



Appeal Decision

Site visit made on 7 October 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2024

Appeal Ref: APP/A2525/W/24/3343297

Adj Tysdale Bungalow, Common Way, Tydd St Mary, Wisbech, Cambridgeshire PE13 5QH

- 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 and Mrs N Payne against the decision of South Holland District Council.
 - The application Ref is H21-0936-23.
 - The development proposed is erection of 2 no. single dwellings and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is situated within the Tydd St Mary Conservation Area and is located in close proximity to the Grade II listed building known as Tysdale Manor. In considering whether to grant planning permission, I have been mindful of my statutory duties under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the site is an appropriate location for the proposed development having regard to the development plan; and
 - the effect of the proposed development on the character or appearance of the Tydd St Mary Conservation Area (CA) and whether the proposed development would preserve the setting of the Grade II listed building known as Tysdale Manor.

Reasons

Location

4. The appeal site forms part of a paddock and is located outside of, but immediately adjacent to the settlement boundary of Tydd St Mary as defined on the Policies Map Inset Map No 25 in the South East Lincolnshire Local Plan 2011-2036 (2019) (SELLP). The site is therefore in the countryside for the purposes of decision making.
5. Policy 1 of the SELLP states that in the countryside outside the defined settlement boundaries, development will be permitted that is necessary to such

- a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
6. The Council has confirmed that it is able to demonstrate a 5-year supply of deliverable housing land and this has not been disputed by the appellant. In the circumstances, there does not appear to be any urgent need to locate the proposed dwellings in the countryside. Indeed, I have seen no objective evidence to suggest that the proposed development in the countryside is necessary to meet the sustainable development needs of the area.
 7. The appeal site's location adjacent to dwellings within Tydd St Mary means that it is not isolated for the purposes of applying the National Planning Policy Framework (the Framework). Tydd St Mary is identified as a Minor Service Centre in the SELLP and has a limited number of existing facilities including a shop, pub, primary school and a church. The proposed dwellings would have comparable accessibility credentials to other dwellings within the settlement boundary in terms of the proximity to these facilities and would therefore support the settlements role as a Minor Service Centre.
 8. Nevertheless, the supporting text to Policy 1 of the SELLP suggests that Minor Service Centres often rely on their close proximity to larger service centres for a wider range of local services and facilities and for this reason, it advises that development within them is likely to be limited to any allocations made in the plan, existing commitments, changes of use and infill development. The occupiers of the proposed development would be likely to have reliance on access via private motor vehicles in order to access a wider range of services and facilities not available in Tydd St Mary, although it is acknowledged that there are bus services operating through the village which may provide an alternative option.
 9. While the above factors indicate that the site would still perform adequately from an accessibility perspective, this is not the only factor in considering whether the proposed development would meet the sustainable development needs of the area in line with the requirements of Policy 1 of the SELLP. Sustainable patterns of development in line with the spatial strategy for the area are also important for environmental reasons, including for example to ensure the proposed development does not harm the character and appearance of the CA or the setting of the listed building, matters to which I have identified harm under the second main issue. Furthermore, any social or economic benefits associated with the proposed dwellings would not be of a level that could be said to meet the sustainable development needs of the area in these respects.
 10. Given the above, I conclude that the site is not an appropriate location for the proposed development having regard to the development plan. In this regard the proposed development would conflict with Policy 1 of the SELLP which requires countryside development to be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The proposed development would also be contrary to Paragraph 15 of the Framework which confirms that the planning system should be genuinely plan-led and to provide homes in a sustainable manner.

Heritage Assets

11. The boundaries of the CA encapsulate the east part of Tydd St Mary. This includes the linear built form located along main routes through the village along Common Way and Rectory Road, in addition to the built form along Church Lane and Mill Lane. It also includes parts of agricultural fields and paddock land including their hedgerow boundaries, many of which contain lines of mature trees, located adjacent to the built form of the settlement. The significance of the CA is partly informed by the dominance of St Mary's Church and the villages long history evident in the quality and range of its buildings which tend to be spaciouly arranged along road frontages. Significance is also derived from the CA's verdant character and connection to the countryside that surrounds it. Consequently, the undeveloped spaces, trees and planting, many buildings spaciouly arranged along road frontages and views out to the wider countryside are unifying characteristics across the CA and contribute to its special interest and significance.
12. The appeal site comprises part of an undeveloped paddock located between Tysdale Bungalow and The Old Smithy, with a field gate access. The Old Smithy is a modestly scaled dwelling located in a curved shaped plot separated from the appeal site by a post and rail fence. Tysdale Bungalow is a detached dwelling located in a substantial plot and set back from the roadside. The frontage of the appeal site is set back from Common Way by a highway verge which contains a hedgerow and line of mature trees, visually separating it from the terraces which front Common Way on the opposite side of the street. Views of the countryside beyond are achievable. The appeal site is open on its remaining sides. The existing undeveloped appeal site has an open and verdant character, and in combination with the paddock beyond, provides undeveloped open space that positively contributes to the character and appearance of the CA.
13. The Grade II listed building known as Tysdale Manor comprises a 4 bay colourwashed render over brick house with two large red brick ridge stacked fronting Common Way behind a low brick wall. The significance of the listed building is derived in part from its age, surviving historic fabric and its prominent position on a spacious plot fronting a main route through the village.
14. The appeal proposal is for the erection of two dwellings each served off a single shared drive that would utilise the existing access. Each dwelling would have an individual yet traditional design and a detached garage. One garage would be located between the dwellings and the other would in contrast be positioned forward of their frontage. Whilst there would be a small gap to the boundaries of the Tysdale Bungalow and The Old Smithy, the proposed buildings themselves would have more limited spacing and the site frontage would be dominated by hard landscaping which would only be partly screened by the existing landscaping located to the front of the site.
15. Furthermore, the two-storey height and siting of the proposed buildings forward of Tysdale Bungalow would contrast with its lower height and its more spacious front garden. The introduction of domestic buildings including boundary treatments and hard landscaping would collectively urbanise the appeal site, at odds with the more spacious arrangement of many of the buildings along the road frontage. Even with additional soft landscape planting including hedgerow along the boundaries, this would be in stark contrast to the

current open character of the site and would diminish the visibility of the countryside from the CA and result in the loss of an undeveloped open area of land which contributes positively to the CA's character and appearance.

16. The listed building is located diagonally to and on the opposite side of the road to the appeal site. The appeal site contributes towards the semi-rural context of the street scene that is part of the setting of the listed building. The proposed development would be conspicuous within the setting of the listed building, particularly through existing gaps in trees including the gap where the proposed access driveway would be located. Consequently, the proposed development would unacceptably erode the semi-rural character that provides the setting of the Grade II listed building.
17. For these reasons, the proposed development would fail to preserve or enhance the character or appearance of the CA and would not preserve the setting of the Grade II listed building known as Tysdale Manor. It follows that the proposal would fail to accord with the statutory presumption under s66(1) and s72(1) of the Act and there would be harm to the significance of the CA and the listed building as designated heritage assets.
18. Given the scale and nature of the proposal, the degree of harm to the significance of the CA and the listed building would be less than substantial. Paragraph 208 of the of the National Planning Policy Framework (the Framework) this harm should be weighed against the public benefits of the proposal.
19. Public benefits would be derived from the delivery of two dwellings that could be built-out quickly, add to the choice of homes supporting the Government's objective to boost the supply of housing. There would be some economic benefits associated with the construction phase and as future occupiers would feed into the local economy. There would be some social benefits derived from support to local services and facilities within the village. There could be some environmental benefit due to the appellants intentions to install features such as photovoltaic panels and rainwater harvesting tanks and through measures to improve the biodiversity of the site including hedgerow, tree and wildflower planting.
20. Even cumulatively, the wider public benefits associated with two dwellings would be modest and carry moderate weight in favour of the proposal. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance. Even cumulatively, the weight of public benefits in favour of the proposed development would not be sufficient to outweigh harm to the significance of designated heritage assets identified.
21. The proposal therefore fails to accord with the historic environment protection policies of the Framework. Conflict also arises with Policy 29 of the SELLP which requires proposals within a CA to preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting and requires proposals that affect the setting of a listed building to preserve or better reveal the significance of the listed building.

Other Matters

22. The appellant advances that the appeal scheme would be similar to a development opposite the appeal site (application references H21-0504-18 and H21-1013-20). The evidence before me suggests that this particular site was previously occupied by buildings, was approved under a different development plan and is within the settlement boundary of Tydd St Mary. It is not therefore directly comparable to the appeal scheme for these reasons.
23. A series of other planning permissions have been drawn to my attention (including application references H23-0797-23, H22-0456-23, H21-0537-23, H23-0970-22, H23-0797-23 and H22-0984-23 and H09-0950-22). However, no precise details of the location or planning circumstances of those schemes have been provided. Reference to an outline planning application for 28 houses currently awaiting determination by the Council (application Ref H21-0143-23) has also been made. I am not party to the evidence before the decision-maker to reach a view as to whether any of these schemes are comparable or not. In any event, the appeal has been decided taking into account my own statutory duties as the decision-maker for this appeal and the site-specific circumstances of the proposed development.
24. The appellant has confirmed that the proposed dwellings would be self / custom build dwellings individually designed by their sons. The personal circumstances set out in the statement have been considered but do not provide justification for development in this location which would conflict with the sustainable objectives of the development plan and the Framework. Furthermore, there is nothing before me to suggest that the proposal would meet any unmet need on the Council's self and custom housebuilding register, nor that any such need could not be met through the spatial strategy. Furthermore, whilst the appellant has suggested that they would be prepared to have this controlled by legal agreement, there is currently no mechanism before me by which to secure the site for development which meets the provisions within the Self-Build and Custom Housebuilding Act (2015).
25. The impact of the proposed dwelling on the living conditions of neighbouring occupiers, flood risk, biodiversity and contamination are not in dispute. Even so, this does not overcome the harm identified with respect to the main issues.

Conclusion

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR