



Appeal Decision

Site visit made on 18 May 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal Ref: APP/C3430/W/22/3312163

Land adjacent The Manor House, Oaken Lane, Oaken, Wolverhampton WV8 2BD

- 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 Mrs Ann Cox against the decision of South Staffordshire District Council.
- The application Ref 22/00456/FUL, dated 26 April 2022, was refused by notice dated 4 August 2022.
- The development proposed is described as "Construction of new access into a field located off Oaken Lane. Includes the part demolition of a stone boundary wall and hedge and replacements in a new position aligning with the proposed new road access."

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is the effect on the character and appearance of the area with regard to the location of the site within the Codsall and Oaken Conservation Area (the CA).

Reasons

3. The appeal site comprises an approximately 2-acre field in the village of Oaken about 1 mile southeast of Codsall town centre. The appeal site and most of the village lie within the CA, a designated heritage asset. Oaken was a quiet picturesque rural village with properties of varying ages, sizes and styles, with a number of listed buildings including 'The Manor House' (Grade II listed) adjacent to the appeal site. I saw that walls, predominantly made of stone with some made of brick, were a prominent boundary treatment alongside the roads in the village and form an integral part of its character and appearance. In the absence of a CA appraisal, I consider the heritage significance of the CA is both architectural and historic.
4. The appeal site sits on an elevated position behind a stone wall with hedge above that forms part of a longer section of wall, circa 1.6–1.7 metres tall, that runs from near the corner of Oaken Lane with the property 'The Thatch' and extends unbroken as far as the entrance to The Manor House. This long stretch of uninterrupted stone wall is a visually prominent and distinctive feature to the street scene. The wall almost mirrors the wall on the opposite side of the road that encloses 'Oaken Manor', being of similar height and length, although there is an unobtrusive narrow, decorative metal gated access for Oaken Manor close to the proposed access. The two stone walls together further enhance the

distinctive nature of the street scene along this part of Oaken Lane. The appellant himself acknowledges that the stone wall forms an important part of the character of the CA. As the wall is an integral part of the CA it follows that the wall in front of the appeal site makes a positive contribution to the significance of the CA.

5. The proposal would involve removing approximately a 16-metre length of stone wall and hedge along Oaken Lane to form a new access into the field behind. New curved, dressed stone walls would be erected on either side of the access. These would lead to two stone pillars up to about 1.69m tall and set back approximately 6.3m from the road, which would support a timber field gate. Half-round, dressed stone coping would be used on top of the wall. To take account of the difference in ground levels the field would be cut out to provide a ramped access up into the site from the road. A large expanse of hard surfaced apron area would be created in front of the gate. The Highways Authority has no objection to the formation of the access on highways safety grounds.
6. Whilst existing stone would be reused where possible and new stone would match existing, the proposal would create a sizeable 16m gap in an otherwise uninterrupted length of prominent stone wall and see the removal of part of an historic boundary feature. Furthermore, the extent of new curved stone walls together with the expanse of a hard surfaced ramped access would introduce an unduly prominent, visually intrusive and over-engineered form of development in a rural street scene close to the edge of the village, for what is effectively a new access into a field.
7. The proposal would therefore erode a characteristic feature of the CA and harm the street scene. It therefore follows that the contribution that the appeal site and the wall in front of it would make to the CA would be diminished as a result. The proposal would therefore fail to preserve or enhance the character or appearance of the CA as a whole, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The appellant states the design of the walled entrance is intended to replicate the access to Oaken Manor opposite the site. However, Oaken Manor is a residential property, its access gap is narrower, has much shorter curved wall splays and the small apron area on front of the gates was surfaced with stone setts. Furthermore, the existing accesses that currently serve both Oaken Manor and The Manor House are level with the road. Consequently, these other accesses do not involve expanses of ramped hard surface and do not present the same degree of visual intrusion as the proposed access.
9. The appellant draws my attention to an access gap created in the boundary wall of the residential property 'Fairfields'. I saw this part of the village and street scene was less rural, with properties lying in close proximity to a mixture of brick and stone walls, such that 'Fairfields' occupies a different street scene context to the appeal site. Furthermore, the walls in this part of the village do not display the same degree of uniformity and continuity as the wall in front of the appeal site. I saw that the curved stone wall splays were much shorter than the appeal proposal creating a much smaller access apron. The access led to a domestic driveway that one would expect to find for a residential property in the village. In addition, the driveway and lane were at the same level so there was no ramped access. Furthermore, I do not have the full details or

circumstances of the scheme. Therefore, the access at 'Fairfields' is therefore not directly comparable to the proposal before me, which I must consider on its own merits in any event. Moreover, the access to the residential property 'Fairfields' does not set a precedent for an access into an agricultural field.

10. Where the harm to the designated heritage asset is less than substantial, as in this case, paragraph 202 of the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits. In accordance with paragraph 199 of the Framework I attach great weight to the conservation of the designated heritage asset.
11. The appellant offers up a number of benefits. The existing field access is via a track off Oaken Lane to the southeast of the site, which is also a Public Right of Way (PRoW) and leads to a network of other PRoWs. This then bends left to another track that follows the eastern site boundary leading to the field gates. The first part of the track is also used by occupiers of the row of terraced cottages (Nos. 1-5 New Cottages) to access parking in front of their dwellings, and by occupiers of the property 'The Thatch' to access their off-site driveway and parking, and which I saw could accommodate a number of vehicles. The appellant informs me that sometimes vehicles park on the track or overhang it, causing obstruction. I saw that any vehicles parked on the track or overhanging it could make it more difficult for large farm vehicles to pass in places and this might prove inconvenient at times and potentially risk damage to vehicles.
12. As vehicles and pedestrians using the track are likely to encounter each other, the purpose of the proposed new access is to provide a new route into the field that would better accommodate wider modern agricultural vehicles/machinery without the need to use the existing track and remove the potential conflict with pedestrians and reduce the risk of damaging third party vehicles.
13. I saw a number of dog-walkers using the various PRoWs and track during my visit. However, the section of track between Oaken Lane and the bend in the track to the left is relatively short and straight, such that walkers, drivers and farm vehicles would have adequate advance sight of each other and could wait for each other to pass. Indeed, there was a wider area at the top of the track near the gates and stiles where walkers could wait out of the way for farm vehicles to pass, or wait behind the gates.
14. At the time of my visit, the field was a grass meadow, and the accesses did not appear to have been used for a while. This causes me to question the necessity of the new access. Furthermore, I have not been presented with any substantive evidence as to the type of machinery or farm vehicles that need to access the site via the track and gates, the nature of the activities that need to be undertaken on the field, or the frequency of access required to the appeal site, which was largely surrounded by land and gardens belonging to adjacent residential properties. Third party comments relate to the concern about the new access and loss of the wall, rather than to problems and conflicts with the track and pedestrian safety or vehicle damage.
15. The existing field gates are within a hedge with mature trees. I saw that the most northerly gate, farthest from the bend in the track, did not appear to have the same proximity to mature trees. Although in the CA, there is nothing before me to indicate that some works to the trees would be unacceptable or

not be possible, or that enquiries have been made to the Council to widen the existing field access.

16. Therefore, from the evidence before me I am not persuaded that the existing field gates are unusually narrow, or use of the track and the frequency of its use is so dangerous as to cause significant harm to pedestrian safety, or that vehicles obstructing the track is such a frequent occurrence, as to necessitate the formation of a new access on Oaken Lane as a public benefit.
17. The appellant also contends the new access would allow the leaning wall to be re-built and ensure its long-term survival. Public benefits can include works to a designated heritage asset to help secure their future. However, in the absence of a structural report, from my observations the wall looked to be in generally good order, it was not significantly leaning or in a state of near collapse. Regular maintenance and repair of property boundaries is part of responsible property/estate management, even more so for a heritage asset. Rebuilding the stone wall to correct any lean could be undertaken without creating a new access and building new walls.
18. I find that the new access would not amount to a public benefit sufficient to outweigh the harm that would be caused to the wall itself and the CA. Accordingly, the proposal would be contrary to Policies EQ3 and EQ11 of the South Staffordshire Council Core Strategy. Collectively these seek, amongst other things, to resist development which affects a heritage asset and ensure that development respects the historic context of the site, street layout and local character and distinctiveness.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

K. Stephens
INSPECTOR