The Planning Inspectorate

# Appeal Decisions

Site visit made on 15 August 2017

**by David Richards BSocSci DipTP MRTPI**

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

**Decision date: 05 September 2017**

**Appeal Ref: APP/G1630/W/17/3175100**
**Foscombe House, Foscombe, Ashleworth, Gloucestershire GL19 4JN**

- 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 Foscombe House LLP against the decision of Tewkesbury Borough Council.
- The application Ref 16/01435/FUL, dated 16 December 2016, was refused by notice dated 9 February 2017.
- The development proposed is the erection of a woodstore to the north of Foscombe House.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect on the setting of the heritage asset and on the countryside setting of Foscombe House.

## Reasons

3. The development plan for the area includes the saved Policies for the Tewkesbury Borough Local Plan adopted in 2006. Policy LND4 seeks to protect the landscape and countryside. The policy states *'development in rural areas other than the area of outstanding natural beauty, special landscape area, and landscape protection zone, regard will be given to the need to protect the character and appearance of the rural landscape'.*

4. Foscombe House is a Grade II* listed large gothic villa, designed by Thomas Fulljames with collaboration from his partner F S Waller and built by Oliver Estcourt from the winter of 1865 to the spring of 1868.

5. To the north of the house is a timber framed Coach House (not separately listed), immediately adjoined to Foscombe; linked by a conservatory, boiler room and walled garden. Continuing north there is a large stone stable block and two large steel storage barns.

6. Access to the estate is via a private lane which leads to the B4211 to the north, or Foscombe Lane to the south-east of the estate. The existing car parking areas are located to the north of the house.

7. The topography of the land is undulating, although typically the land rises from west to east across the appeal site. Much of the site is of traditional, formal estate parkland. Many of the boundary treatments consist of trimmed hedging

or fencing with much of the land consisting of grass, giving the Estate a residential appearance.

8. A previous proposal for a woodstore in a slightly different location was the subject of an appeal in 2012[1]. The position would have been in the north paddock, but at right-angles to the current proposal, and set against a hedge bordering the access road. The Inspector concluded as follows:

9. *'… while it would be screened from the approach to a degree, traditional and simple in form, and not intrinsically unattractive, the wood store proposed would introduce yet another building type and design into, and lengthen, the range of service buildings along the approach. Whatever was on this part of the site in the past, and whether the site of the proposed wood store is in the established residential curtilage, or not, adding to the array and variety of service buildings in the manner proposed would detract from the setting of Foscombe House and, as a consequence, harm the character and appearance of the surrounding countryside.*

10. *This brings the proposal into conflict with LP Policy LND4. Section 66(1) of theAct is clear that decision-makers should have special regard to the desirability of preserving listed buildings, or their settings and paragraph 132 of the Framework 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.*

11. *'Paragraphs 133 and 134 of the framework differentiate between the approaches necessary when the harm is substantial or less than substantial. While it does derive some from its setting, the significance of Foscombe House lies mainly in its fabric, design and historical associations. In that context, the harm caused by the proposed wood store would be less than substantial. As a consequence, paragraph 134 of the Framework requires any such harm to be weighed against the public benefits of the proposal.*

12. *'I accept that the ability to store and dry locally-sourced timber in a purpose built structure would contribute to sustaining the optimum viable use of the asset and as such it represents a public benefit. However, I do not find that sufficient to outweigh the less than substantial harm that would result. I reach that conclusion because there would seem to be no good reason why a site that did not have the harmful impact identified could not be chosen.'*

13. To my mind, the revised location now put forward has not addressed the previous Inspector's concerns that adding to the array and variety of services buildings in the manner proposed would detract from the setting of Foscombe House and, as a consequence, harm the character and appearance of the surrounding countryside. While it is for me to determine this appeal afresh, the previous Inspector's conclusions remain an important material consideration. Moving the proposed building and turning it at right angles would not significantly alter the impact of the building in the countryside and setting of the listed building.

14. I acknowledge that the location chosen would not be visible from Foscombe House itself, being screened by other buildings. However the countryside

[1] APP/G1630/A/12/2189539

setting is a part of the significance of the heritage asset, and the erection of a woodstore in this location would be harmful to both setting and countryside.

15. I understand that the appellant considers there to be no practical and preferable location that would reduce these impacts. However, while the woodstore would no doubt be a desirable addition from the Appellants point of view, enabling fuel to be stored undercover closer to the boiler house than is presently the case, that does not outweigh the less than substantial harm to the setting of the listed building, or the harm to the countryside which it would cause.

16. Accordingly, I dismiss the appeal.

*David Richards*

INSPECTOR