



Appeal Decision

Site visit made on 4 September 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2019

Appeal Ref: APP/X1925/W/19/3228265

The Gables, High Street, Barley, Hertfordshire SG8 8HY

- 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 J Winstanley against the decision of North Hertfordshire District Council.
 - The application Ref 18/02299/FP, dated 22 August 2018, was refused by notice dated 14 December 2018.
 - The development proposed is described as the "construction of 10 no. residential units within existing paddock/garden".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to Policies from the emerging North Hertfordshire Local Plan Proposed Submission Document 2016. However, as this plan may be the subject of future amendment, I have attributed the Policies within the plan limited weight in my determination of this appeal.

Main Issue

3. The main issue is whether the development would conserve or enhance the character or appearance of the Barley Conservation Area (BCA) and the setting, and therefore the significance, of the listed building known as White Posts.

Reasons

4. The appeal site forms the rear garden and paddock land associated with the property known as The Gables. The site lies within the BCA which extends to agricultural land to the west. The area is rural in character and contains a variety in style and size of dwellings, along with other buildings such as a garage and petrol filling station opposite the site and the doctor's surgery (the surgery) to the north of The Gables.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. In addition, Section 72 (1) of the Act requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability

of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.

6. The appeal site provides a largely undeveloped buffer to the adjacent rural land. I find the BCA to display an open and loose knit character that is reinforced by the open layout of development along High Street which is complemented and softened by the presence of mature landscaping. Although development towards the centre of the village is more closely knit, it nonetheless displays a degree of openness as a result of spacing about and between dwellings. I find the openness to be a defining part of the significance of the BCA.
7. The proposal would introduce built development to the rear of The Gables and other properties that face onto High Street. The development would be served through the access to the north of the surgery with additional land and an extended garage gifted to the property known as Chadwick. Additional parking spaces for the surgery would also be provided within the appeal site. Properties within the proposed development would be provided with parking areas and/or garages and private garden areas to the rear. Five of the properties would be detached dwellings with the remaining five properties set as a pair of semi-detached dwellings and a further terrace of three dwellings. The semi-detached dwellings would be designated as affordable homes.
8. The level of built development proposed would suburbanise the site resulting in an enclave of dwellings that would fail to provide a sense of openness that would enable the development to assimilate into the wider context of the BCA. The majority of the site would be given over to built development, which would include the proposed dwellings, parking areas and access roads. Furthermore, the proposed shared green space to be located behind plots 9 and 10 appears constrained, rather than an area that would be of any beneficial use for the occupiers of the proposed dwellings. Thus, the level of development at the site would seek to compete with, rather than complement, the open and spacious character of this part of the village which in turn would fail to preserve or enhance the BCA. Although this harm would not be readily visible from the sunken footpath to the north of the appeal site, it would nonetheless be clearly visible from the proposed surgery car park and to some degree, from surrounding properties.
9. Having regard to the design of the proposed dwellings, the Council argue that the development would be at odds with the semi-rural edge of the village. While I do not find the layout and the level of development proposed to be in keeping with this part of the village, I nonetheless do not find that the particular design of the dwellings would in themselves be harmful to the character or appearance of the BCA. Furthermore, turning to the setting of White Posts, which is a Grade II Listed building and lies to the east of the appeal site, given the separation distance and the intervening landscaping that would be retained, I am satisfied that the development would have a neutral impact on the setting of the designated heritage asset.
10. As the proposed development would only result in harm to part of the significance of the heritage asset, I find it to be less than substantial. Accordingly, the National Planning Policy Framework (the Framework) requires

at paragraph 196 that where a development 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 optimum viable use.

11. In this case the development would make a modest contribution to housing provision. The surgery would also benefit from the relocation of the electricity sub-station to assist in its potential expansion, along with the provision of additional parking for customers. However, none of these amount to more than moderate weight either individually or collectively. I attach significant weight to the provision of affordable dwellings which would result in social and economic benefits from the proposal.
12. Nevertheless, given the harm I have identified to the setting of the BCA as a designated heritage asset, the benefits do not outweigh the great weight that the Framework requires at paragraph 193 to be given to the conservation of heritage assets. Thus, the proposal would be in conflict with Policies 6 and 57 of the North Hertfordshire District Council Local Plan No. 2 with Alterations 2007 and the Framework which seek, amongst other things, to ensure that special account is taken of a site's location within conservation areas and that the siting of a development should enhance the character of an area.

Other Matters

13. I am aware that the site benefits from an extant permission¹ for eight dwellings. In the absence of any substantive evidence that this permission would not be implemented should this appeal fail, it is a fallback position to which I afford significant weight. Nevertheless, I find the level and layout of the development that is the subject of this appeal to be markedly different to that approved in 2018, where a greater area of open space, as well as distances between properties, was afforded the development. Thus, I do not consider that the extant permission sets an irresistible precedent to find in favour of the development before me.
14. I also acknowledge that paragraph 122 of the Framework states that decisions should support development that makes efficient use of land. Nevertheless, this should take into account the desirability of maintaining an area's prevailing character and setting.
15. I accept that the development would assist in supporting the existing facilities and services that are provided within the village. I also accept that no technical objections were received regarding the development and that the living conditions of adjoining occupiers would not be harmed. However, neither this nor any other material consideration that has been raised outweighs the harm that I have identified.
16. Both parties have referred to a decision at Barkway², with the appellant citing paragraph 40 whereby the Inspector attributed moderate weight to the benefits of housing provision. I have also attributed moderate weight to the housing provision proposed as part of this appeal. Nevertheless, I have found that the harm to the BCA outweighs the benefits of the development for the reasons as set out.

¹ 17/02316/1 dated 30 May 2018 (and subsequent variations)

² APP/X1925/W/18/3194048

17. Furthermore, having regard to footnote 6 of the Framework, as the development would affect the setting of a designated heritage asset and I have found that the policies within the Framework provide a clear reason to dismiss the appeal, even if the Council is unable to demonstrate a five year supply of deliverable housing sites and the policies which are the most important for determining the appeal are out-of-date, the 'tilted balance' would not be engaged and the presumption in favour of sustainable development anticipated in paragraph 11 of the Framework does not apply.

Conclusion

18. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR