

Appeal Decision

Site visit made on 17 August 2016

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 7 September 2016

Appeal Ref: APP/T2350/W/16/3152831

Land adjacent to Southport House, Sawley, Clitheroe BB7 4LE

- 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 J B Sutton against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0509, dated 10 June 2015, was refused by notice dated 24 December 2015.
 - The development proposed is the demolition of existing redundant poultry sheds and construction of new detached dwelling.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are whether this would be a suitable location for the proposed housing development and the effect of the proposal as a development within the setting of nearby heritage assets.

Reasons

3. The appeal site is located immediately to the south of an unnamed road (formerly part of the A59) and contains 4 no. poultry sheds that are in a poor state of repair. It stands outside the village of Sawley, adjacent to the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and the Sawley Conservation Area. Sawley Abbey lies approximately 175m north of the site.
4. The remains of the abbey and the area of surviving earthworks within the abbey precinct are a scheduled ancient monument (SAM), and the standing structures are also Grade I listed buildings. The north side of the unnamed road marks the boundary of the AONB, the SAM and the Conservation Area. Nearby are Southport House, Abbey Cottage, and Ivy Cottage and Reading Room, all Grade II listed buildings. Proposed is the erection of a single dwelling.

New dwelling in the countryside

5. The parties agree that the proposal would be located in the countryside. Concerns were raised that the proposal would conflict with the development strategy for the Borough, as set out in Key Statements DS1 and DS2, and Policies DMG2, DMG3 and DMH3 of the adopted *Core Strategy 2008 – 2028 A*
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Local Plan for Ribble Valley (CS), as there would be insufficient justification for the dwelling at this location. In addition, concerns were raised that the proposal would not benefit from adequate access to local services or facilities.

6. The appeal site stands in close proximity to the village. CS Key Statement DS1 seeks to direct the majority of new housing development to the identified strategic sites, principal settlements and the "Tier 1 Villages". "Tier 2 village settlements" in DS1, including Sawley, are considered to be less sustainable locations where development will need to meet proven local needs or deliver regeneration benefits.
7. I observed that Sawley contains a limited range of services with a broader range being located in Chatburn and Clitheroe (around 2.5 and 5.5km distant respectively). In addition, the proposal would be situated in an area with limited public transport services. In which case, it is likely that occupiers of the development would need to travel by private car to surrounding larger settlements for day-to-day needs.
8. From the evidence, it has not been demonstrated that the proposal, as a development in the countryside, would satisfy any of the considerations set out in CS Policy DMG2 or the criteria of CS Policy DMH3. These restrict new residential development in the countryside to that which is essential for agriculture or which meets an identified local need, or is an appropriate conversion of a building(s) or a rebuilding or replacement of an existing dwelling(s).
9. Neither has it been demonstrated that the proposal would be of an exceptional quality or an innovative nature of design. Accordingly, notwithstanding that the appeal site is previously developed land, I consider that the proposal would conflict with CS Key Statements DS1 and DS2, and Policies DMG2, DMG3 and DMH3.

The settings of nearby heritage assets

10. The National Planning Policy Framework (NPPF) defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.
11. Significance derives not only from a heritage asset's physical presence, but also from its setting. The NPPF makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset's setting.
12. Historic England guidance; *The Setting of Heritage Assets*, indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. I agree with

the parties that the heritage assets that would be affected by this proposal as a development within their settings are Southport House, Abbey Cottage, Ivy Cottage and the Reading Room, Sawley Abbey SAM and Grade I listed buildings and the Sawley Conservation Area.

13. With regard to the listed buildings at Sawley Abbey, Abbey Cottage, Ivy Cottage and the Reading Room, the fabric of these heritage assets would remain untouched by the proposal and from what I observed that is where the majority of their significance rests. In my judgement, given the intervening distance, buildings and mature vegetation, the inter-visibility between them and the proposal would be negligible. In which case, the peripheral location of the proposal in relation to these heritage assets would prevent it impinging on their significance. I find therefore that the proposal would be unlikely to adversely affect the significance of these heritage assets as a development within their settings and would not conflict with CS Policies EN5 and DME4.
14. As for the SAM and the Conservation Area, these heritage assets are centred on, and characterised by, the standing remains of Sawley Abbey. The proposed development would take place outwith their defined boundaries. In my judgement, the appeal site is not integral to the understanding or appreciation of these heritage assets and given the very minor part of their settings that would be affected, I consider that the proposal would not result in any harm to their significance. Accordingly, it would not conflict with CS Policy DME4.
15. Turning to consider Southport House, this listed building stands prominently at the junction of the former stretch of the A59 with the road that leads into the village. Its formal front (principal) elevation gives it a strong physical presence that is exerted over its immediate surroundings, including the appeal site. Consequently, its setting does, to some degree, contribute to its significance. The introduction of a development of the scale proposed within this context would have a harmful impact on the significance of this heritage asset as a development within its setting.
16. Accordingly, giving considerable weight to paying special regard to the desirability of preserving the setting of the listed building, I conclude that the proposal would harm the setting of this historic asset as a development within its setting, in conflict with CS Policies EN5 and DME4.
17. With regard to the degree of harm, the Planning Practice Guidance (PPG) sets out that "substantial harm" is a high test and goes on to note that in terms of assessing proposals affecting listed buildings, the key question is whether the adverse impact seriously affects a key element of their special architectural and historic interest. In this case, the significance of the listed building encompasses its historic, evidential and aesthetic values, the majority of which derives from its historic fabric which would be unaffected by the proposal. Consequently, I consider that the harm arising to the significance of the heritage asset, would be less than substantial.
18. Under paragraph 134 of the NPPF this harm should be weighed against any public benefits of the proposal, including securing the asset's optimum viable use. This is a matter to which I return below.

Other matters

19. Concerns were raised that the proposal would be harmful to the setting of the AONB. However, I consider that as a single dwelling, the proposal would be a very minor development that would affect a very small part of the AONB. This would result in an insignificant effect on its overall landscape and scenic beauty, and cultural heritage. Accordingly, the proposal would not conflict with CS Policy DMG2.
20. Planning permission ref. 3/2012/0797 granted permission for a Static Caravan/Lodge Park at the appeal site. While the Council argued that the permission had expired, the appellant pointed out that it had been secured by the creation of a hard-standing for 1 of the lodges. The appellant claimed that the permission could therefore be erected and that would have a greater impact on the nearby heritage assets and the AONB, and generate more private car journeys, than the appeal proposal.
21. While I do not have the details of the permission before me, I note that it related to several lodges but that the officer Report identified that visual prominence on the site was minimal due to the low-rise and 'fragmented' nature of development. From what I observed, given the site characteristics and the scale and bulk of the proposed dwelling, I consider that the effect of the lodges on the heritage assets and the AONB would similar to, rather than more harmful than, the appeal proposal.
22. Moreover, the appellant pointed out that the commercial viability of the lodges was poor given that similar sites in direct competition were in close proximity to Sawley and were operated by large national companies. The appellant also noted that the amenity space provided by the lodges is also very poor with virtually no space for recreational facilities, nor is there space for manager or owner oversight. In my judgement, this would call into question the likelihood of this development being fully implemented. Against this background, I give this consideration limited weight.

NPPF paragraph 134 balance

23. The proposal would result in less than substantial harm to the significance of a heritage asset as a development within its setting. Against this, the appellant argued that the removal of the redundant poultry sheds from the appeal site would be a benefit that would enhance the settings of Abbey Cottage, Ivy Cottage and the Reading Room, Sawley Abbey SAM and Grade I listed buildings, and the Sawley Conservation Area and AONB. However, I have found that the appeal site is peripheral to their settings and as such makes a small contribution to their significance.
24. In the case of Southport House, I agree that the enhancement brought about by the removal of the poultry sheds would be more marked but it has not been demonstrated that this proposal is the only means by which their removal may be facilitated. Furthermore, in my judgement, it has not been demonstrated that the proposal would achieve the optimum viable use for the heritage asset. Consequently, I attach limited weight to this benefit.
25. Accordingly, giving considerable weight to the desirability of preserving the setting of the listed building under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the claimed public

benefits would not outweigh the harm and the proposal would be contrary to CS Policies EN5 and DME4, and NPPF paragraph 134.

Conclusion

26. I have identified that the proposal would conflict with the development strategy for the Borough, as set out in CS Key Statements DS1 and DS2, and Policies DMG2, DMG3 and DMH3, and would cause less than substantial harm to a designated historic asset as a development within its setting, in conflict with CS Policies EN5 and DME4. Against this, the proposal would result in the removal of existing poultry sheds from the appeal site and would result in no greater harm than an approved static caravan/holiday lodge development on the site.
27. However, I consider that these matters attract limited weight and would not be sufficient to outweigh the harm, giving considerable weight to paying special regard to the desirability of preserving the setting of the listed building, as reflected in paragraph 132 of the NPPF.
28. Therefore, notwithstanding the appellant's frustration with the Council's handling of the application and the representations in support of the proposal, for the reasons set out above, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR