



Appeal Decision

Site visit made on 17 December 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/L3245/W/19/3238000

The Bayliffs House, 60 Spout Lane, Benthall, Broseley TF12 5QZ

- 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 & Mrs S Duboulay against the decision of Shropshire Council.
 - The application Ref 18/04313/FUL, dated 7 September 2018, was refused by notice dated 27 March 2019.
 - The development proposed is the use of land for the stationing of 8 eco-pods for holiday use with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the Broseley Conservation Area (CA) and the setting of the Grade II listed building at The Bayliffs House, Sprout Lane, Benthall.

Reasons

3. The Bayliff's House is an extended Grade II, two-storey stone and brick dwelling with notable architectural features considered to date from the C16 with later remodelling. The main parties evidence identify it as having historic significance as a consequence of its relationship to the management of the estate associated with nearby Benthall Hall. Accounts suggest that from its initial establishment on a farming basis it has seen a variety of uses, particularly in conjunction with the local industrial heritage. It is currently used as a residential dwelling.
4. The house is isolated within a purposefully formed wide clearing within the more rural western fringe of the CA. The clearing is divided by a driveway which is a public right of way that runs north to south centrally through the open area. An evergreen hedge screens the private residential gardens and field area lying the eastern side of the path. This path forms part of a network of rights of way about the Ironbridge Gorge World Heritage Site a short walk to the northeast.
5. The setting of the building derives from the quiet rural seclusion of the open clearing within the context of the mature woodland which rises notably to the north and western sides. The isolated position of the building close to the footpath subsequently forms a strong focus within and about the clearing. Here, the sense of detachment and solitude reflects its former status and influence in the wider area.

6. The wider CA has considerable historic significance deriving from its association with the Industrial Revolution being a focus for manufacturing and innovation. The area has subsequently seen historic phases of growth and decline but has maintained a strong sense of semi-rural character derived from the woodland areas about Ironbridge Gorge and outlying farmlands.
7. The appeal site lies to the west of the driveway and is a crowned area of rough vegetation with a few tree stands towards its southern edge. The land has a gentle fall from north to south. A timber post and rail fence has been erected along its eastern limit where it borders the footpath.
8. As the site lies within the CA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. Furthermore, Section 66(1) of the Act, requires a decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
9. Paragraph 189 of the National Planning Policy Framework (the Framework) advises that applicants should be required to describe the significance of any heritage assets affected by development and the potential impact of the proposal on the significance. As a minimum the relevant historic environment record should have been consulted and appropriate expertise used.
10. The appellant has submitted an archaeological assessment providing detail of the historic relationship of the appeal site with the house. The document details various phases of development having previously existed in conjunction with the listed building to facilitate agricultural, mineral prospecting, industrial and social uses alongside the associated flows of people and traffic. The industrial heritage is evidenced by the remnants of spoil across northern parts of the site. However, the document fails to assess the effect of the development on either the character and appearance of the CA or the setting of the listed building.
9. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
11. The introduction of the timber pods, associated car park and service infrastructure will give rise to a significant change in the character and appearance of the land. Along with the associated activity, this would cause an urbanising effect that would undermine the semi-natural appearance of the site and reduce its atmosphere of quiet rural seclusion. This would be particularly evident by users of the public footpaths within and about the clearing.
12. Although the appellant submits that use of the pods would generally not accommodate families or pets, the extent of activity at busy times of the day, particularly during holiday periods, would be such that the current character of undeveloped detachment and seclusion would be undermined. The erosion of

- these qualities would consequently fail to preserve or enhance the character and appearance of this part of the CA.
13. Whilst some landscape screening could partly assimilate the development, the introduction of further screen planting along the western side of the footpath would further impair the open nature and singularity of the clearing and therefore fail to preserve its character and appearance.
 14. The proposed use of the land would not have a direct physical impact on the listed building itself. However, the land has a strong association with the dwelling reinforced by the vehicle area and canopied doorway facing on to it. This relationship is strengthened by its context within the confines of the clearing. The development would impose on this close visual association of the land with the building.
 15. The visual clutter of the structures, vehicles and hard standings along with the night time lighting would undermine the sense of isolation and privacy derived from the status of the former bayliff's role. The effect of introducing the proposed use and development into a large part of the site would undermine the focus currently drawn to the building and wider sense of detachment experienced from the adjacent footpath and from the footpaths above the site within the woodland. For those reasons, I conclude that the proposal would fail to preserve the setting of the building.
 16. In the context of the Framework, the extent of overall harm of the proposal to both the CA and the setting of the listed building is no greater than less than substantial. However, less than substantial harm does not equate to a less than substantial planning objection. Paragraph 196 of the Framework confirms that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
 17. The nature of the development is such that it would generate low level employment opportunities and encourage an increase in tourism through a wider offer of the types of accommodation available locally. The local development plan recognises the potential associated benefits to the local economy including supporting other local businesses. It is agreed by the main parties that such benefits could be provided with little effect in terms of accessibility, neighbouring living conditions or ecological interests on and about the site.
 18. In addition, the proposed use would potentially attract higher numbers of visitors to the site such that the significance of the listed building might be more widely appreciated. It is suggested that the income generated from the development would be reinvested in the upkeep of the building although no detailed evidence of that benefit or mechanism to secure it is provided.
 19. The appellant also suggests that the nature of the structures and surfacing of the parking areas is such that they would not be permanent and could be easily removed if no longer required. However, the necessary infrastructure to accommodate and service the pods along with their scale would result in a development a significant degree of permanence.
 20. Whilst aspects of the development would result in some public benefits that weigh in favour of the development, those social and economic benefits would

not outweigh the less than substantial harm I have identified to the character and appearance of the CA or the setting of the listed building. The proposed development would therefore conflict with Policies CS6, CS16 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy (2011), Policies MD2, MD11 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015) and the Framework as they seek to protect heritage assets and their settings.

Other Matters

20. I have noted the objections from local residents and third parties to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on these matters. The lack of objections by statutory and non-statutory consultees on other aspects of the development does not comprise a benefit in favour of the proposed development

Conclusion

21. For the above reasons the appeal should be dismissed.

R Hitchcock

INSPECTOR