The Planning Inspectorate

Appeal Decision

Site visit made on 25 February 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2020

Appeal Ref: APP/B3438/W/19/3226646
Land adjacent to 10 Ox Pasture, Cheddleton ST13 7HT

- 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 L & C Homes Ltd against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0700, dated 1 November 2018, was refused by notice dated 7 March 2019.
- The development proposed is for residential development.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The application was submitted in outline with all matters except access reserved. During the application process the consideration of access was withdrawn. I have dealt with the appeal in the same manner.

3. The Council's reason for refusal referenced the effect of the proposal on the setting of the Cheddleton Conservation Area (CCA) and upon the Grade II* listed Church of St Edward the Confessor. The Council's appeal statement provides details of a further application which was refused solely on the grounds of the impact upon the setting of the Church; this statement accepts that the proposal would not harm the significance of the CCA, and the separate Heritage Appeal Statement submitted by the Council only refers in detail to the later application. Nevertheless, this does not alter the fact that the CCA is referenced in the reason for refusal.

4. The main issue in this case therefore is whether the proposal would preserve the setting of the Grade II* listed Church of St Edward the Confessor and the significance of the Cheddleton Conservation Area.

Reasons

5. Cheddleton is a reasonably large spread out settlement. The historic core of the village is based around the Grade II* listed Church of St Edward the Confessor. This building is an impressive structure, dating from the 13th, 14th and 15th centuries, with alterations carried out in the mid to late 19th century by George Gilbert Scott Junior. The church is constructed in red sandstone, with a red tiled roof. The flat roofed tower at the west end of the building has a crenellated parapet. Work carried out by Scott included glasswork by William

Morris. The church is located at a high point within the village and is raised upon an embanked platform, to further increase its visibility.

6. The proposal seeks outline consent for residential development on an open field situated to the south of the church. This roughly triangular field is bordered by houses to its south and west sides, and by a public footpath on its east side. The proposed development would be accessed by a road proposed to the east of No 10 Ox Pasture, a single storey red brick bungalow to the south of the site. A further path, stated to be permissive, borders the south of the site and connects Ostlers Lane, the road to the west of the site with the public footpath, running along the back of the gardens of the properties on Ox Pasture.

7. The boundary of the CCA lies a reasonable distance to the north and west of the site boundaries, being located on the other side of the row of houses to the west on Ostlers Lane and is separated to the north from the site by a narrowing parallelogram shaped piece of land.

8. Policies SS1 and DC2 of the Core Strategy together state that development should protect and enhance the historic environment of the District and that the Council will safeguard and where possible enhance the historic environment, including the settings of designated assets, by resisting development which would harm the special character and historic heritage of the District's villages and those interests of acknowledged importance.

9. Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 (the Act) states that when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

10. Paragraph 193 of the National Planning Policy Framework (the Framework) says 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, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should require clear and convincing justification. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

11. From my site visit it was clear that the site is within the surroundings in which the Church is experienced, and therefore lies within the setting of the Church; clear views were possible of the upper parts of the Church tower, including the bell chamber and parapet above from the majority of the site aside from its eastern edge. Such views ranged from more distant, yet still clear views on the southern parts of the site to more distinct views on much of the higher parts of the site to the west and from areas closer to the northern edge of the site. Due to the height of the Church and its raised position its setting is more extensive than that of the CCA. In this respect, due to the separation of the site from the CCA, the intervening development to the west and the land to the north I do not consider that the appeal site falls within the setting of the CCA and the proposal, subject to suitable conditions would not therefore harm the significance of the CCA.

12. Paragraph 189 of the Framework states that applicants should describe the significance of any heritage asset affected, including any contribution made by their setting, with the level of detail proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

13. Such an assessment has been carried out by the appellant. This notes that the alignment of the footpath to the east of the site suggests that this was historically a natural desire line to the Church and that the site lies within the setting of the Church but does not consider that harm would be caused to such setting. The Assessment considers that linear views of the Church from the historic footpath would be unaffected and that views from the informal footpath to the south are incidental and would not be harmed.

14. While I agree that there are few, if any views from the public footpath that combine both the site and the Church, which is only visible from the upper reaches of the path, Planning Practice Guidance states that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting, noting that this will vary over time and according to circumstance.

15. With few details available other than a location plan, in terms of design and massing it is difficult to completely quantify the effect of the proposal upon the setting of the Church. However, it was clear from my site visit that whichever design may be proposed for residential development that this would significantly change the character of the site and affect the setting of the Church. A design could potentially be proposed which may retain a central spine or corridor from where views could be had of the Church, but this would be framed by residential development on either side. The field at present marks an open green space which forms a key part of the setting of the Church, and development in whichever form would in my view adversely change this rural setting and cause harm to the significance of the Church.

16. While I note the change in the setting of the Church over time from a more rural landscape around 1900 to its modern more built up setting today this also means that the appeal site is one of the few areas close to the Church to the south that remains rural in character and aspect and hints at how the land around the church may have once been more open. Furthermore, while there may be few, if any views from the eastern footpath which combine the site and the church, at present the footpath has a quiet rural feel with the open field on the left side and open fields for part of the right side. Its setting below the height of the appeal site adds to this rural aspect and feel, and development of the appeal site would adversely affect this character on a historic desire line to the Church.

17. Having regard to the Framework I consider that the proposal would cause less than substantial harm to the significance of the Church. The Framework states that such harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

18. The proposal would deliver residential development in an area with an acknowledged lack of deliverable five-year housing land supply, and would support the Government's objective of significantly boosting the supply of homes. I place substantial weight upon this public benefit of the proposal, although note that this weight is partially dependent to a certain extent on the

amount of housing proposed, which is not clear in the outline application. I also place material weight on the economic and social benefits of the scheme which would accrue through its construction and the use of the proposed houses.

19. However, I am not convinced by the information and details available to me that the acknowledged public benefits of the scheme would outweigh the harm to the significance of the Church, to which I am required to give great weight to. As a Grade II* listed building the Church of St Edward the Confessor is a particularly important building of more than special interest and the Framework confirms that the more important the asset, the greater the weight should be given to the asset's conservation.

20. Paragraph 11 of the Framework notes that where applications involving the provision of housing are in an area without a five year supply of deliverable housing land, permission should be granted for development proposals, unless policies in the Framework such as those relating to designated heritage assets provide a clear reason for refusing the development proposed. In my view the heritage policies within the Framework provide such a clear reason in this case.

21. I therefore conclude that while the proposal would preserve the significance of of the CCA, the proposal would not preserve the setting of the Grade II* listed Church of St Edward the Confessor. The proposal would be contrary to policies SS1 and DC2 of the Core Strategy, the Framework, and the Act.

Other matters

22. The appeal site is designated as a Visual Open Space (VOS) in the Council's adopted Local Plan. I note that the Examination of the Staffordshire Moorlands Local Plan is well advanced and that the Inspector responsible for that examination has recommended that the site be designated as Local Green Space. I am also aware that the appellants strongly disagree with this recommendation and are seeking further consultations. However, given that I am dismissing the appeal on other grounds, I have not considered this matter further.

23. The Council Officer's committee report references required sums which would be sought in the form of a planning obligation for offsite play and education contributions, as well as on site affordable housing provision. No such contributions or obligation are referred to in the Councils or the Appellant's appeal statement. As I am dismissing the appeal, I have not considered this issue further.

Conclusion

24. To summarise, I conclude that the site would not preserve the setting and therefore the significance of the Grade II* listed Church of St Edward the Confessor, and would be contrary to policies SS1 and DC2 of the Core Strategy and to the Framework.

25. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley **INSPECTOR**