
Appeal Decisions

Site visit made on 11 July 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020.

Appeal A: APP/Q1825/W/20/3247754

Land opposite 24 Droitwich Road, Feckenham, Redditch, Worcestershire B96 6JE

- 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 h2land Limited against the decision of Redditch Borough Council.
 - The application Ref 19/00716/FUL, dated 31 May 2019, was refused by notice dated 30 August 2019.
 - The development proposed is the development of 2 dwellings.
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Appeal B: APP/Q1825/W/20/3252153

Land opposite 24 Droitwich Road, Feckenham, Redditch, Worcestershire B96 6JE

- 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 h2land Limited against the decision of Redditch Borough Council.
 - The application Ref 19/01588/FUL, dated 12 December 2019, was refused by notice dated 12 March 2020.
 - The development proposed is the development of one dwelling.
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Decisions

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed

Procedural matters

3. In the interests of clarity I have incorporated the more detailed addresses found on the appeal forms into the briefer ones on the application forms.
4. Since the appeals were lodged a Tree Preservation Order (a TPO) has been made on the site, and I have taken this into account in my reasoning.

Main Issues

5. The main issues with each of these cases are
 - a) whether the development of this site accords with the settlement strategy given its location outside of the settlement boundary and

- b) the development's impact on heritage matters, namely its effect on the understanding and setting of the Grade II* listed building opposite; whether it would fail to preserve or enhance the character or appearance of the Feckenham Conservation Area; its effect on the significance of these designated heritage assets, and its effect on the significance of the appeal site if it is taken to be a non-designated heritage asset.

Reasons

Settlement strategy

- 6. The appeal site is a roughly square parcel of land that is currently overgrown with an extensive cover of mainly self-seeded trees. The settlement boundary to Feckenham generally includes the properties to the south of Droitwich Road. However, this site and much of the extensive garden of the house to the east are omitted, with the village's settlement boundary running along the site's western and northern sides. Therefore, under Policy 9 of the *Borough of Redditch Local Plan No 4* (the Local Plan) this land falls within the designated Open Countryside.
- 7. Policy 9 states that development in the Open Countryside will not be permitted except in certain specified instances, none of which apply to these cases. The reason for such an approach is to protect the countryside for its own sake and to prevent an unsustainable, dispersed pattern of development.
- 8. The Council refused neither scheme because of a conflict with Policy 9, and it did not say the schemes should be resisted because of their effects on the countryside or access to services. In each appeal the new housing would be seen very much in the context of the existing houses along Droitwich Road to the north, east and west, and so visually it would not be a tangible or apparent encroachment into the countryside. Moreover, the proximity to the services in Feckenham would render the location suitably sustainable for this level of development. Notwithstanding those points though, there would nonetheless be a development plan conflict with Policy 9 as the developments would be in the Open Countryside.
- 9. Accordingly, I conclude that with each appeal the development would be in conflict with Local Plan Policy 9 by reason of its location in the Open Countryside, although given the lack of clear harm that would result, the weight afforded to this conflict is limited.

Heritage impact

- 10. The Feckenham Conservation Area reflects the growth of this historic rural settlement over time. This is shown not just in the style and appearance of the buildings, but also in their informal, organic layout, while the village's functional links to the surrounding countryside are emphasised by elements of its built form and the occasional views out to the rural landscape around. Such aspects contribute to the significance of the conservation area.
- 11. Opposite the site of the appeals is The Manor House (also known as The Manor), a Grade II* listed building that dates from the 16th Century with 18th and 19th Century alterations and additions. Its special architectural and historic interest lie in its architecture and its associations with the Throckmorton family. Moreover, its style and detailing contribute to its significance as they portray it

as being a house of some status from this period, and this is further enhanced by its spacious gardens.

12. I was told that the site subject of these appeals was part of The Manor House grounds until about 30 years ago, and, along with a portion of the curtilage of the house to its east, it may well have served as the kitchen garden. How long it had been used in this way varied in the submissions, but for the purposes of this appeal I am willing to accept it was part of a historic kitchen garden since at least the mid-19th Century. As such, this could be deemed a non-designated heritage asset, and I shall assess it accordingly.

The effects of the developments on the understanding of The Manor House

13. Kitchen gardens were often an important element of large historic houses as they demonstrated their status and independence. However, looking at the site now there is very little indication that it served The Manor House in that way or indeed that the 2 were related. This is because the site is physically and clearly separated by a 'B' road, it is densely overgrown with no historic layout or built form being readily apparent, and the existing curtilage of The Manor House is strongly enclosed by tall boundary walling. Furthermore, as it presently stands in extensive grounds the historic status of The Manor House is still apparent. Consequently, the principle of developing this land, even if it were cleared of scrub, would not, of itself, harm the current understanding of The Manor House.
14. The site's development would result in substantial harm to any significance it has as a non-designated asset, though I consider that significance is not great due to its state at present.
15. The occupier of The Manor House has expressed a willingness to acquire and restore the site, while it has also been suggested it could become some form of public or community garden. However, I have no clear indication as to when or if either of these options would materialise if these appeals were dismissed and so they cannot be given significant weight. I am also unaware of the circumstances surrounding the cases at Hanbury Hall and Wightwick Manor, or the state or relationship of those sites to the principal historic building, and so the weight they can be afforded is limited as well.
16. In both cases the proposed houses would be well away from The Manor House, respecting the alignment of other properties on the south side of Droitwich Road, and so would not impose on that historic property. While the housing in each scheme may block some of the view from the upper storeys of The Manor House to the countryside to the south, views would also be opened through the centre of the site in each case as a result of the removal of much of the site's extensive tree cover. In any event, I am not satisfied that seeing the countryside from The Manor House adds to its significance as a heritage asset. As a result, I find the detail of neither scheme would detract from the experience of that building and so would not harm its setting.
17. Accordingly, I conclude that these developments would not undermine the understanding or setting of The Manor House, although substantial harm would be caused to any significance the land might display as a non-designated heritage asset.

The effects on the character and appearance of the conservation area

18. The character appraisal for the conservation area identifies neglected gardens on Droitwich Road as either an alien feature or a neutral area in the conservation area. Although overgrown, from the road the trees are visible over the boundary wall and I consider the site does not now appear harmful or inappropriate. Instead it re-affirms the village's rural location by being a block of vegetation reaching into the built form. As such, developing the site would not of itself remove a harmful element from within the conservation area.
19. However, at the same time, there are individually designed houses in grounds of varying sizes to the east and west, and so the principle of putting one or 2 dwellings here in place of the planting also need not be harmful. Rather, it would respect the existing pattern of development on this side of Droitwich Road. While the gardens for each of the appeals may not accord with the average size of those adjacent, given the variation in curtilages that would not render the schemes discordant.
20. The appellant placed great weight on the proposals retaining and maintaining the tall brick front boundary wall that, in many ways, respects the wall to The Manor House on the opposite side of Droitwich Road. On the evidence before me it would appear this wall has been substantially rebuilt in the last 30 years or so and as such, in substance, is not particularly old. I also have no conclusive evidence to show that this wall would be removed if the appeals were to be dismissed. Moreover, even if it was taken down, the variety of surrounding boundary treatments means I consider its loss would not harm the character or appearance of the conservation area (or, for that matter, the setting of the listed house opposite).
21. I have found that the site's loss as a historic area of kitchen garden would not harm the setting or understanding of The Manor House. For similar reasons I find that developing the land and so preventing the kitchen garden use resuming in connection with The Manor House would not lead to harm to the significance of the Conservation Area.
22. Moving on from the principle and turning to the detail of the schemes, the 2 dwellings proposed under Appeal A are of designs that allude to agricultural barns by reason of their apparent timber framing, their limited window sizes, their scale, their form and their materials. I accept the village had rural origins, and contains former farm buildings that have now been converted to housing. However, the introduction of apparent agricultural buildings of such size here would confuse an understanding of the historic role and use of the site, by alluding to the presence of some form of significant farmstead when, in fact, that was never the case. As such, it would compromise an appreciation as to how the conservation area has evolved. Accordingly, the Appeal A proposal would not preserve the character or appearance of the conservation area, causing harm, albeit less than substantial, to its significance.
23. Along the eastern side of the site is a group of trees subject of the TPO, most of which are hazel. This group adds to the amenity of the area as it appears as a significant block when travelling westwards along Droitwich Road, drawing the countryside into the built up area and so enhancing the conservation area.
24. The direct effect of House B on this group of trees may be limited, but those trees would be very close to much of the dwelling's eastern elevation. As such,

issues of maintenance mean there is a possibility of pressure in the future for the trees to be cut back. However, hazel is capable of withstanding pruning better than many species of tree and so if done appropriately this need not cause harm to the group's amenity value.

25. Appeal B proposes one large house standing on the western side of the site, with a garage to the east. This scheme would have no significant effect on the trees within the TPO. I accept that a dwelling is a departure from the previous use of the land, but unlike in Appeal A, this scheme would be quite clearly a new phase in the site's history, and so would not give rise to the same level of confusion in that regard.
26. However, the design of the house incorporates hipped roofs, modern varied window arrangements and extensive areas of wood panelling on its otherwise brick elevations. Whilst I accept each of these elements are found within the conservation area now, they are on properties of distinctly different characters. For example, the appellant said the windows were taken from the modern house to the west while the hipped roofs were found on some of the older buildings. To my mind, drawing together into one dwelling elements from different genres of built form has resulted in a property of a poor and discordant appearance that does not relate well to what is around. Moreover, the most prominent elevation facing Droitwich Road would have only limited windows sitting within extensive brickwork, and this solidness would further emphasise the building's undue dominance and discordance.
27. Accordingly, I conclude that neither of these schemes would preserve the character or appearance of the conservation area, and so each would cause harm, albeit less than substantial, to its significance as a designated heritage asset.

The effects on the settings of other listed buildings

28. Along the front boundary of The Manor House, immediately to the rear of the pavement, is a tall Grade II listed brick wall. The special architectural and historic interest of this lies largely in its detailing while its significance is derived, to a great extent, by the way in which it defines the curtilage of a house of this status. It would be nearer to the developments than The Manor House. However, its setting lies very much in the streetscape and its relationship to that house and so it would not be harmed by either scheme. Furthermore, even if the front wall of the appeal site were to be lost following the dismissal of these appeals, the context and role of this listed wall would be unharmed.
29. There are other Grade II listed buildings to the north of the road, on either side of The Manor House and also to its rear. These have no greater historic or visual relationship with the appeal site than The Manor House itself and are further away so the developments would not harm their settings.

Other matters

30. Visibility from the access would be suitable for drivers to enter and leave the schemes safely. As the site is overgrown and on the edge of the countryside, it is to be expected it will be used by a variety of wildlife at the moment, but that alone does not necessarily stand in the way of development. Overall, on the evidence before me I am not satisfied that this matter is so fundamental that it

cannot be resolved appropriately by the imposition of suitable conditions. I am also aware to that aspects of wildlife enjoy a certain protection under other legislation.

Planning balance

31. The *National Planning Policy Framework* states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Moreover, any harm to the significance of a designated heritage asset should require clear and convincing justification. Where less than substantial harm is identified, that should be weighed against the public benefits of the scheme. In this instance I have identified less than substantial harm arising from both proposals to the significance of the conservation area,
32. The schemes would bring economic benefits to the village, but the weight afforded to these is limited given the scale of what is proposed. They would also provide dwellings in a borough that the appellant said had a shortfall in housing land supply. However, even assuming the appellant to be correct and such a shortfall exists, and even if that was of a moderate size, to my mind the benefits of one or 2 houses would not be sufficient to outweigh the harm identified to the conservation area. Having regard to the other matters raised, I am aware of no other public benefits that outweigh this harm, and so each proposal would be in conflict with Local Plan Policies 36 and 38, which seek to safeguard the character and appearance of conservation areas.
33. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says any determination must be made in accordance with the development plan unless material considerations indicate otherwise.
34. I consider the material considerations listed above in the heritage balance would be sufficient to overcome the conflict with Local Plan Policy 9, given the absence of wider defined harm to the countryside or the aims of siting development in a sustainable location. Moreover, given its limited value as a non-designated heritage asset they would also overcome the harm arising from its redevelopment and its loss as part of a historic kitchen garden. However, they would not be sufficient to justify allowing the schemes in the light of the identified development plan conflict resulting from the impacts on the conservation area.

Conclusions

35. Accordingly, I conclude neither development would preserve the character or appearance of the Feckenham Conservation Area, each causing less than substantial harm to the significance of this designated heritage asset. In the absence of any public benefits to outweigh this harm each would be contrary to Local Plan Policies 36 and 38 and the *National Planning Policy Framework*. Moreover, by being in the Open Countryside the proposals would also be contrary to Local Plan Policy 9 whilst harm would also result from the loss of a non-designated heritage asset. Given the absence of material considerations to outweigh the totality of this development plan conflict, or indeed even just the harm relating to the conservation area, both appeals should be dismissed.

JP Sargent
INSPECTOR