
Appeal Decision

Site visit made on 30 January 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 03rd February 2017

Appeal Ref: APP/J3720/D/16/3157992

Famington Hall, Famington Old Farm, Grafton Lane, Bidford-on-Avon, Alcester, B50 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 Neil Sherring against the decision of Stratford-on-Avon District Council.
 - The application Ref: 16/01596/FUL dated 13 May 2016, was refused by notice dated 11 July 2016.
 - The development proposed is: Extension of existing pergolas, new rill with fountain, new fountain with pool surround at centre of existing parterre, and erection of ornamental wall.
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Decision

1. The appeal is allowed and planning permission is granted for 'extension of existing pergolas, new rill with fountain, new fountain with pool surround at centre of existing parterre, and erection of ornamental wall' at Famington Hall, Famington Old Farm, Grafton Lane, Bidford-on-Avon, Alcester, B50 4LE in accordance with the terms of the application, Ref: 16/01596/FUL dated 13 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with these approved plans: 7618-100 (Location Plan); 269/14/MP12 (Master Plan); 269/14 WALL (Brick Wall Design); 269/14/PERG1 (Oak Pergola over Dining Area); and 269/14/RP (Rill and Fountains).
 - 3) Notwithstanding condition 2 above, no development shall take place until details of the fountain pump mechanism and timing schedule for operation of the fountains have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural matter

2. On 11 July 2016, corresponding with the date of the decision notice, the Council formally adopted the *Stratford-on-Avon Core Strategy 2011-2031* (CS). Consequently the 'saved' policies of the the *Stratford-on-Avon District Local Plan Review 1996-2011* referred to in the decision and officer report have been superseded, and no longer form part of the development plan. I have therefore considered the appeal on the basis of the CS Policies, also having regard to Government policy in the *National Planning Policy Framework* (the Framework).
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Main issues

3. I consider the main issues in this case are the effect of the proposal on the character and appearance of the surrounding countryside and on the setting of the Grade II listed building.

Reasons

4. The appeal site comprises the large garden of Farmington Hall. The main house is modern and there is a restored Grade II listed 17th century timber cottage in close proximity which forms a focal point and feature in the garden layout. In 2105 planning permission was granted for an amended scheme under application Ref: 15/04379/FUL to retain the garden features and structures now within the garden. This application also included the addition of an area of former farmland to the south-east into the domestic curtilage.
5. The proposed development has four components:
 - *New Fountain and pool in parterre*: The approved layout includes a sunken parterre garden in the area between the main house and listed cottage. It is proposed to remove the existing planting (other than the box hedge) and install a circular pool with central fountain. The pool would have a diameter of 3.0m and the top of the fountain feature a diameter of 1.8m.
 - *Pergola to dining terrace*: The approved layout includes an external dining terrace and timber pergola between the main house and cottage. It is proposed to extend this pergola to cover most of the dining terrace. It would be constructed from natural timber and measure 3.2m x 5.0m in plan and 2.5m high.
 - *Ornamental brick wall*: The approved layout includes a gravel area to the south-west of the listed cottage with yew hedge planting on three sides. It is proposed to erect an ornamental wall of facing brick on the inner side of the yew hedge, its height varying from 0.6m to 1.2m.
 - *Rill and fountain*: In the extended part of the garden the approved layout shows a grassed area with a formal avenue of trees extending eastwards on the axis of the parterre. It is proposed to install a rill (a narrow canal-like water feature) on the centre line of the avenue. The length would be about 27.5m widening at the centre to accommodate a central fountain.

Effect on the surrounding countryside

6. The appeal site and the wider Farmington Hall complex are located in open countryside away from any settlement, and although the curtilage of the appeal property has been established via previous planning permissions, a material consideration in this case is the visual impact of the proposed further development on the landscape. In this regard CS Policy CS.5 says development should minimise and mitigate impact on the character of the landscape and have regard to local distinctiveness and historic character. CS Policy AS.10 requires all proposals to minimise impact on the character of the local landscape and environmental features. Similarly paragraph 58 of the Framework seeks to ensure that new development 'responds to local character', and paragraph 17 recognises the intrinsic beauty of the countryside.

