The Planning Inspectorate

Appeal Decision

Site visit made on 3 August 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2020

Appeal Ref: APP/B3438/W/20/3248195
The Old Vicarage, Church Road, Brown Edge ST6 8TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Williams against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0488, dated 7 August 2019, was refused by notice dated 23 January 2020.
- The development proposed is the material change of use at coach house to provide a new single independent 2 bedroom dwellinghouse (Class C3 of the Use Classes Order) with associated alterations and enlargements to extend and convert the building; and engineering operations to construct a new means of access to the highway, vehicular turning and parking areas.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's concerns relate solely to the provision of the proposed new access, vehicular turning and parking areas and both parties have drawn my attention to the planning history of the site, which includes an extant permission to convert the coach house into living accommodation for use ancillary to The Old Vicarage. Based on the information before me and my own observations during my site visit, I find no reason to disagree with the Council's conclusions that the physical works proposed to the coach house itself would be acceptable.

3. The decision notice refers to Policy DC2 of the emerging Staffordshire Moorlands Local Plan (eLP). The Council advise that the eLP has undergone examination and subsequent modification, details of which have been provided. I also note that the parts of the policy that are most relevant to the appeal proposal refer back directly to the National Planning Policy Framework (The Framework). Therefore, I afford Policy DC2 of the eLP substantial weight.

4. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving St Anne's Church or its setting or any features of special architectural or historic interest which it possesses.

5. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.

Main Issues

6. The main issues are the impact of the proposed new means of access, vehicular turning and parking areas on (i) the character and appearance of the area and (ii) the setting of the Grade II listed St Anne's Church and upon The Old Vicarage.

Reasons

Character and appearance

7. Stone boundary walls running along the public highway are common features in the locality of the appeal site, and they enclose prominent buildings such as the appeal property and St Anne's Church, in addition to other properties in the area. At the present time, the walls of the church, The Old Vicarage and adjoining properties are only punctuated by modest openings which provide pedestrian and vehicle access. The presence of mature trees is also characteristic of the street scene, both on and immediately adjacent to the appeal site. These are key components of the character and appearance of the area.

8. The proposal would result in a substantial length of the existing wall at The Old Vicarage being removed. In addition, the resultant access with visibility splay, turning and parking areas would have a formalised and engineered appearance, which would be out of keeping with the prevailing form of the boundary walls and the existing openings within them. It would also result in the loss of a mature Horse Chestnut tree which is subject to a tree preservation order and which makes a valuable contribution to the character and appearance of the surrounding area.

9. Collectively, I conclude that this would result in significant harm to the character and appearance of the area. Accordingly, the proposal would fail to accord with Policy DC1 of the Staffordshire Moorlands Core Strategy 2014 (CS), where it seeks to protect the character and appearance of areas. There would also be conflict with The Framework, where it seeks to achieve well-designed places.

Setting of St Anne's Church and the impact upon The Old Vicarage

10. St Anne's Church is a grade II listed building. Its significance is as a historical parish building in a prominent location in the settlement, with a number of architectural features being included in its listing. It sits on the top of the hill on a triangular parcel of land and shares boundaries with the public highway on two sides. An extensive stone wall is located on the church's boundaries with both Church Road and St Anne's Vale, retaining the higher ground on which the church is built.

11. The Old Vicarage has a visual link to the church, due to its positioning immediately adjacent to it and its relationship in key views of the listed building. There was also formerly a functional link, albeit it is now a private dwelling. It is referred to as a non-designated heritage asset, and it clearly has some merit in heritage terms due to its relationship to the listed church. Its significance lies in that it is a form of development which visually compliments the church and appears with it in key views, and in that it has a past historical functional link.

12. The wall which defines the boundary of The Old Vicarage with Church Road compliments that of the church and although of a different height, is visually read as a continuation of it, creating consistency in the street scene. The protected Horse Chestnut tree is one of a number of mature trees located adjacent to the boundary of The Old Vicarage and Church Road, and mature trees are also found within the curtilage of the church, again providing visual continuity in the street scene. Being located on a key approach to the church and due to its proximity and visual and historical relationship to the listed building, the appeal site, and the area in which the proposed development would take place, fall within the setting of St Anne's Church.

13. I have found that the proposal would cause harm to the character and appearance of the area, due to the loss of the section of the wall, the loss of the mature tree and the creation of a formalised and engineered access, turning and parking areas. It follows therefore that such harm would also result in harm to the setting of the listed building, as this designated heritage asset is appreciated in the context of The Old Vicarage, for the reasons that I have outlined. This would fail to preserve the setting of the listed building and is a matter to which I afford considerable importance and weight. The proposal would also result in harm to the significance of The Old Vicarage, as a non-designated heritage asset, due to the visual harm to its existing frontage along Church Road.

14. Given the nature of the proposal and that the harm would be localised, I consider that less than substantial harm to the setting of the listed church would arise. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the setting of the listed church, in accordance with Paragraph 196 of The Framework. In this respect, the appellant points to the Council's lack of a 5 year housing land supply and to social, economic and environmental benefits that would result from the provision of the independent dwelling that is proposed including from expenditure benefits to the local economy, from the creation of jobs during the construction phase and from the location of the site in an established settlement. However, the benefits arising in these respects from the provision of one new dwelling would be limited, and they do not outweigh the harm that would result to the setting of the listed building.

15. The appellant further points to benefits that would arise from an improvement in visibility from the site access, and from the repositioning of the existing gates at the entrance to The Old Vicarage. Whilst substandard in modern highway terms with respect to the visibility to the right as vehicles leave the appeal site, the existing wall is nonetheless partially splayed and visibility for vehicles travelling towards the appeal site along Church Road is reasonable. These factors combined mean that the drivers of oncoming vehicles can anticipate vehicles attempting to leave The Old Vicarage, or any vehicles that are temporarily impeding the carriageway due to the gates being closed. Pedestrian visibility would be unaffected by the proposed visibility splay, as there is no pavement adjacent to where it would be positioned, so no benefit would arise in that respect.

16. Furthermore, and in addition to these considerations, there is no substantive evidence before me to demonstrate that the current access or positioning of the gates cause unacceptable harm to the safe use of the highway, in so far as the entrance serves one dwelling. Therefore, the considerations relating to

improved visibility and to the gate represent only a limited benefit, and one which does not outweigh the harm to the setting of the listed building. Such a limited benefit also does not outweigh the harm to the character and appearance of the area that I have identified earlier.

17. For these reasons I conclude that the proposal would cause harm to the setting of the grade II listed St Anne's Church, and also result in harm to the significance of The Old Vicarage as a non-designated heritage asset. The proposal would therefore fail to accord with Policy DC1 of the CS where it refers to contributing to and complementing the special character and heritage of the area. The proposal would also fail to accord with Policy DC2 of the eLP which refers to the protection of designated and non-designated heritage assets. There would be conflict with The Framework, because the harm to the setting of the listed church is not outweighed by public benefits and because there would be harm to the significance of a non-designated heritage asset.

Other Considerations

18. Both parties agree that a 5 year housing land supply cannot be demonstrated, with the appellant placing the figure at 1.8 years. This represents a significant under supply. The provision of a new dwelling would be a benefit arising from the proposed development however the overall benefits resulting from one dwelling, including in boosting the supply of housing in the district, would be small and can carry only limited weight in support of the proposal. Therefore, this consideration does not outweigh the conflict with the relevant policy of the development plan which is outlined in this decision, and whose objectives are consistent with The Framework.

19. The appellant has referred to the possibility of the wall in question being removed without the need for planning permission, on the basis that this would not be development. However, the wall retains the land and tree behind it and therefore it would seem unlikely that such an option would be pursued. Accordingly, I give this consideration only very limited weight and it does not outweigh the harm that would result from the proposed development.

20. An Arboricultural Report (AR) dated November 2018 has been provided and this categorises the protected Horse Chestnut tree that would be removed as part of the development as within Category C, with an estimated minimum life expectancy of 10 years, due to defects that are identified within the report. The AR recommends that the tree is monitored and re-inspected in 12 months, however I have not been provided with any evidence relating to a re-inspection. Therefore, whilst I note the comments of the Council's Arboricultural Officer that were made in February 2019 and that these do not dispute the general findings of the AR, there is insufficient information before me to make an informed judgement on the current health of the tree.

21. The appellant further suggests that the replacement of the tree could be secured by a planning condition, but the appeal proposal would result in the loss of the prominent area of land on which the existing tree stands. No details have been provided as to how any replacement planting could ultimately replicate the positive contribution that the existing tree, in its current location, makes to the character and appearance of the area and to the setting of the listed building. Therefore, the information that has been provided with respect to both the health of the tree and its possible replacement does not adequately justify its proposed removal and the level of harm that would arise as a result.

The paragraph 11d) balance

22. As the Council cannot demonstrate a 5 year housing land supply, paragraph 11d) of The Framework is triggered. However, as per part i) of this paragraph, permission should not be granted if the application of policies in The Framework that protect areas or assets of particular importance, including designated heritage assets, provides a clear reason for refusing the development proposed. Therefore, as there would be harm to the setting of a listed building and this harm is not outweighed by public benefits, the proposal does not benefit from the presumption in favour of sustainable development that is set out in Paragraph 11 of The Framework.

Planning Balance and Conclusion

23. The proposal would not accord with the relevant development plan policy, Policy DC1 of the CS, which seeks to protect character and appearance and heritage. There would also be a conflict with Policy DC2 of the eLP and the policies of The Framework where they seek to serve the same objectives. The considerations relating to the provision of one new dwelling, alterations to the existing access, the potential removal of the wall and to the protected tree do not outweigh the conflict with the development plan that I have identified. Furthermore, for the reason I have outlined, the proposal does not benefit from the presumption in favour of sustainable development set out by The Framework.

24. Therefore, there are no material considerations which indicate that the determination of this appeal should be made otherwise than in accordance with the development plan, and I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR