
Appeal Decision

Site visit made on 16 March 2020

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 6 April 2020

Appeal Ref: APP/P0240/W/19/3240851

Moggerhanger House, Park Road, Moggerhanger, Bedford MK44 3RW

- 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 Moggerhanger House Preservation Trust against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/03982/FULL, dated 23 October 2018, was refused by notice dated 10 May 2019.
 - The development proposed is a marquee located within the Stephen Thornton's walled garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the heritage assets and the wider landscape
 - The effects of the proposal in relation to parking
 - The effects of the proposal in relation to noise.

Reasons

Heritage Assets and Landscape

3. Moggerhanger House is a fine and impressive late-Georgian house designed by Sir John Soane. It sits within its contemporary landscape, designed by Humphrey Repton. Historic England indicates that the house is of exceptional significance, representing a highly intact example of Soane's work. The House is Grade I listed. The kitchen garden wall are separately listed Grade II and the grounds are a Registered Park and Garden, Grade II.
4. The historic landscape includes the gardens/pleasure grounds closely associated with the house and its wider parkland setting. The kitchen gardens are walled and set to the west of the house. These features illustrate the functions of the surrounding grounds for pleasure and as a source of produce to support the house. The surroundings also include the Stable Block, also by Soane, listed Grade II*.

5. The proposed marquee would be sited within the Stephen Thornton's walled garden, which is the northern one of the 2 juxtaposed walled gardens. The marquee would measure 36m by 15m. The application forms state that the marquee would be of white plastic with aluminium framing and glass windows. The appellant has subsequently indicated that a different colour could be used but no alternative has been suggested.
6. The marquee would take up most of one half of the rectangular walled garden. Its dimensions would mean that it would be seen above the lower walls in views from the north and it is also likely that it would be seen above the taller wall dividing it from Godfrey Thornton's walled garden to the south. The marquee would be a permanent feature.
7. The marquee would dominate the kitchen garden area. Its size would mean that it would substantially erode the openness of the garden area and its modern design, coupled with the materials (regardless of colour) would mean that it would be particularly noticeable and harmful to the historic form of the garden and setting of the listed walls. In relation to wider views, I consider that the marquee would be clearly visible from the entrance drive to the north and could be seen in conjunction with the house. I consider that it would represent a disruptive feature within the setting of the main house and would fail to preserve that setting. Whilst there may be the prospect of additional landscaping which may partly screen the marquee in such views, this could take some time to establish and its other harmful effects as set out above would remain. In relation to the effects on the landscape, given the context of the appeal site and its designations, I agree with the Council that the landscape here can be considered as valued. Whilst the unacceptable effects would not be seen within the far-reaching area or such views, the unacceptable effects that I have identified would harm the landscape qualities of the surroundings.

Parking

8. The proposed marquee is said to have capacity for 300 people. Additional members of staff would also be required for functions within it. The Council has indicated that it has been provided with insufficient information with which to conclude that there would be no unacceptable effects from additional vehicles arriving at and leaving the site.
9. The appellant indicates that people are encouraged to arrive by bus/coach and they envisage that car use would be low due to the nature of planned use of the marquee, mainly as a wedding venue. Nevertheless, they indicate that they are in discussions in relation to use/acquisition of some adjacent land for car parking.
10. The Council indicates that the existing parking areas for use by the public could accommodate a maximum of 66 cars plus one or 2 coaches. According to the Council's assessment this would be significantly short of what would be required if the site is in full use. In my view, it appears over-optimistic to expect that many wedding guests would arrive by any other means than a private car and, without any specific evidence, I attach little weight to the prospect of them doing otherwise. In addition, whilst I note the appellants' comments relating to there being no parking issues at the site, the need for

additional parking would appear to be demonstrated by them discussing the use of additional areas on adjacent land.

11. I would not expect that any disruptive vehicle movements or parking would take place outside the wider site but I have concerns that disruption would be caused within the site and ad hoc overflow parking may take place regularly on the grassed landscape areas or other parts of the site. This would affect the appearance of the wider site and would be likely to mean that parking and servicing would be made inconvenient. Policy DM3 of the Core Strategy seeks, amongst other things, to incorporate appropriate access and linkages and to provide adequate areas for parking and servicing for new development. I consider that the appellant has failed to properly assess the likely need for additional parking and their intention to rely on a parking management scheme would not adequately address the likely need for more parking spaces than can be acceptably accommodated. In this sense, I consider that the appeal site would fail to function successfully and would be contrary to Policy DM3 in this respect.

Noise

12. The appellants indicate that they are aware that noise arising from the proposal would need to be adequately mitigated and that a Noise Management Plan would be necessary. They envisage that this could be required by a suitable condition attached to planning permission. The Council indicates that without any assessment of the likely levels of noise generated, it would be difficult/impossible to be sure that a noise management plan would be sufficient to protect neighbouring residents from noise.
13. I have taken account of the layout of the site and the proximity of the nearest houses. There is no technical evidence submitted by the appellant which seeks to address this issue. The suggestion that landscaping would be sufficient to reduce noise to an acceptable level is speculative, in my view. Without any specialist evidence in this respect, I cannot be sure that a management plan would be sufficient to protect neighbouring residents, it could be possible that it would identify that more fundamental problems which could not be suitably addressed by a planning condition. Therefore, in this respect, I consider that the proposal raises further conflict with Policy DM3.

Other Matters and Conclusion

14. The appellants submit evidence that the proposal would provide funds which would help to sustain the property as a whole and contribute to its upkeep and restoration. I have considered this matter in arriving at my conclusions. The harm to the heritage assets that I have identified would amount to 'less than substantial harm' as set out in the National Planning Policy Framework. The Framework advises that great weight should be given to an asset's conservation and the more important the asset the greater the weight should be. It confirms that this is irrespective of the level of harm.
15. Whilst I have acknowledged the financial gains that the appellant envisages, I consider that the harm to this very important assemblage of heritage assets would be considerable (within the 'less than substantial' category). In my

judgement, the public benefits that would arise would be insufficient to outweigh that harm.

16. In addition, the proposal would be likely to give rise to harm in relation to parking and noise, as set out above. I have considered all other matters in relation to the proposal but find nothing which leads me to a different conclusion. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR