



---

## Appeal Decision

Site visit made on 16 March 2015

**by Paul Griffiths BSc(Hons) BArch IHBC**

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

**Decision date: 22 April 2015**

---

**Appeal Ref: APP/H1840/A/14/2227987**

**Land at Froglands Lane, Cleeve Prior WR11 8LB**

- 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 Mr T Farmer against the decision of Wychavon District Council.
  - The application Ref.W/13/01794/OU, dated 20 August 2013, was refused by notice dated 26 June 2014.
  - The development proposed is described as 'outline application for residential development'.
- 

### Procedural Matters

1. The application was made in outline with access at issue and appearance, landscaping, layout and scale reserved for future determination. I have dealt with the appeal on the same basis.
2. The Council's decision notice describes the proposal as a residential development of 20 dwellings and this is repeated by the appellant in the grounds of appeal. The site is identified clearly on drawing BM003-002: Site Location and Block Plan. As well as details of the proposed access, drawing BM003-001 revision G shows a layout of the 20 dwellings proposed. Given the basis on which the application was made, I have treated this as illustrative but it is obvious that for the site to accommodate 20 dwellings, there would have to be development beyond the frontage of the site on to Froglands Lane.

### Decision

3. The appeal is dismissed.

### Main Issue

4. The site lies within the Cleeve Prior Conservation Area. In that context, the main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

### Reasons

5. The starting point for analysis of the impact of a development proposal in a conservation area is the Planning (Listed Buildings and Conservation Areas) Act 1990. Put simply, section 72(1) requires the decision-maker in such a case to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Courts have clarified that for the purposes of the Act, preserving means keeping safe from harmful change, rather than change in itself.

6. The Courts have also clarified, more recently, that like the special regard referred to in section 66(1) of the Act, the phrase 'special attention' confers upon the statutory requirement considerable importance and weight in any balancing exercise.
7. That is reflected in the National Planning Policy Framework (the Framework) too. Paragraph 132 sets out 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.
8. Policy ENV12 of the Wychavon District Local Plan 2006 repeats the provisions of the Act and says that proposals for development within conservation areas will be required to preserve or enhance their character or appearance.
9. As the Council's Cleeve Prior Conservation Area Appraisal and Management Plan sets out, the village is largely linear in form. This is readily appreciable from the main thoroughfares through it but also by looking back towards the village from and across the surrounding countryside. I noted from my site visit that, as highlighted in the above document, views from Froglands Lane, across the appeal site, are significant in this regard. It seems to me that the inclusion of the appeal site, and open land to the north and east, within the conservation area, was designed to safeguard the relationship of the village with the surrounding countryside.
10. As set out, the proposal would inevitably involve development in depth with dwellings arranged along, but also behind, the Froglands Lane frontage. Given the historic form of Cleeve Prior, this arrangement would appear as an alien insertion on the fringe of the village. Moreover, the significant views referred to above, and the facility they provide for understanding the relationship of the historic form of the village with the surrounding countryside, would be interrupted and obscured.
11. On that overall basis, I find that the proposal would cause harm to both the character and the appearance of the conservation area. That is a consideration of considerable importance and weight, as is the failure of the proposal to comply with Policy ENV12.
12. In the parlance of the Framework, the harm caused by the proposal would be limited and it would affect but one relatively small part of the conservation area. On that basis, I find that it would be less than substantial. Paragraph 134 of the Framework tells us that where a development proposal will 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.
13. Whatever the situation in terms of whether the Council can demonstrate a five year supply of housing land, the exhortation in paragraph 47 of the Framework to boost significantly the supply of housing, means that the provision of housing, as proposed, represents a public benefit. However, even if it is concluded that the Council cannot demonstrate such a supply, and the benefit involved in the provision of housing is thereby maximised, it is insufficient to outweigh the harm that would be caused to the designated heritage asset; harm that must attract considerable importance and weight in any balancing exercise although it might be, to use the language of the Framework, less than substantial.

14. In refusing outline planning permission for the proposal, the Council made reference to the lack of any Obligation to secure affordable housing, open space, and various financial contributions. A completed Agreement under Section 106 has been submitted with the appeal which addresses these matters but given my conclusions above, this is a matter of little consequence.
15. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

**INSPECTOR**

Richborough Estates