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## Appeal Decision

Site visit made on 18 August 2020

**by L Page BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> December 2020**

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**Appeal Ref: APP/P0119/W/20/3253705**

**Court Farm, Siston Court, Mangotsfield BS16 9LU**

- 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 Gary Marshall against the decision of South Gloucestershire Council.
  - The application Ref P19/3411/F, dated 25 March 2019, was refused by notice dated 27 April 2020.
  - The development proposed is an agricultural access.
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### Decision

1. The appeal is allowed and planning permission is granted for an agricultural access at Court Farm, Siston Court, Mangotsfield BS16 9LU in accordance with the terms of the application, Ref P19/3411/F, dated 25 March 2019, and the plans submitted with it, subject to conditions in the attached Schedule.

### Procedural Matter

2. The site is within the Green Belt but there was no evidence to suggest the proposal is inappropriate development or that it had any effect on the openness of the Green Belt. Accordingly, it was not a matter in dispute between the main parties and was not addressed as a main issue under the appeal.

### Main Issues

3. The main issues are the effect of the proposal on the significance of Siston Conservation Area and listed buildings at Siston Court.

### Reasons

4. The site is located on land at Court Farm, within the former estate grounds of Siston Court, which is a Grade I listed building and Elizabethan manor house, which among other things derives considerable significance from its architecture, architectural features, materials as well as its former uses, historic interest and associations.
5. Furthermore, it also derives some significance from its setting, which includes grounds that were once formally maintained for garden use but have subsequently evolved into an informal part of the wider landscape. Some areas of the grounds have evolved into agricultural use, particularly those in the north, including land associated with Court Farm.

6. The access to Siston Court is flanked by a pair of Gothic Revival Grade II\* listed buildings, whilst a well-defined tree line delivers a prominent approach vista and setting with which to experience Siston Court. It is the nature of the sole access, and consequently its primacy, that is intrinsic to unveiling the significance of Siston Court and its Gothic Revival listed buildings.
7. The site is also located within Siston Conservation Area, which is focused on Siston Court and characteristics of the immediate context are representative of the wider conservation area as a whole; its significance derived in part from a rural landscape with variety in topography, hedgerows and trees which contribute to an attractive landscape along with its historic associations with Siston Court.
8. The proposal would remove a section of hedgerow along Siston Lane to facilitate the formation of an agricultural access to the north of Siston Court. It would be used for agriculture in connection with Court Farm and link with an existing agricultural track that permeates the agricultural land to the north of Siston Court. An existing agricultural access directly opposite sits inconspicuously in the landscape and when approaching Siston Court it appears consistent with the wider rural context. The proposed access would be similar in appearance and it too would present itself as a consistent part of the wider rural character of the Siston Conservation Area.
9. The amount of hedgerow removal would be minimal, and in considering that agricultural accesses are an integral part of the rural landscape I cannot conclude that it would harm the fundamental appearance of the conservation area, which is predicated in part on its rural character. There is an existing access track and substantial break in the hedgerow opposite, and at various other points along the route such as opposite the principal entrance of Siston Court itself.
10. This means that the character and appearance of Siston Lane is such that there is already a degree of openings along the boundary hedges which in their present form do not detract from the designated heritage assets' significance. Consequently, the receiving environment is capable of accommodating the proposal without unduly harming the character and appearance of Siston Conservation Area.
11. In this context, given the minimal opening within the hedgerow, when passing the access, views of Siston Court would be fleeting and would not present itself as a primary location whereby the wider public would stop to appreciate its heritage significance. Consequently, I do not consider that any such glimpses of Siston Court would detract from its significance.
12. Furthermore, the landscape setting to the north is already agricultural in character (including vehicular movements and other activities) and even if views were taken from this point along Siston Lane the addition of an access is unlikely to change the context within which Siston Court is experienced. The same logic would apply in reverse, if standing within Siston Court and looking out towards the access, insofar as it would be viewed in an agricultural context and not look incongruous.

13. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Siston Conservation Area and have had special regard to the desirability of preserving Siston Court's listed buildings and their settings.
14. In doing so, the proposal would preserve the character and appearance of Siston Conservation Area and the setting of Siston Court's listed buildings and would therefore also accord with Paragraph 193 of the National Planning Policy Framework, Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP17 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017. Among other things, these seek to reinforce aforementioned statutory duties in policy.

### **Other Matters**

15. The suitability of the access has not been definitively evidenced by either party (through the submission of highway incident report or otherwise compelling evidence) and therefore the benefits or constraints associated with the existing access did not change the assessment of the main issues. Similarly, the suitability of Siston Lane in dealing with additional traffic has not been evidenced either. There is no evidence before me to suggest that archaeological surveys would be required just because the site is within a conservation area, or that precautionary measures would be necessary during construction.

### **Conditions**

16. There were no suggested conditions put forward. However, the Council's evidence does allude to the general need for a number of conditions, which the appellant will have had an opportunity to review under the appeal. These have been considered accordingly in relation to Planning Practice Guidance. Those conditions deemed necessary have been set out in the attached Schedule.
17. Standard conditions relating to the time limit for implementation and compliance with the approved plans are necessary for certainty. Information on tree removal and mitigation planting is provided within the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan. However, this information appears to focus on the mechanisms of how planting will take place rather than the type of planting (what type of trees and what type of shrubs etc.).
18. Consequently, it is necessary to secure additional details relating to the type of planting by condition. It is also necessary to secure how the landscaping will be carried out and maintained, to ensure it is functional for a beneficial period of time. Furthermore, it is necessary to secure measures that delineate the rear edge of the visibility splay in the interests of maintaining the boundary and the highway safety of the access.
19. If it is intended by the appellant to erect any barrier or enclosure across the access, it is reasonable that details should be subject to the Council's approval in order for them to assess the subsequent effects on the character and appearance of Siston Conservation Area therein, and a condition has been attached in this context.

20. In order to ensure that the character and appearance of the area is preserved, and that there would be no detriment to highway safety as a result of the choice of materials, it is necessary to ensure an appropriate surface is approved and implemented.

**Conclusion**

21. For the reasons given, the appeal is allowed, and planning permission is granted, subject to the conditions in the attached Schedule.

*Liam Page*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin no 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 and documents unless otherwise required by subsequent conditions or details approved by the Local Planning Authority therein: Site Location Plan, Arboricultural Impact and Method Statement, Proposed Landscaping (190120-CFS-LS-AR), Existing Block Plan (190120-CF-TCP-AM&R) and Tree Protection Plan (190402-CF-TPP-Rev C-AM&AR).
- 3) No trees, shrubs or hedgerow on the site shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner until protection measures in accordance with the approved Arboricultural Impact and Method have been implemented and subsequently retained for the duration of the construction of the development.
- 4) No trees, shrubs or hedgerow on the site shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner until a comprehensive planting schedule has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the planting scheme shall be implemented as approved.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping and planting schedule shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The access shall not come into use until the sight lines shown on drawing No 190402-CF-TPP—Rev C—AM&AR , have been provided. Subsequently no shrubs, trees or other vegetation shall be allowed to grow above 1.05m metres in height within the sight lines.
- 7) No gate, access barrier or other form of enclosure associated with the development shall be implemented unless details have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, details shall be implemented as approved.
- 8) The access shall not be used until details of its surface treatment of the new access track up to the edge of the existing carriageway as shown on drawing No 190402-CF-TPP—Rev C—AM&AR, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, details shall be implemented as approved before the access first comes into use.

### **End of Schedule**