
Appeal Decision

Hearing held on 17 December 2019

Site visit made on 17 December 2019

by Michael Boniface, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/F2415/W/19/3228050

Land off West Langton Road, Langton Hall, West Langton

- 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 & Mrs Moore against the decision of Harborough District Council.
 - The application Ref: 18/00380/FUL dated 27 February 2018, was refused by notice dated 8 November 2018.
 - The development proposed is described as a "new low energy dwelling and landscape proposals submitted under paragraph 55 of the National Planning Policy Framework".
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr & Mrs Moore against Harborough District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. After the Council had made its decision and during the course of this appeal, the Council adopted the Harborough Local Plan 2011-2031 (April 2019) (LP) which replaced the Harborough District Core Strategy referenced in the decision notice.
4. In addition, a new version of the National Planning Policy Framework (February 2019) (the Framework) was issued. All parties have had regard to the most recent policy position, and I have made my decision on that basis.
5. The appeal proposal is described as a low energy dwelling. The scheme evolved throughout the appeal and it is now proposed that the dwelling would achieve 'Passive House Plus' standard using a variety of technologies, as set out within the 'Strategy to achieve a Low Energy Home'.

Main Issues

6. The main issues are the effect on the significance of heritage assets, with particular regard to the Langton Hall Registered Park and Garden (RPG) and Langton Hall itself, a Grade II listed building; and the effect on the character and appearance of the area.

Reasons

Effect on heritage assets

7. Although the Council's refusal reason refers only to the Langton Hall RPG, both parties accept that the development would be within the setting of Langton Hall, a Grade II listed building. As such, there is a duty 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.
8. The RPG includes the grounds associated with Langton Hall which are of varied character. More formal gardens are located to the south of the hall and a series of designed avenues once radiated out from the hall to the surrounding landscape, some remaining discernible to the south and east. The appeal site is located to the north of the hall in a less formal parkland landscape identified as a wooded belt designed to buffer the hall and its associated buildings from the wider countryside, the wind and to provide privacy.
9. This part of the grounds perhaps contributes to the significance of the RPG less than the more formal gardens and avenues, but it is nonetheless an important part of the original grounds to the hall. It is a pleasant, apparently undeveloped area (notwithstanding that small buildings are shown to have stood previously) laid to grass with extensive tree planting and hedgerow boundaries. It is still clearly part of the relatively linear RPG that comprises extensive parkland and paddocks and it remains an important buffer between the hall, its associated buildings and the wider countryside. This contributes to the setting of Langton Hall, which was designed to stand within landscaped grounds.
10. Much of the significance of Langton Hall is derived from its architecture but the grounds within which it stands are an intrinsic design feature which contributes to its rural setting and splendour. This is notwithstanding the effect of past development within its grounds, through the introduction of residential development in the walled garden, conversion of outbuildings and other new buildings. As such, I do not accept the proposition that the significance of this part of the RPG lies in the trees alone. The open grassland within which the trees stand is an important factor.
11. The proposed building, whilst of a good quality contemporary design, would introduce significant built form into a landscape currently void of such development and much larger than anything that is shown to have stood in this location before. Furthermore, it would clearly be a new independent dwelling as opposed to an ancillary outbuilding associated with the Hall. The proposed residential curtilage would be small and absent boundary treatments but the building and its garden area, along with an extensive solar array, would be conspicuous in the RPG. It would become an intrusive feature that would be at odds with the landscape setting intended for Langton Hall and within which the hall is experienced by the many surrounding residents or anyone else within the RPG, eroding the significance of the heritage assets.
12. Whilst the development would affect one of the less sensitive parts of the RPG and the resulting harm to its significance, and that of Langton Hall, would be less than substantial, it would nonetheless be harmful. Great weight should be attached to the conservation of heritage assets and there must be clear public benefits sufficient to outweigh any harm before granting planning permission,

even harm at the lower end of the 'less than substantial' spectrum such as in this case.

13. As part of the appellant's public benefits case, it is argued that the proposed development is an outstanding and innovative design which promotes high levels of sustainability and would help to raise the standard of design more generally in the area. The building is well designed and has some architectural merit. It would achieve Passive House Plus standard, a high standard for energy efficiency which would minimise the environmental impacts of the building and no doubt assist in promoting the wider use of the modern technology involved. There is also the potential to feed excess energy generated on site back to the national grid. In addition, there are proposals to introduce further tree planting to the RPG and to manage the parkland. There would be some public benefit involved in this, as well as the limited benefits arising from a small contribution to local housing supply and the economic benefits associated with the building works and future spending power of the occupants.
14. However, there is a general expectation of good design within the Framework and the proposed Passive House Plus standard is not a novel proposal with numerous examples across the UK and in Europe according to the appellant. To receive great positive weight, as per paragraph 131 of the Framework, proposals must be truly outstanding or innovative, and must fit in with the overall form and layout of their surroundings. This is a high bar, which is not met by the appeal proposal. Although there is no specified requirement for a scheme to be unique, it should be quite exceptional.
15. I have had regard to the total package of public benefits identified by the appellant but even cumulatively, they are not sufficient to outweigh the heritage harm that I have identified.
16. It is clear that the development would not preserve the setting of Langton Hall in this case. For the reasons set out, it would harm the significance of both Langton Hall and the RPG and there are no public benefits sufficient to outweigh this harm. I attach great weight to the cumulative heritage harm that would arise. This would be in conflict with Policy HC1 of the LP, which seeks to protect heritage assets.

Character and appearance

17. The appeal site is located within an area of parkland which is surrounded by large trees and hedgerows. It is well screened from the public realm, including the public footpaths to the north and east, albeit with intermittent views through the landscaping.
18. The appeal is accompanied by a Landscape and Visual Context Study (February 2018) and further analysis within the appellant's Rebuttal Statement (November 2019) which seeks to demonstrate that the development would not harm the character and appearance of the area. Much of this is undisputed and in reality, there is little between the parties in this respect, disagreement being confined to the visibility of the proposed development from middle distance views along the surrounding footpaths.
19. Having walked the footpaths during the winter, when trees and hedgerows are not in leaf, it was clear to me that visibility into the site is very limited. Some

intermittent views would be available, but they would be transient and fleeting with progress along the footpaths to the north and east, before the building becomes screened again. Views of the development that would be available from the east, across the undulating landscape, would be seen in the context of the other proximate buildings within the grounds of Langton Hall. Views would be reduced even further during summer months.

20. It was suggested that the appeal site should be considered to fall within a 'valued landscape' as per paragraph 170 of the Framework by virtue of its designation as an RPG. The RPG is a heritage designation as opposed to a landscape designation and whilst it may be a factor in establishing a 'valued landscape', it is not determinative. In this case, the Council accepts that there is nothing about the appeal site or landscape surrounding it that elevates its landscape quality or interest above any other. I do not consider the landscape within which the site sits to be a 'valued landscape', pleasant though it is.
21. For these reasons, the very limited views of the development that would be available would not be harmful to the character and appearance of the area. As such, I find no conflict with policy GD5 of the LP, which requires development to be sensitive to landscape setting and character.

Other Matters

22. The appeal proposal is submitted with reference to paragraph 55 of the former version of the Framework, now replaced by paragraph 79, which relates to isolated homes in the countryside. There is no dispute between the parties that the site is located in the countryside, but having had regard to the Braintree judgements¹, I do not accept that the proposed dwelling should be considered isolated. It would be adjacent to a complex of numerous residential properties within and around Langton Hall and relatively close to a number of other settlements such as East Langton and Church Langton. It is not a particularly accessible location in terms of proximity to services, facilities or public transport but that does not make it 'isolated' in the terms of the Framework. As such, I do not consider that paragraph 79 of the Framework is relevant to this appeal.
23. Policy GD4 of the LP is clear that new residential development will only be permitted in the countryside where in accordance with specified criteria. I have established above that the development is not truly outstanding or innovative and so the proposal does not accord with criteria (e), or any of the other specified exceptions. The development would, therefore, be in conflict with policy GD4.
24. I have had regard to the support expressed by some local residents, but this does not alter my conclusions.

Planning Balance

25. I have already set out above that the development cannot be considered outstanding or innovative. It is a good design which incorporates some good sustainability credentials, but I do not agree with the appellant that it would enhance its immediate setting, not least given my conclusions in relation to heritage matters. Whilst the introduction of a house would not harm the

¹ Braintree District Council v SSCLG and Others [2017] EWHC 2743 [Admin] and Braintree District Council v SSCLG and Others [2018] EWCA Civ 610

character and appearance of the area, it would not be a positive feature. For all of these reasons, there is a clear conflict with policy GD4 of the LP, which as set out above, restricts residential development in the countryside other than in exceptional circumstances. In addition, the development would harm the significance of the RPG and Langton Hall in conflict with policy HC1, a matter which I attach great weight.

26. I acknowledge that there are other policies of the development plan which support the proposals, particularly those which support energy efficient designs for example. It is not uncommon for policies to pull in different directions but in this case, the policy conflicts I have identified relate to fundamental matters of location, countryside protection and heritage conservation. Having considered the development plan as a whole, there is an unacceptable conflict.
27. I have had regard to the various benefits of the proposal identified by the appellant and other material considerations in favour of the proposal, but none indicate a decision other than in accordance with the development plan.

Conclusion

28. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Charles Banner QC	Advocate
Steven Lewis-Roberts MRTPI	Planning Consultant
Robert Sutton	Archaeological Advisor
Charles Crawford	Landscape Advisor
David Franklin	Architect
David Hill	Renewable Energy Advisor

FOR THE LOCAL PLANNING AUTHORITY:

Nicola Parry MRTPI	Development Management Team Leader
John Sharp	Conservation Officer
Adrian Eastwood MRTPI	Development Manager

INTERESTED PERSONS:

Andrew Scott	Local resident
Robin Henderson	Local resident

DOCUMENTS SUBMITTED DURING THE HEARING

- 1 Signed Statement of Common Ground
- 2 Draft conditions agreed between the parties
- 3 Appeal decision APP/J3720/W/19/3233351
- 4 Rebuttal Statement on behalf of the Appellants
- 5 E-mail from Nicola Parry dated 20 November 2019 responding to Rebuttal Statement
- 6 Revised conditions agreed between the parties (annotated)
- 7 Clean copy of revised conditions agreed between the parties

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Final version of conditions agreed between the parties