings within the CA and contributes

to their significance, reflected in their listing description in the Historic Environment Records.

7. The buildings' gable ends abut the road edge. Their main elevations are visible from the side when approaching them along Middle Lane. The appeal site fronts on to the road and comprises overgrown gravel, approximately in line with the listed buildings either side of it, and grass and shrubs to the rear. It was formerly the side garden for Midcott but is separated from it by a concrete post and wooden panel fence which runs along the side and to the rear of the cottage. There are temporary metal fence panels at the front of the site preventing public access to it.
8. The appellant's Heritage Statement notes that historically Midcott was one of several buildings associated with the Pound House, which is located on the corner of Main Street at the junction with Middle Lane. Historic maps indicate that it shared the same curtilage, which did not extend to include Little Cottage, and has since been subdivided such that its association with the Pound House is no longer apparent. The appeal site, particularly the area on which the house is proposed, appears to be the only remaining part of the historic curtilage of Midcott and is thus important to its setting. Also, insofar as it retains the historic gap between the 2 buildings, it provides part of the setting for Little Cottage, albeit that has been eroded to some extent by the garage, hardstanding and fence that separates it from the appeal site and defines its curtilage.
9. In terms of the appeal site's visual importance to the setting of both listed buildings, it is only visible when passing close to both cottages along Middle Lane, in either direction, because of their position on the road edge on a slight curve in the road, which also restricts views between them. Intervisibility is therefore limited to short views either close to, or directly in front of, the buildings. Nonetheless, the appeal site remains important in defining the visual relationship between the listed buildings and drawing attention to their similar designs and age, despite being severed from both properties by their boundary fences.
10. The proposed house would be close to the side boundary with Midcott but set back behind its front building line. Consequently, when approaching the site from the junction with Main Street, the proposed development would not be visible until passing close to Midcott. From this approach the side elevation of Little Cottage would remain mostly visible. Nonetheless, the visual and historic setting of Little Cottage would be further eroded. Furthermore, the proposed house, by virtue of its different design, would draw attention away from the common features that the listed buildings share, which contributes to their historic significance.
11. Approaching the site from the other end of Middle Lane, the proposed house would dominate the foreground partially obstructing views of the side of Midcott and its rear garden. Although it would obscure views of the extensions, which detract from the building's significance, the cumulative impact of the proposed house and boundary fence would significantly harm the setting of Midcott. I do not consider that by restricting views of the boundary fence and introducing a traditional stone wall across the front of the site, the proposed development would enhance the setting and thus compensate for the negative impact that I have identified.
12. Overall, I conclude that the proposed development would have a negative effect on the setting of both listed buildings. In my view the harm would be moderate, and therefore less than substantial, but would nevertheless be contrary to Policies

SWDP6 and SWDP24 of the South Worcestershire Development Plan (2016), the Framework, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which seek to preserve or enhance heritage assets and their settings.

Planning balance

13. According to paragraph 212 of the Framework, great weight should be given to an historic asset's conservation irrespective of whether any potential harm is less than substantial harm to its significance. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 215 of the Framework, I must weigh the harm against the public benefits of the proposal.
14. The council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the Framework. Consequently, paragraph 11(d) of the Framework is engaged. It requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. Although the harm caused would be moderate, I attached great weight to it as required by the Framework. The proposal would provide benefits in terms of contributing towards the council's housing land supply in a sustainable location, support for local shops and services and jobs during construction. However, given the small scale of the scheme those benefits would be modest and not sufficient to outweigh the harm that I have identified and the conflict with policies of the Framework taken as a whole.

Other matters

16. I have had regard to other matters raised including the effect of the proposed development upon highway safety, wildlife, drainage, open space and views. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Conclusion

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

P D Sedgwick

INSPECTOR