The Planning Inspectorate

Appeal Decision

Site visit made on 5 August 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/B3438/W/19/3228503
Land at Cheddleton Park Avenue, Cheddleton ST13 7NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Moorland Homes (Cheadle) Ltd against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0174, dated 15 March 2018, was refused by notice dated 22 November 2018.
- The development proposed is described as 'outline application with means of access for residential development of up to 8 dwellings'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with all matters reserved except for access. Indicative site plan and section drawings were submitted as part of the application. I have regarded all elements of those drawings as indicative apart from the details of the proposed access to the site.

3. The Council's report and reasons for refusal refer to the effect of the development on the locks on the Cauldon Canal, and to views from a listed river bridge. However, the Council has advised that, since issuing its decision, an Historic England mapping error has come to light which incorrectly identified the A520 road bridge over the nearby canal as being listed, instead of the stone accommodation bridge and adjacent locks which cross the canal to the north west of the site. The Council has confirmed that the listed structure referred to is the accommodation bridge and adjoining lock on the Cauldon Canal. I have given the appellant the opportunity to comment on this matter, and have considered the appeal on the basis of the corrected position regarding the listed structures referred to.

Main Issue

4. The main issues are the effect of the proposed development on:

    - the character and appearance of the appeal site and its surroundings, including nearby listed buildings and conservation areas; and
    - biodiversity.

Reasons

Character and appearance

5. The appeal site is located beyond the end of Cheddleton Park Avenue, a cul-de-sac of relatively recently-built houses which extends along the valley side to the south of the River Churnet and the Cauldon Canal, in the settlement of Cheddleton. The site slopes uphill away from the end of the existing cul-de-sac, as well as rising uphill away from the valley bottom. It is surrounded by open land to three sides, and by existing houses and gardens on Cheddleton Park Avenue to the other.

6. Access to the development would be taken from the end of Cheddleton Park Avenue. The appellant's indicative drawings show a linear development, continuing the alignment of the existing adjacent housing. The appellant has indicated that the proposed houses would follow the existing contours, stepping gradually uphill, rather than being cut into the valley side as parts of Cheddleton Park Avenue are at present.

7. The site is close to a group of buildings at Grange Farm, which include two Grade II listed buildings – Grange Farmhouse, which is listed together with mounting steps and area walls to the north and south, and a separately listed barn approximately 25m to the east of the farmhouse – in addition to a number of ancillary curtilage structures. The farmstead at Grange Farm was part of a medieval grange associated with Dieulacres Abbey. The existing farmhouse may have changed over time since then, but has been dated to 1499 (with later alterations) and, I am advised, its core pre-dates the dissolution of the monasteries. Other buildings were built later, including the separately listed 17th century barn. However, the significance of Grange Farm is drawn, in part, from its status as an example of a medieval grange farmstead, and from the longstanding presence of a farmstead and agricultural buildings on the site.

8. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which the asset is experienced. The Planning Practice Guidance (PPG) advises that the setting of a heritage asset and the asset's curtilage may not have the same extent, and identifies visual and physical considerations as being among the various ways in which an asset can be experienced in its setting[1]. My attention has been drawn to a number of court judgments which refer to factors which may define a heritage asset's setting, being not limited to a physical or historic connection, but also including a visual relationship between an asset and its setting[2]. They also, amongst other things, interpret the term 'surroundings' in the Framework definition as placing a geographical limitation on the extent of an asset's setting, and set out that the definition of an asset's setting, and the consideration of a development's effects on that setting, are a matter for the decision maker, based on the particular circumstances in each case.

9. I observed the site from numerous locations within and around the village, including those viewpoints identified in the appellant's Heritage Impact Assessment. Inter-visibility between the appeal site and Grange Farm is

[1] Paragraph reference ID: 18a-013-20190723.
[2] Peter John Steer v. SSHCLG, Catesby Estates Ltd and Amber Valley Borough Council [2017] EWHC 1456 (Admin); Catesby Estates Ltd v. Steer [2018] EWCA Civ 1697; Liverpool Open and Green Spaces Community Interest Company, R (On the Application Of) v. Liverpool City Council [2019] EWHC 55 (Admin)

limited. However, the complex of buildings at the farmstead can be seen from the Cauldon Canal towpath to the north of the site, and from the footpath which runs along the southern side of that adjacent section of the canal which, I am advised, shares part of its route with an historic accommodation track which once served the farm. The farmstead is also visible from numerous points some distance away on the opposite side of the valley, including from parts of Leek Road on the approach to Cheddleton, and parts of Wall Lane Terrace and Cheddleton Heath Road. From those vantage points, the listed farmhouse and barn are located towards the rear part of the site. However, they can nonetheless be glimpsed to varying degrees and are seen as part of the wider farmstead, which also includes ancillary curtilage structures.

10. In those close-range and more distant views, the farmstead and its buildings are seen in a dip between two higher areas of the undulating land which characterises the southern valley side. Those areas of rising and falling land, adjacent to the farmstead, remain open, unenclosed and undeveloped, and are clearly visible in the immediate foreground of the farmstead. In that form, they maintain a strong physical and visual connection between the farmstead and its agricultural surroundings, despite other parts of the farm's historic landholdings having been altered and developed over time.

11. A characteristic of medieval granges, as identified by both main parties, is their isolation in relation to other habitation. Over time, housing development has gradually extended along the southern valley side towards Grange Farm. However, that existing development stops some way to the east of Grange Farm, and does not extend into the adjacent fold in the hillside to the north east of the farmstead at present. Consequently, the existing housing on Cheddleton Park Avenue does not feature prominently in views towards the farmstead across that adjacent undulating open land at present, either from the nearby footpath and towpath, or from more distant vantage points on the opposite side of the valley. Rather, it is set some distance to the side of the farmstead in those views and, when seen from the canalside footpaths, is also partly screened by the rising landform to the north east of the farmstead. A sense of physical and visual separation and distinction is thus maintained between the farmstead and the housing on Cheddleton Park Avenue at present.

12. The farmstead's 'isolation' from habitation may have reduced over the years as Cheddleton has grown up around it. However, in their open, unenclosed form, the rising and falling landforms to either side of Grange Farm, and the uninterrupted views across that open land from nearby and more distant vantage points, serve to separate and distinguish the farmstead from the historic village centre in one direction, and from the more recent residential development which has extended along the valley side towards it from the other. As such, that adjacent open land, which includes the appeal site, forms part of the setting of the listed buildings and makes a positive contribution to the remaining sense of isolation of the farmstead of which they form a part, and thus to their significance.

13. When travelling along the canalside footpath and towpath, and in more distant views across the valley towards the site, the proposed houses would be seen in the context of, and as a continuation of the existing housing on Cheddleton Park Avenue. The general absence of vegetation between the canal and the site would make the proposed houses more readily visible in views from the canalside footpaths than existing houses on Cheddleton Park Avenue, which are

screened to a significant degree by intervening vegetation. However, those existing houses can nonetheless be glimpsed from the canal through that vegetation at present. The proposed houses would extend into an area which is open and unenclosed at present. However, open land would remain above and below them and, even if the houses were to step gradually up the hillside as suggested, they would not necessarily appear unduly dominant when viewed in the context of that existing housing, which is already somewhat prominent due to its elevated position above the canal. Similarly, in more distant views, any additional height would not readily be discernible, and the proposed houses would not appear incongruous as a continuation of that existing housing.

14. However, although an area of open, undeveloped land would remain between the western edge of the proposed development and the buildings within the historic centre of Cheddleton, the appeal scheme would result in the extension of built development further along the southern valley side, and partly onto the mound of land to the north east of Grange Farm. As a result, when viewed from the footpath and towpath alongside the canal, and from more distant vantage points across the valley, the development would extend significantly more evidently and prominently into the foreground of views towards the farm, compared to the existing housing further away to the east. As a result, the housing would no longer maintain a sense of visual detachment from the farmstead.

15. Therefore, even if designed and positioned to prevent their being seen from the farm itself, the proposed houses, together with their associated access areas, boundary treatments and domestic paraphernalia, would introduce a highly discordant suburban element extending prominently into the open, rural foreground setting of Grange Farm. The development would therefore appear as a discordant feature which would significantly erode the sense of separation and detachment between the farmstead and surrounding habitation. It would thus cause harm to the setting of the listed buildings and their curtilage structures within the farmstead, and thus to their significance, which is drawn, in part, from their sense of visual separation and 'isolation' from surrounding development.

16. The grade II listed accommodation bridge which crosses the canal close to the site historically served Grange Farm. Inter-visibility between the bridge and listed buildings within the farmstead is somewhat limited. However, I observed that parts of the wider farmstead can be glimpsed from the bridge. Furthermore, whilst much of the bridge's immediate surroundings along the canal has subsequently been developed, the land between it and the farmstead has not, and open views remain across that land, uphill towards the farm. A visual connection therefore remains between the bridge and the farmstead which it historically served, and contributes to the setting and significance of both the listed bridge and the listed buildings within the farmstead.

17. The proposed development would extend closer to the accommodation bridge than existing housing on Cheddleton Park Avenue. However, because of the relative locations of the bridge and the proposed houses, and the separation which would remain between the development and the bridge, the houses would not significantly encroach into, or disrupt, those views which exist directly between the bridge and the farmstead at Grange Farm at present. The development would therefore not erode or harm the sense of connection between the accommodation bridge and the farmstead which it formerly

served, or the setting of the bridge, which draws its significance, in part, from that historic and visual connection.

18. However, for the reasons given I find that the development would cause harm to the setting of the listed buildings and curtilage structures which make up the farmstead at Grange Farm, as a result of the erosive effect it would have on the sense of separation between the farmstead and surrounding development, as experienced from other nearby vantage points further along the canalside, and more distant vantage points across the valley.

19. The site is close to the Cauldon Canal Conservation Area (the CCCA). The CCCA boundary encompasses an extensive length of the Cauldon Canal, but is tightly drawn along either side of it, and does not immediately adjoin the appeal site. The CCCA's special character and significance are drawn principally from its status as an example of innovation in engineering, and as a linear transport route associated with the industrial history of the surrounding area.

20. The setting of the canal varies along its length, and includes historic and modern industrial sites and buildings, areas of urban and suburban development, and lengthy rural sections.

21. As agricultural land, the site has no historic connection with the canal itself. It would only be visible from a very limited section of the canal, the surroundings of which are already characterised by industry, housing, and other built development as it passes through the settlement of Cheddleton. The site represents a brief pause in built development to the south of this part of the canal, but does not form part of an extended rural vista which characterises this part of the CCCA. In views to and from the canal, the proposed development would be seen as a continuation of the suburban housing on Cheddleton Park Avenue which is already visible from the canalside. Consequently, the development would not harm the character or appearance, or the significance of the CCCA.

22. The site is close to Cheddleton Conservation Area (the CCA), which encompasses the historic core of the village, including its church, historic public house and cottages, and the flint mill alongside the canal. Those existing buildings represent a record of the history and evolution of the village as it grew from a small settlement focused around the parish church, expanding in association with the industry which subsequently grew up in the valley bottom.

23. The agricultural fields to the east of the conservation area, including the appeal site, form part of the village's rural surroundings, and provide visual separation between the historic village core and the more recent residential development that has grown up along the valley side towards it from the east. However, dense tree cover along the eastern edge of village means that there is very little inter-visibility between the site and the CCA in either direction. The site is not adjacent to the CCA boundary and, in views from the canal and from more distant vantage points, the remaining open land to the west of the site would maintain a sense of separation between the CCA and that more modern development. Therefore, the development would not harm the character or appearance, or the significance, of the CCA.

24. However, for the reasons given, the development would cause harm to the setting of the listed farmhouse and barn at Grange Farm and their associated curtilage structures. Having regard to my duty under section 66 of the Planning

(Listed Buildings and Conservation Areas) Act 1990, I must give considerable weight to that harm, and to the presumption that preservation is desirable.

25. Given the limited scale of the development, the harm arising would be less than substantial. Nevertheless, I must have regard to the significance of the heritage assets, and the Framework requires any such harm to be weighed against the public benefits of the proposal.

26. The development would provide 8 new houses, and would thus contribute to the Council's housing land supply, in an existing settlement with some services, facilities and public transport links. The development would create employment opportunities and have potential economic benefits through the use of local supply chains during construction. Future residents would also be likely to contribute to local services and facilities within the village. However, the benefits arising from 8 houses, even in the context of the Council's current housing situation, would be very modest. Therefore, in this instance I conclude that the public benefits arising from the development would not outweigh the harm to the setting of the listed buildings I have identified.

27. For the reasons given, I conclude that the proposed development would cause harm to the character and appearance of the appeal site's surroundings, including nearby listed buildings. That harm would not be outweighed by any public benefits. The proposed development would therefore conflict with Policies DC1, DC2 and DC3 of the Core Strategy Development Plan Document (the Core Strategy). Amongst other things, those policies require development to respect the site and its surroundings and complement the heritage of the area, and state that the Council will protect and enhance local landscape, and safeguard the historic environment, including listed buildings.

Biodiversity

28. The appellant's Preliminary Ecological Appraisal (PEA) identifies the presence of a pond 130m from the appeal site with average potential for great crested newts (GCNs), and that biological records show that great crested newts were recorded within 2km of the appeal site in 2007. A subsequent GCN Survey found the presence of an adult male GCN in the nearby pond. The appellant's surveys conclude that the terrestrial habitats present within the appeal site are suitable for GCN use, offering foraging and commuting opportunities, with adjacent scrub habitats offering potential hibernation opportunities.

29. On the basis of that evidence, I consider that there is a significant likelihood of GCNs, a European protected species, being present on the site and being affected by the proposed development.

30. The GCN survey advises that the development would require a European Protected Species Mitigation License, part of which would involve the production of a method statement setting out a scheme detailing appropriate protection, mitigation and compensation measures to maintain the local GCN population. Such a scheme would involve the creation, enhancement and management of appropriately-sized habitats based on the detailed types and sizes of habitats to be lost.

31. The appellant's PEA also concludes that, due to its characteristics and connectivity to the wider landscape via hedgerows, tree lines and the nearby watercourse, the site has the potential to support commuting and foraging

reptile species, with particular reference to grass snake, common lizard and slow worm. Grass snakes are noted as a priority species within Staffordshire. The PEA concludes that the proposed development could affect reptiles during site clearance, and as a result of the loss of foraging and commuting habitat, and recommends that further survey work be carried out.

32. The appellant has raised no objection to providing either that further reptile survey work, or a protection, mitigation and compensation scheme as recommended in the GCN survey. However, neither has been provided at this stage. The development proposal before me is in outline form, and does not seek detailed permission for the site layout. Whilst suggested layouts have been provided, they are indicative only. It is therefore not possible to be certain at this stage what type or size of habitats would be lost as a result of the development or, consequently, to identify the nature or extent of an appropriately-sized habitat to be created on site to mitigate any effects arising. On the basis of that limited information, I therefore cannot be certain that a scheme of 8 houses could be delivered whilst also maintaining or providing sufficient space within the site boundary to create or retain habitats of an appropriate size and nature to avoid harm to those species referred to, including protected species.

33. Therefore, for the reasons given, I cannot be certain that a development of the scale and nature proposed could be carried out without significant harm to biodiversity, including with regard to protected species. Furthermore, given the level of uncertainty and the potentially significant harm which could arise to protected species in particular, I am not satisfied that such matters could be dealt with by condition in this case.

34. I therefore conclude that the proposal would conflict with Policy NE1 of the Core Strategy which states that the biodiversity of the District will be enhanced by, amongst other things, ensuring development produces a net gain in biodiversity and that any unavoidable impacts are appropriately mitigated for.

Planning Balance

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.

36. For the reasons given, I conclude that the development would cause harm to the setting of nearby listed buildings, which would not be outweighed by the public benefits of the scheme. Furthermore, on the basis of the evidence before me, I cannot be certain that a development of the scale and nature proposed could be carried out without harm to biodiversity, including protected species. There would therefore be conflict with development plan policies DC1, DC2, DC3 and NE1. Those policies are consistent with the Framework, which requires great weight to be given to the conservation of heritage assets, that developments are sympathetic to local character and history and that, if significant harm to biodiversity resulting from a development cannot be adequately mitigated, planning permission should be refused.

37. It is common ground between the main parties that the Council cannot demonstrate a 5 year supply of deliverable housing sites. However, paragraph 11 and footnote 6 of the Framework make it clear that policies relating to designated heritage assets are specific policies in the Framework that protect

assets of particular importance which provide a clear reason for refusing the development proposed. Given the harm to the setting of nearby listed buildings that I have identified in this case, the presumption in favour of sustainable development in paragraph 11 is not engaged, notwithstanding the 5 year housing land supply position.

38. The absence of a 5 year housing land supply and the need for local housing are still matters to be weighed in the overall planning balance. However, the benefits of the proposed scheme of 8 houses, as set out in detail above, would be modest, even in the context of the current housing shortfall, and would not outweigh the harm that I have identified.

39. I have had regard to other concerns raised by interested parties, including with regard to highway safety. However, as I have found the proposal to be unacceptable for other reasons, I have not needed to consider those matters further in this instance.

Conclusion

40. The proposal would be contrary to the development plan when taken as a whole, and there are no other considerations which outweigh this finding. It would also be at odds with the requirements of the Framework. Accordingly, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR