
Appeal Decision

Site visit made on 12 December 2016

by Elizabeth Hill BSc(Hons), BPhil, MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/L3245/W/16/3158559

Land adjacent to Pound Court, Mill Lane, Wollerton, Shropshire, TF9 3NB

- 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 J Rickerby against the decision of Shropshire Council.
 - The application Ref 15/05053/OUT, dated 24 November 2015, was refused by notice dated 28 April 2016.
 - The development proposed is described on the application form as 8 no. residential dwellings with associated hard and soft landscaping and creation of new access.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is in outline form with all matters reserved for subsequent determination.
3. The original application was for 8 dwellings but was amended to four dwellings prior to determination by the Council. Since I do not consider that anyone would be prejudiced by my consideration of the smaller proposal, I have based my decision on the amended description for four dwellings and the amended illustrative plans.

Main Issues

4. The main issues in this case are:
 - a) whether the proposal would provide a suitable site for housing; and,
 - b) the impact on the setting of nearby listed buildings.

Reasons

Housing

5. The proposed development lies outside the village development boundary for Wollerton, which is defined as a community cluster area, together with Marchamley and Peplow, in policy MD1 of the Site Allocations and Management of Development (SAMDev) Plan, adopted in December 2015. Section s11.2(viii) of the SAMDev states that there will be limited future housing in these areas, with 15 dwellings to 2026, with Wollerton and Marchamley providing dwellings through limited infilling, conversions and groups of dwellings on suitable sites inside the development boundaries for the villages.

Development outside development boundaries is covered by policy CS5 of the Shropshire Core Strategy (CS), adopted in March 2011, where new development will be strictly controlled.

6. Wollerton is claimed to be of mediaeval origins or earlier. The historic core of the village, with a number of listed buildings, lies to the south of the more modern village and the village development boundary is drawn round the core of the newer area of the village. The appeal site, which is greenfield, lies close to the older core, well beyond the village development boundary as currently defined by the development plan. It is bounded on two sides by country roads along which development is more sporadic with fields and green spaces in between. The boundaries are hedgerows/low walls but a new access would be created and the development, which is shown as two-storey on the illustrative plans, would be seen through the access and other gaps in the hedgerow as an incursion into the countryside.
7. Despite its reduced size in terms of footprint, as shown on the illustrative plans, the proposed development would represent new development on a significant scale for the size of the village, especially if it was additional to the infill sites which might be developed within the village development boundary. The amended proposal reduces the footprint in comparison to the scheme as originally submitted, removing the covered parking area with an open parking area, and breaking the built form into two separate blocks. However, overall this does not translate into much of a reduction in terms of the overall mass of built development on the site.
8. The amended plans show two blocks of buildings around a courtyard, but the regular shape of the proposed buildings shown in the illustrative plans would be incongruous with the surrounding older buildings which have evolved over time and have a more organic, irregular outline. As such, I do not consider that the proposal would fit into the existing grain and form of the existing older cluster of development to the east and south-east of the plot and would be seen as out of keeping with other development locally. Therefore it would not comply with the principles for sustainable design set out in policy CS6 of the CS. This policy seeks to protect, restore, conserve and enhance the natural, built and historic environment, by being appropriate in terms of scale, density, pattern and design, taking into account local context and character.
9. CS policy CS1 sets out the levels of growth in rural areas and policy CS4 the need for rural communities to become more sustainable. However, the SAMDev sets out how that will be achieved in the Marchamley, Peplow and Wollerton community cluster, in policies MD1 and S11.2. The Council has indicated that there are potentially four available infill plots within the village boundary and, although these mainly depend on plot subdivision, there is nothing to suggest that they will not come forward for development in due course. If the levels of housing set out in the local plan did not come forward and it was considered that a revision of the village development boundary was necessary, this would be a matter for the review of the local plan.
10. The appellant has pointed out that a development near Laburnum Villa, outside the village boundary, was approved by the Council (quoted as Ref 14/05144/OUT). He says that this was partly on the basis that it would improve the supply of housing, support building jobs and help existing facilities remain viable. However, this would also be the case for any dwellings built on

the infill plots within the village boundary and the amount of development necessary in the community cluster has already been considered by the SAMDev, which was adopted after the development quoted by the appellant had come forward. Although a local public house has already closed, there is no evidence that any of the other community facilities in the village are under threat and neither has any detailed evidence been submitted that there is currently a shortage of housing land in Shropshire. Policy CS5 of the CS strictly controls development in the countryside. The proposal would not fall into any of the exceptions set out in the policy and I have already considered the extent to which there would be local economic and community benefits from it. As such, I consider that the proposal would be contrary to this policy.

11. Therefore I conclude that the proposal would not provide a suitable site for housing and would be contrary to policies CS1, CS4, CS5 and CS6 of the CS and policies MD1 and S11.2 (viii) of the SAMDev.

Heritage assets

12. The site is not within a Conservation Area. However, a number of listed buildings are located in the vicinity of the site, together with non-designated heritage assets, as described in the appellant's heritage impact assessment (HIA). There is no suggestion that the development proposed would have a direct impact on any listed building or non-listed heritage asset. Nevertheless, S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. Considerable weight and importance is to be given to any harm in this respect. Whilst no statutory protection is afforded to the setting of other heritage assets, paragraphs 128 and 129 of the National Planning Policy Framework (NPPF) require an assessment of the significance of heritage assets that might be affected by a development proposal, including any contribution to their significance made by the setting of those assets. Paragraph 132 of the Framework confirms that the significance of a heritage asset can be harmed or lost through development within its setting.
13. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. Setting embraces all of the surroundings from which an asset can be experienced, or that can be experienced from or within the asset. Where there would be an impact on the setting, an assessment is then required as to whether that impact would harm the special interest and significance of the asset.
14. The nearest listed buildings to the site are a grade II listed animal pound, which is also a Scheduled Ancient Monument, and the grade II listed Pound Cottage. The pound, which dates from the late 18th/early 19th century, is a modest horseshoe-shaped structure constructed of red hand-made brick with a moulded stone coping, standing almost 2 metres high. It occupies a prominent location, sited on a small grassed island at a road junction, immediately to the north-west of the appeal site. As an interesting and unusual surviving feature of the early agricultural settlement, its special interest derives not only from its individual form and historic fabric, together with its collective value as part of the grouping of historic buildings in this part of the village, but also from the open fields that surround it, including the appeal site, which provide an historic context for the structure. Notwithstanding the hedgerows and walling on the boundaries that currently separate the appeal site from the pound, the pound

and the site are seen together from the road near the village room and in glimpsed views elsewhere through the hedge. As such, I consider that the appeal site lies within the setting of the pound and that the open and undeveloped nature of the appeal site contributes to the special interest and heritage significance of the listed structure.

15. I recognise that it is intended to retain the hedgerows and walling, which would be considered under reserved matters. However, even if the boundary treatment remained, it is likely that the upper parts of the proposed two storey buildings would be seen over it. The appeal scheme would bring built development much closer to the pound, eroding its open rural, agricultural setting, compromising the link between the pound and the older agricultural buildings which represent the environment which it would have served. All in all, I do not agree with the appellant's HIA that the effect on the special interest of the listed pound would be negligible in this regard. Rather, there would be a material adverse effect, although the harm would be less than substantial, in the terms used in the NPPF.
16. The grade II listed Pound Cottage lies a short distance just to the north-east of the appeal site. It is a timber-framed dwelling, of probably 17th century origin, and is a prominent feature when viewed from the road, over its low boundary wall. The special interest of Pound Cottage is derived largely from its age, form, fabric and use. Although it has been much altered and is now surrounded by domestic gardens, it has been well-restored, albeit with some modern fabric. The HIA states that, historically, part of the appeal site was an orchard associated with Pound Cottage and/or the wider group of buildings, and was once within the curtilage of Pound Cottage. There is intervisibility between the two, the appeal site lying within its setting. Although the orchard has mostly been grubbed out now, the appeal site had a functional link to the historic buildings, including Pound Cottage, and thus contributes to its special interest and heritage significance. The development proposed would intrude into its open agricultural setting with consequent harm to that special interest and significance. Again though, that harm would, in the terms used in the NPPF, be less than substantial.
17. The former farmstead of what is referred to as Pound Court or Pound Farm, lies immediately to the east of the appeal site. It comprises a grouping of unlisted red brick former agricultural buildings, probably of early 19th century date, arranged around three sides of a foldyard, with Pound Cottage lying just to the north. The buildings have been converted to residential use, with the adjacent land having been subdivided into private gardens. Whilst the buildings are not listed, they have heritage significance and comprise a non-designated heritage asset, as recognised in the HIA. Although there has been a change to their use and immediate surroundings, the fabric of these buildings has been largely preserved and their layout and inter-relationship within the larger group is important to the historic context of the area. Moreover, as confirmed in the HIA, the appeal site was once part of the farm. It forms part of the green, agricultural context for this group of buildings and is an integral part of their setting. Notwithstanding the gardens that now surround the buildings, their presence is a visual reminder of the agricultural history of this part of the village, the open undeveloped nature of the appeal site allowing for an appreciation and understanding of the buildings in their wider context. The development proposed would, therefore, result in some harm, albeit less than substantial harm, to the heritage significance of Pound Court.

18. Other listed buildings referred to by the parties are further away from the appeal site than the buildings already referred to. These include the grade II* listed Wollerton Old Hall, and its outbuildings, and Wollerton Farm (the farm house to which and a barn, North Barn, are grade II listed), as well as 1 and 2 Wollerton, also grade II listed. All of these buildings lie approximately south-east of the appeal site. The noted gardens to Wollerton Old Hall lie mainly to the rear of that building.
19. The heritage significance of the Old Hall, a former high status residence, is largely derived from its historic age (likely to be late 16th century) form, fabric and surviving architectural features, including the close-studded timber-framing to the front gable. It is set back from the road in a fairly secluded position. In what limited public views there are, it is seen within the context of the other buildings in that immediate grouping. There is no intervisibility with the appeal site nor any suggestion of any functional connection. The other buildings in this group also derive their special interest and heritage significance largely from their age, vernacular form and architecture. In terms of setting, the Old Hall and the other buildings in its vicinity derive most of their significance from their more immediate, rather than extended, setting.
20. Nevertheless, inasmuch as the undeveloped nature of the appeal site is part of the immediate rural context for this historic grouping of buildings, which lie within the oldest part of the settlement, I am persuaded that it does make some, albeit limited contribution to their heritage significance. Although the site is a little distant from the group, it forms an important green backdrop/frontispiece to them. Any development on the site would impact on the ability of the public to interpret the heritage significance of the building group. In addition, the deep setback of the group from the road along the main road frontage, past the Old Hall and turning the corner toward the village room, which includes the development site, serves to separate the older core of the village and its heritage assets from the more modern centre. The site also has a role, therefore, in preserving their wider setting. Development in this area would have an adverse effect on it, albeit that the harm would be less than substantial.
21. There would be no loss of any heritage asset, as the harm I have identified relates only to their setting. I recognise that the application is in outline form and that detailed design is reserved for subsequent approval. Even so, I am in no doubt that the impact consequential upon the erection of four dwellings on the land here would undermine the open, former orchard/agricultural nature of the appeal site, which I have found to be an integral part of the special interest and historic significance of the buildings here to varying degrees. Whilst there would be less than substantial harm, in terms of the NPPF, this would still need to be weighed in the planning balance.
22. Paragraphs 134 and 135 of the NPPF require the harm that I have identified in this regard, to be weighed against the public benefits of the proposal. Some of the public benefits have already been assessed in terms of impact on the countryside, above. The promotion of further development in the village would provide housing and would support facilities and services locally. However, the site is outside the village development boundary and the Council has demonstrated that there are areas which could be developed within the village sufficient to accommodate its needs and support facilities and services, as set out in the local plan. Whilst I accept that there would be no harm to ecology,

and that trees could be protected by appropriate conditions, which would comply with policy CS17 covering environmental networks, these are neutral matters in the balance.

23. As such, I consider that the public benefits of the proposal would not outweigh the identified harm and I conclude that the proposal would be contrary to Section 12 of the NPPF and policy CS6 of the CS.

Conclusions

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

E A Hill

Inspector