



Appeal Decision

Site visit made on 10 July 2019

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 12 July 2019

Appeal Ref: APP/T3535/W/18/3210016

Carriage House, Ashmans Hall, Bungay Road, Beccles NR34 8HE

- 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 Gavin Ward against the decision of Waveney District Council.
 - The application Ref DC/17/5302/COU, dated 21 December 2017, was refused by notice dated 12 June 2018.
 - The development proposed is 'change of use of land from agriculture to use for the leisure/holiday placement of mobile homes compliant with Caravan Sites and Control of Development Act 1960, as supplemented by Section 13 of the Caravan Sites Act 1968'.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issues are the effect of the proposed development on; first, the setting of Ashmans Hall, a Grade II* listed building; second, the character of the landscape; and third, highway safety.

The first issue – the setting of Ashman's Hall

3. Ashmans Hall was, originally, a large country house that was built in about 1820. The approximately square main block of the former house, it has been converted into residential units, has lower curved wings to the west enclosing a stable yard that terminate in two storey blocks; Carriage House being part of the southern block. Ashmans Hall has formal gardens to the south and to the west of these gardens and to the south of Carriage House is a parking area at the termination of an unmade track that leads to the residential properties from Bungay Road, part of the B1062 between Beccles and Bungay.

4. The appeal site is about 0.8 hectares and is the east part of a grass field to the west of the parking area. On the site is a timber lodge, which is one of two holiday lodges that were granted planning permission in 2016. The proposed development is for twelve mobile homes, to include the two for which permission has been granted. The Appellant's Agent maintains that the principle of development of the land for the siting of mobile homes has been established but this is incorrect. The permission only establishes the principle for the siting of two mobile homes, not a principle for the siting of twelve mobile homes.

5. The Appellant's Agent, in his appeal statement, has referred to a recent Court of Appeal judgement relating to development near to Kedleston Hall in Derbyshire, a Grade I listed building. But he has not indicated how this judgement

affects or impacts on considerations of the setting of the heritage asset in this case. The judgement, and others, confirm that harm to the setting of a heritage asset might not necessarily result from visual considerations and that it is a matter of planning judgement whether harm would actually be caused.

6. The National Planning Policy Framework (NPPF) and advice by Historic England on the settings of heritage assets, indicate that the setting of a heritage asset is the surroundings in which an asset is experienced. Historical maps indicate that Ashmans Hall was originally set within parkland surroundings and though this parkland has been eroded to a degree by a variety of developments, such as subdivision by fencing and the construction of buildings and structures such as the timber lodge, the open parkland setting of the house still remains, particularly to the west.

7. The Appellant maintains that "There is no view of the hall for the public..." but this statement belies the photographic evidence in his appeal statement, which clearly indicates that parts of the hall are visible from the majority of the appeal site. This was confirmed at the site visit. He also maintains that the proposed mobile homes "...are transient in their nature" and "...could be removed...". But the Appellant has not applied for a temporary permission and, once introduced, it is unlikely that the mobile homes would be removed.

8. Taking into account the intervisibility between the site and the hall and its immediate surroundings the introduction of twelve mobile homes on the appeal site, of the type indicated in the appeal statement (which would be different in appearance to the timber lodge), would be seriously harmful to the setting of Ashmans Hall, irrespective of any planting that might be introduced to screen the units. Planting in itself, which has not been specified, would be harmful because it would compromise the open parkland setting to the west of the hall. The proposed development would harm the setting of Ashmans Hall and the significance of the heritage asset, and thus conflicts with policy CS17 of the Council's Core Strategy Development Plan Document and policy DM30 of the Council's Development Management Policies Development Plan Document (DMPDPD).

9. The proposed development would have a less than substantial harmful effect on the significance of the heritage asset. Paragraph 196 of the NPPF states that where such harm would occur the harm should be weighed against the public benefits of the proposed development. The Appellant has cited the benefits to tourism and to the local economy. Whilst these would be genuine benefits they do not, as a matter of planning judgement, outweigh the harm that would be caused to the setting and significance of the Grade II* listed building.

The second issue – the character of the landscape

10. Open land to the west of Ashmans Hall, including the appeal site, is within landscape character area H4 'Mid Waveney Tributary Farmland', whilst the hall itself is within landscape character area B1 'Waveney Valley', both as designated in the Waveney District Landscape Character Assessment. The description of the former area refers to elements of parkland in an arable landscape, and the description of the latter area includes Ashmans Hall as a principle historic element of the area. The hall and its historic parkland are therefore important characteristics of the landscape to the south of Bungay Road.

11. On drawing no. 17/80/01C submitted in support of the application the twelve mobile homes are shown to be separated by planting and bunds. No details of

these proposed landscape features have been submitted and they would be arbitrary features unconnected with any existing landscape features. The removal of the timber lodge and the introduction of the twelve mobile homes on the site would undermine, and intrude into, the open parkland to the west of Ashmans Hall and would have a significant adverse on the character of the landscape. The proposed development thus conflicts with policy DM27 of the DMPDPD.

The third issue – highway safety

12. The access track near to its junction with Bungay Road is about 4 metres wide. Visibility to the east at the junction, of traffic approaching in the nearside carriageway, is restricted by vegetation and drivers of vehicles exiting the track must drive close to the carriageway until traffic is visible. Given the track's limited width a vehicle approaching the junction along the track, when close to the junction, will impede a vehicle leaving the road onto the track. This possibility already exists and will result in traffic on Bungay Road stopping until, probably, the vehicle has left the track. This possibility has the potential to compromise highway safety on Bungay Road, which has a 50 mph speed limit.

13. The proposed development would significantly increase the number of vehicles using the track leading to Ashmans Hall from Bungay Road. There would, therefore, be an increased likelihood that traffic conflicts would occur at the junction of the track with Bungay Road and an increased likelihood that traffic moving at up to 50 mph would be required to stop whilst a vehicle leaves the track onto the road. Such an increase would exacerbate an already unsafe situation. The proposed development would have a serious harmful effect on highway safety and thus conflicts with policy DM02 of the DMPDPD.

Conclusion

14. The proposed development would have a significant adverse effect on the setting of Ashmans Hall, on the character of the landscape, and on highway safety. All other matters mentioned in support of the appeal have been taken into account by they do not, either individually or collectively, outweigh the harm that would be caused. Planning permission must therefore be withheld and the appeal thus fails.

John Braithwaite

Inspector