The Planning Inspectorate

Appeal Decision

Site visit made on 11 May 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2021

Appeal Ref: APP/B3438/W/20/3265202
Brandon House Farm, Town End Road, Foxt ST10 2HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr and Mrs Tom and Judith Hutchinson against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0219, is dated 15 April 2020.
- The development proposed is erection of dwelling.

Decision

1. The appeal is dismissed and planning permission for the erection of a dwelling is refused.

Application for costs

2. An application for costs was made by the appellants against Staffordshire Moorlands District Council. That application is the subject of a separate decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I am required to consider this appeal based on the current Framework. Both main parties have had the opportunity to comment on the revised Framework. I am satisfied that the revised Framework carries forward the main policy areas from the earlier Framework, as relevant to this appeal.

4. Following the lodging of the appeal, the Council has indicated that, had it been in a position to do so, it would have refused the application for the following reason:

    - The proposed development, by virtue of the scale and design of the proposed dwelling, would lead to "less than substantial harm" to the character and appearance of the Conservation Area and would not provide any public benefit that is considered to outweigh the level of harm. The proposal is therefore contrary to Section 16 of the Framework which aims to protect and enhance Conservation Areas and is also contrary to Policy DC2 of the Council's adopted Local Plan which also has the same aim.

Main Issue

5. The effects of the proposed development on the Foxt Conservation Area (FCA) and on the setting of nearby Listed Buildings;

Reasons

6. The site is located within the FCA. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. The FCA Character Appraisal (2018) states that the key characteristics of the FCA include (amongst others): the drystone walls; small clusters of farmstead groups; and important 17th century farmhouses. The FCA Character Appraisal goes on to advise that Foxt is special for the rare surviving relationship between farmstead and enclosure or croft within the earliest settled part of the village (para 6.8). It is from such features and characteristics that the significance of the FCA is derived.

7. The appeal site comprises an irregular-shaped field that is largely enclosed by traditional drystone walling and is located immediately north of the stone-built Brandon House Farm. The site is relatively centrally located within the village and is bounded by a narrow and curving country lane (Town End Road) that wraps around the site to the north and east. Another open field, again predominantly drystone wall bounded, adjoins the site to the west. Many of the nearby buildings are recognised as 'positive buildings' within the FCA Character Appraisal, including: Brandon House Farm and Brandon House located to the south of the site; and Manor House, the Coachhouse, and Rock House Farm located across Town End Road from the site to the east. The 17th century Bolton Farmhouse (Grade II Listed) is located to the south east of the site and the Grade II Listed Gate Farmhouse (dated 1624) and Barn are located to the south west of the site.

8. The central location and elevated topography of the site means that there is substantial intervisibility of the site and the surrounding heritage buildings, including the non-designated Brandon House Farm and Manor House, and the Grade II Listed Gate Farmhouse and Barn. The site, as a well-preserved tear shaped, drystone wall bounded agricultural enclosure linked to the historic Brandon House Farm, makes a substantial positive contribution to the significance of the FCA. The site also, by virtue of its historic agricultural form within the cluster of traditional farmsteads and its intervisibility with Gate Farmhouse and Barn, contributes positively to the surroundings in which those Listed Buildings are experienced. Whilst the setting of surrounding Listed Buildings does not specifically form part of the Council's case, an objection in this regard has been raised by an interested party. I have therefore applied my duty under Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

9. I have had regard to the design amendments highlighted within the submissions of Avalon Heritage. Whilst I appreciate rural buildings often have irregular fenestration, neither the large areas of glazing on the western elevation, nor the round window on the northern elevation, respect the character of fenestration found on traditional buildings in the FCA. The two-storey dwelling would be harmfully prominent on the traditional teardrop

shaped enclosure, severing the readily perceived historic relationship between farmstead and enclosure. This detrimental impact on the legibility of the historic agrarian layout would be harmful to the setting of Gate Farmhouse and Barn, and to the distinctive settlement form of the FCA. The dwelling would appear incongruous in views of the site and the surrounding designated and non-designated heritage assets, including Brandon House Farm, Manor House, and the Grade II Listed Gate Farmhouse and Barn.

10. With reference to Paragraphs 199 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. The harm to both the setting of Gate Farmhouse and Barn, and to the character and appearance of the FCA, and therefore to their significance, would be less than substantial. However, less than substantial harm does not equate to less than substantial weight in the planning balance and therefore, in accordance with the Framework paragraph 199, I find the harm attracts great weight. Under such circumstances, Policy DC 2 of the Staffordshire Moorlands Local Plan (2020) (the Local Plan) and paragraph 202 of the Framework require that the harm be weighed against any public benefits that the proposal might secure.

11. The proposal would result in some economic and social benefits, including through the dwelling's construction and as a result of a slight increase in spending and patronage of services in the local area contributing to the vitality of the rural community. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing. However, as the proposal is for only a single dwelling, the benefits identified attract limited weight.

12. These public benefits would fail to outweigh the considerable importance and great weight I afford the harm to the FCA and to the setting of Gate Farmhouse and Barn. As such, the proposal would conflict with Policy DC2 of the Local Plan which requires, amongst other things, development to conserve and where possible enhance heritage assets, including their setting, in a manner appropriate to their significance. It would also conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.

Other Matters

13. I note that the Council previously granted permission[1] for a detached bungalow on the site in February 2018. It has been put to me by the appellants that the earlier permission remains extant and that its completion would result in a dwelling that would be more harmful to the character and appearance of the Conservation Area. The Council, to the contrary, considers that the current proposal, due to its scale and design, does not amount to an improvement on the previous approved dwelling.

14. I have been provided with some limited details of the earlier permission, including the decision notice, a comparative outline floorplan, and e-mail correspondence between the appellants and the Council regarding the discharge of various conditions. I note that the current scheme has a more linear floorplan that would, in this regard, better integrate with the character of

[1] LPA Ref: SMD/2017/0588

surrounding rural buildings. I have not, however, been provided with the elevational drawings for the earlier permission and so cannot make a direct comparison. As such, I cannot be certain the current proposal would be less harmful than the earlier permission and this significantly limits the weight I can attach to the earlier permission. Indeed, the additional first floor of the current proposal suggests that it would be significantly more prominent than the bungalow proposed in the earlier permission.

Conclusion

15. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise. I have acknowledged the benefits of the proposal in the above heritage balance. Overall, however, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan.

16. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR