



Appeal Decision

Site visit made on 4 December 2019

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 20 December 2019

Appeal Ref: APP/F2415/W/18/3210833

Nevill Holt Hall, Drayton Road, Nevill Holt, Market Harborough, LE16 8EG

- 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 David Ross against the decision of Harborough District Council.
 - The application Ref 17/01894/FUL, dated 27 October 2017, was refused by notice dated 7 March 2018.
 - The development proposed is erection of timber posts at a spacing of 6 metres along the verge of part of Drayton Road and part of Holt Road. The posts are to be set back 600mm from the edge of the carriageway.
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Decision

1. The appeal is allowed and planning permission is granted for erection of timber posts at a spacing of 6 metres at Nevill Holt Hall, Drayton Road, Nevill Holt, Market Harborough, LE16 8EG in accordance with application Ref 17/01894/FUL, dated 27 October 2017 and the plans submitted with it, and 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 the following approved plans: Unnumbered location plan, site plan ref A101664-35-18-001 F, A101664-35-18-003 B and unnumbered revised elevation plan.
 - 3) Prior to development commencing the offsite works shown on WYG drawing number A101664-35-18-003 Rev B shall be implemented in full and retained in perpetuity.

Procedural Matters

2. The submitted plans were revised during the course of the application. I have therefore determined the appeal on the basis of plans ref A101604-35-18-003B and A101664-35-18-001F, which were the plans on which the application was determined.

Main Issues

3. The main issue for the appeal is the impact of the proposals on the special architectural and historic interest of the Grade I listed building known as Nevill Holt Hall and the Nevill Holt Registered Park.

Reasons

4. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. The *National Planning Policy Framework* (the Framework) requires that the significance of heritage assets are conserved in a manner appropriate to their significance and this reflects the requirements of the Act.
5. The hamlet of Nevill Holt contains a number of listed buildings including the Grade I listed Nevill Holt Hall, the Church of St Mary, the Preparatory School and Stable Block. The hamlet lies within Nevill Holt Registered Park, which extends to Drayton Road and which forms the western boundary of the Park. The Memorial Gates at Nevill Holt Hall lie to the south-west of the Hall and are also listed and these provide a glimpse of the Hall, and the parkland behind from Drayton Road. The hamlet and its setting also forms part of the Nevill Holt Conservation Area, which recognises the unique character of the group of buildings and the extent to which the Park contributes to the significance of the asset.
6. The appeal relates to the erection of a series of wooden posts along the grass verge which lies either side of Drayton Road. From the west views of the cluster of listed assets are largely obscured by the high hedging and high brick walling which run along the boundary of the Hall. Although Drayton Road is rural in character, the presence of the wall which encloses the Hall and the planted avenue of trees to the west along The Avenue give the road a semi-formal character of which the verge forms part.
7. The posts would be simple in appearance and due to their height and material would be relatively unobtrusive. Although the regular spacing of the posts would introduce a "planned" or formalised element along the roadside, Drayton Road and the verge along it already has a semi-managed character. The introduction of a formalised element along the verge would not appear incongruous in this context and would be viewed alongside the wall and hedgerow as part of the boundary to Nevill Holt to the east.
8. I note that the Council's conservation officer was initially concerned about the juxtaposition of the more ornate Memorial Gates with the rustic appearance of the posts. However, I am satisfied that the omission of the posts nearest to the entrance within the revised plans would ensure that the setting of this element would not be materially altered. Taking into account the established character of the area, the limited visual impact of the posts and the limited extent to which the verge contributes to the significance of the various heritage assets, the proposal would not harm that significance.
9. I therefore find no conflict with the National Planning Policy Framework, which seeks to preserve heritage assets in a manner appropriate to their significance. It would also not conflict with policy CS11 of the Harborough Core Strategy, which in seeking to protect, conserve and enhance the setting of heritage assets has similar aims.

Other Matters

10. Many residents, including the Parish Council, have raised concerns in relation to the effects the proposal would have on highway safety. In particular, the reduced usability of the grass verge as a refuge for pedestrians from traffic and as extra width to allow vehicles to pass is considered by some to represent a danger to highway safety.
11. I noted on site that along the stretch of road in question there was currently insufficient space for a car and heavy farm machinery to pass, as the road was relatively narrow. Given the rural nature of the area, a certain amount of farm traffic is to be expected, but I have no convincing evidence before me that the stretch of road in question is particularly busy or dangerous. Furthermore, as I witnessed on site, the verge was boggy and uneven in places and so it seems to me that for much of the year, if a driver of a conventional vehicle encountered a farm vehicle along this short stretch of road, they would be more likely to reverse to a suitable passing spot than to leave the highway to mount the verge.
12. I am therefore of the view that the installation of the posts would not much alter the current use of the highway. The proposal includes minor adjustments to the verge to facilitate the use of existing passing places and would not prevent pedestrians or equestrian users from using the verge to avoid oncoming traffic or represent a hazard to pedestrians or horses. I am therefore satisfied that the proposal would not be harmful to highway safety.

Conclusion and Conditions

13. The proposal would not harm the significance of Nevill Holt Hall and Nevill Holt Registered Park. Accordingly, having regard to all other matters raised, the appeal is allowed. I have considered the proposed conditions in light of the advice in Planning Practice Guidance. In addition to conditions relating to approved plans and the period of implementation, a condition requiring the improvements to the highway identified on the plans are implemented before the posts are put in place is necessary in the interests of highway safety.
14. The County Highway Authority (CHA) consider the works to be acceptable in terms of highway safety but have requested a condition be imposed on any permission requiring that appropriate insurance is in place to ensure maintenance and to remove all liability from the CHA. Whilst I note the appellant's willingness to provide such insurance this is a matter that is covered by other legislation and so is not necessary to make the proposal acceptable in planning terms.

Anne Jordan

INSPECTOR