7. In terms of landscape impact the Council appears to have no objections in principal to the new features proposed within the 'initial' garden curtilage closest to the dwelling; namely the fountain and pool in the parterre, the pergola to the dining terrace and the ornamental brick wall. However, the Council considers the area of garden added to the domestic curtilage under 15/0437/FUL, has a different and less formal character, albeit with mown grass, yew and laurel hedge boundaries and fruit trees planted in linear form. As such, it says the rill and fountain feature will alter the agricultural character and appearance of the landscape to its detriment, saying that the straight lines of the rill combined with the existing regular yew and ornamental tree planting would give 'an artificial formality to land that has a valued natural appearance'.
8. However, from what I observed at my site visit I find it difficult to make such a clear distinction between these sections of the garden. Although the 'extended' area contains no built structures, it still has a very pronounced formality which continues the formal axis established by the parterre; the long vista being terminated with a garden seat and shaped hedge feature. In this context I cannot agree with the Council that the additional of a narrow rill running centrally between the avenue of fruit trees and formal yew hedges, together with a modest fountain, will alter the existing character of the extended garden area to any appreciable extent, or have any significantly detrimental impact on the surrounding landscape.

Effect on setting of listed building

9. At the statutory level, Sections 16 (2) and 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
10. Paragraph 132 of the Framework says when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and adds that significance can be harmed or lost through alteration or destruction of the heritage asset, or by development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification. CS Policy CS.8 is consistent with the statutory test and Framework. The Government's *Planning Practice Guidance* (PPG) also advises that the extent and importance of setting is not confined merely to visual considerations and views. Although views play an important part, the way in which an asset in its setting is experienced in its setting is influenced by spatial association and by an understanding of the historic relationship between places.
11. The Grade II listed cottage was fully restored to have an ancillary use as part of the planning permission for the replacement dwelling at Famington Hall. In terms of the setting of cottage, the Council says the proposed new features would compromise the agricultural setting of the listed building and complex as a whole by reason that 'the open space needs to be preserved so that the historic use of the listed building and site can still be identified'.
12. I accept that a large part of the listed building's special architectural and historic interest derives from its origins as a modest farm cottage redolent of the local vernacular style. However, to my mind its setting has been altered radically in recent years as a consequence of the rebuilding of the main dwelling approximately 10.0m to the north, and the creation of the sunken

garden, dining terrace, pergola walkway, paths and paved areas on all sides. This formal garden is now irrevocably part of the current setting of the cottage and to my mind has considerably diluted its former historical relationship to the agricultural fields beyond. Nonetheless this is all part of the evolution of the setting, a process which is recognised by the Framework and PPG.

13. In this context I am satisfied that the proposed development, taken cumulatively with previous approved garden features in the 'initial' and 'extended' garden areas, would preserve the setting of the listed cottage. In my view it would have no material impact on the significance of the building, or lessen the ability to identify its historic use. Therefore, whilst I am not entirely convinced that the setting of the listed building would be enhanced, I am nonetheless fully satisfied that its setting would be preserved. I consider there would be no other adverse impacts which would significantly and demonstrably outweigh the presumption in favour of granting permission.

Conclusion on the main issues

14. Overall, I conclude that the proposal would not materially harm the character or appearance of the surrounding countryside and would preserve the setting of the Grade II listed building. As such, I find no conflict with CS Policies CS.5, AS.10, CS.8, and the Framework.

Other matters

15. I note the comments received from the occupiers of an adjacent property asserting that due consideration had not been given to the impact on neighbours when formulating these proposals, with particular concerns expressed about the possible noise levels from the fountains. However, whilst I note these concerns, for the reasons given above none is sufficient to alter the considerations that have led to my conclusion.
16. I am aware of emerging *Bidford-on-Avon Neighbourhood Development Plan Submission Version 2016*. However Policy ENV8 reflects the Framework and CS Policy CS.8 in stating that all proposals which cause substantial harm to the special architectural and historic interest of listed buildings and their settings will not be supported.

Conditions

17. I have considered the conditions put forward by the Council in the light of the advice in the Framework and PPG. In addition to the standard condition for the commencement of development a condition is needed to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. In response to the neighbour objection and comment in the Officer Report, a further condition requiring details of the fountain pump mechanism and operational times of the fountains is justified in the interests of safeguarding neighbours' living conditions.
18. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR