The Planning Inspectorate

Appeal Decision

Site visit made on 7 November 2017

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th November 2017

Appeal Ref: APP/A2525/W/17/3182077
Rear and Adjacent Tysdale Farm, Common Way, Tydd St Mary, Spalding PE13 5QH

- 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 M Mallett against the decision of South Holland District Council.
- The application Ref H21-0306-17, dated 26 March 2017, was refused by notice dated 30 May 2017.
- The development proposed is proposed development of 7 No new dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Both main parties refer to draft policies of the South East Lincolnshire Local Plan Publication Draft March 2017. In accordance with paragraph 216 of the National Planning Policy Framework (the Framework) weight may be given to emerging policies subject to the extent of unresolved objections. There is no evidence before me which allows me to make this judgement and as these policies have not yet been examined I have attached limited weight to them.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area bearing in mind it would be within the Tydd St Mary Conservation Area and within the setting of the grade II listed Tysdale Manor.

Reasons

4. The appeal site forms part of an area of redundant agricultural land between a row of terraced dwellings, farm buildings and the grade II listed Tysdale Manor. The majority of the site is within the Tydd St Mary Conservation Area (CA).

5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings. Moreover, paragraph 132 of the Framework states that when considering the impact of new development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The CA is characterised by traditional buildings of a variety of sizes mainly positioned facing the road, with spaces between them. There is also mature planting in front gardens and between the buildings. The properties display traditional architectural details and are finished in complementary materials. As such the grade II listed Tysdale Manor is a substantial hall house with traditional architectural detailing positioned facing and close to the road.

7. Thus, I find the area has a traditional and verdant character and appearance and the significance of the CA and the listed buildings within it is derived from the architectural quality of the varied buildings which are spaciously arranged along road frontages.

8. The proposal would involve the erection of three two storey terraced dwellings close to, but angled away from the line of the road. Some distance behind these would be two large detached dwellings and two large semi-detached dwellings gathered around a courtyard. The proposed development would be constructed using materials prevalent in the area including gravel surfacing and post and rail fencing.

9. However, whist I note the proposed terrace would be roughly in line with the neighbouring terrace and would allow the retention of the existing trees, it would be set back and angled away from the road. Through its scale and angled positioning close to the site boundaries and driveway it would appear cramped and in conflict with spacious layout of Tysdale Manor and the neighbouring terrace which is formally positioned directly adjacent to the footway.

10. I acknowledge that the four dwellings arranged around a courtyard have been designed to reflect and would be adjacent to existing traditional farm buildings which benefit from planning permission[1] for conversion to two dwellings. However, they would be four large properties some distance from Church Way /Common Way.

11. Whilst, Church Lane and Mill Lane are side roads to Church Way /Common Way, the properties on them consistently follow the wider linear pattern of development. In my view, the four dwellings to the rear of the appeal site would not look like a complex of farm buildings they would appear as a courtyard of large modern executive houses at odds with the prevailing frontage pattern of development in the area.

12. For these reasons I find the proposal would appear cramped and at odds with the spacious and frontage pattern of development in the area. Thus harming the significance of the CA and failing to preserve its character or appearance. For the same reasons it would also harm the setting and significance of the grade II listed Tysdale Manor.

13. Thus, the proposal would be contrary to the provisions of the respective sections of the Act and would fail to accord with paragraph 132 of the Framework, which attaches great weight to the conservation of designated heritage assets. It would also be in conflict with saved Policy SG14 of the South Holland Local Plan (2006) (LP) which among other things seeks to

[1] Council Reference H21-0794-10

achieve good design and ensure that new development reflects the historic pattern of development in the locality.

14. That said, in the context of the significance of the heritage assets as a whole, I would calibrate the harm arising from the proposed development, in accordance with paragraphs 133 and 134 of the Framework, as less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring.

15. There would indeed be some public benefits, such as seven more dwellings three of which would be affordable thus contributing to housing supply. The proposed dwellings would be close to services and facilities such that they could be easily accessed through walking and cycling and the area has access to reasonable public transport connections.

16. The occupants might work locally and support local services and there may also be employment opportunities associated with construction. I also acknowledge the visual benefit associated with the removal of the existing corrugated metal buildings and a caravan. However, the combined benefits are modest, and do not outweigh the great weight I attach to the harm I have identified to the designated heritage assets.

17. In reaching these conclusions I acknowledge that the Council is unable to demonstrate a five year supply of deliverable housing land within the terms of paragraph 47 of the Framework. However, the proposal would only make a modest contribution to the supply of housing and I have found significant harm to designated heritage assets which are not outweighed by the public benefits. Consequently, footnote 9 from the Framework indicates that development should be restricted.

Other Matters

18. I note that planning permission was refused on part of the site for a large detached two storey dwelling[2]. However, that scheme is not before me and differs significantly from the appeal proposal such that I have afforded it limited weight.

19. I also note the comments with regard to pre application advice. However, I have determined the appeal on its planning merits and found harm to the character and appearance of the area and heritage assets which are not outweighed by the benefits of the scheme.

Conclusion

20. For the reasons given above, on balance the proposal would not accord with the development plan and therefore having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

[2] Council Reference H21-0137-16