



Appeal Decisions

Site visit made on 22 June 2021

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal A: Ref: APP/J3720/W/20/3263966

Crab Mill, Grump Street, Ilmington, Shipston-on-Stour, CV36 4LE

- 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 Simon Hinley against the decision of Stratford on Avon District Council.
 - The application Ref 20/02189/FUL dated 13 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is: Creation of vehicular access off Foxcote Hill by retention of temporary access and construction of verge crossing, and the erection of a five-bar rural gate to replace the existing close-boarded timber gate.
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Appeal B: Ref: APP/J3720/Y/20/3263980

Crab Mill, Grump Street, Ilmington, Shipston-on-Stour, CV36 4LE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Simon Hinley against the decision of Stratford on Avon District Council.
 - The application Ref: 20/02190/LBC dated 13 August 2020, was refused by notice dated 12 October 2020.
 - The works proposed are: Creation of vehicular access off Foxcote Hill by retention of temporary access and construction of verge crossing, and the erection of a five-bar rural gate to replace the existing close-boarded timber gate.
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Decisions:

1. **Appeal A is allowed**, and planning permission is granted for: "Creation of vehicular access off Foxcote Hill by retention of temporary access and construction of verge crossing, and the erection of a five-bar rural gate to replace the existing close-boarded timber gate", at Crab Mill, Grump Street, Ilmington, Shipston-on-Stour, CV36 4LE, in accordance with the terms of the application Ref: 20/02189/FUL dated 13 August 2020, subject to the conditions set out in the Schedule below.
2. **Appeal B is allowed**, and listed building consent is granted for: "Creation of vehicular access off Foxcote Hill by retention of temporary access and construction of verge crossing, and the erection of a five-bar rural gate to replace the existing close-boarded timber gate", at Crab Mill, Grump Street, Ilmington, Shipston-on-Stour, CV36 4LE, in accordance with the terms of the application Ref: 20/02190/LBC dated 13 August 2020, subject to the conditions set out in the Schedule below.

Main Issues

3. The main issues are:

- i) The effect of the development on the rural character and landscape quality of the surrounding area. (Appeal A)
- ii) Whether the proposal would preserve or enhance the character or appearance of the Conservation Area. (Appeal A)
- iii) The effect of the proposed works on the setting of the Grade II listed building, Crab Mill. (Appeal B)

Reasons

4. As part of a decision in 2010 a temporary vehicle access was approved to allow for the re-construction of the adjacent tennis court. A condition required the opening to be rebuilt within 3 months of the completion of the tennis court. However, the vehicle access remains, and the wall has not been rebuilt. Permission is now sought to retain the access, although as part of the proposal the existing solid timber gate would be replaced by a 5-bar timber field gate.

Effect on rural character and landscape quality (Appeal A)

5. The site lies within the Cotswold Area of Outstanding Natural Beauty (AONB) where the Cotswold Area Management Report recommends conserving settlement character by restricting development to that which reflects the vernacular style, scale, pattern, and materials. Policies CS.5 and CS.9 of the *Stratford-on-Avon Core Strategy 2011-2031* (CS) expect proposals to respect, and where possible, enhance the character of the local area. Policy CS.11 highlights how developments affecting the AONB should conserve and enhance its special landscape qualities and scenic beauty.
6. I have also been referred to the Draft *Ilmington Neighbourhood Plan 2011-2031* (NP). Although not formally made, this has been through the public examination process and attracts substantial weight. Policy DC.4 says development proposals should respect all valued landscapes, vistas, and skylines; and the rising land off Foxcote Hill looking north and north-west (in the vicinity of the proposed access and looking over Crab Mill) is identified as one such valued landscape.
7. The access is at the transition point between open countryside and low-density development on the fringe of the village. It lies on a steep section of Foxcote Hill which rises up from the centre of the village to the Cotswold scarp. To the south-west of the site the lane features mature hedgerows to both sides and is wholly rural in character and free from development. Beyond the appeal site and leading towards the centre of the village there is a mixture of boundary treatment including walls, hedgerows, and trees, although the lane still retains a verdant and semi-rural character. In front of the access is a grass verge where the existing boundary wall of Crab Mill is set back up to 4.8m from the highway edge. Although this deep verge gives some prominence to the access, this factor in itself is not necessarily harmful.
8. Replacement of the existing close-boarded gate with a 5-bar timber 'field' gate would be appropriate to the rural character pertaining in this section of the lane and would not detract from the valued rural landscape. I do not accept the Council's argument that the interruption in the continuity of the site boundary arising from the access would be harmful to the landscape quality. Such

accesses and field gates are typical features found in even in the most rural areas, and the closest residential access to the appeal site is approximately 40m to the north-east. The verge crossing and hardstanding inside the gates would be constructed using a self-binding hoggin would ensure an appropriate rural appearance.

9. Overall, I conclude on this issue that the proposal would not materially harm the valued landscape and vistas in the vicinity, or detract from the special landscape quality and scenic beauty of the AONB. As such, I find no conflict with CS Policies CS.5, CS.9, CS.11 and emerging NP Policy DC.4.

Effect on Conservation Area/Setting of listed building (Appeals A/B)

10. The *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) requires special regard to be given to the desirability of preserving a listed building, its setting, and any features of architectural or historic interest it possesses, and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty is reflected in CS Policy CS.8, which adds that proposals should be high quality, sensitively designed, and integrated within the historical context.
11. The access lies on the edge of the Ilmington Conservation Area (CA). Although there is a considerable separation distance (over 75m) between the grade II listed Crab Mill and the boundary wall, a clear historical and functional relationship is still evident. As such, the wall may be treated as a curtilage structure within the meaning of Section 5(2) of the Act. The setting of Crab Mill in spacious grounds on the edge of the village provides pleasant surroundings in which it can be experienced and enjoyed. The setting makes a positive contribution to the significance of the listed building, and also contributes positively to the wider area, including significance of the CA.
12. Paragraph 194 of the *National Planning Policy Framework* (the Framework) says any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 says where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
13. I consider that this relatively modest proposal would not detract in any meaningful way from the verdant and tranquil surroundings within which the listed building can be experienced. Furthermore, the relative positions of the access and Crab Mill are such that they cannot readily be seen together in the same viewpoints, being separated from each other by a considerable distance, a significant difference in levels, and intervening tree cover. Therefore, in my view, the proposed access and gates do not read as part of the setting of the Hall and consequently I consider they have no materially harmful impact on the setting Crab Mill and its grounds.
14. The Council suggests that the access may lead to the land behind it being used for the parking of vehicles, with the potential for parked vehicles to be seen from Grump Street as well as from Foxcote Hill. It says this would introduce noise, dust and vibration impacts which might be harmful to the landscape character and tranquillity of the CA. However, the hardstanding would be very

modest in extent, and any vehicle parked on it would be transitory and largely obscured by the terrain and trees. I have no reason to doubt the appellant's statement that the access is solely intended to enable maintenance of the upper part of the garden, and would not be a general parking area for the house (which is already has a parking area accessed from Grump Street).

15. On balance, I conclude on this issue that the wall and gates would have a neutral effect that would not detract from significance or the CA, and would preserve its character and appearance of the CA. Nor would it materially harm the significance of Crab Hall and its setting. Therefore, the question of public benefits to outweigh any harm does not arise. I find no conflict with the heritage policies of the Framework, CS Policy CS.8 and draft NP Policy HA.1.

Other Matters

16. The Parish Council, Ward Member and others have raised concerns that the visibility splays for the access appear to involve land outside the ownership of the appellant. However, further to investigations by the Council, I note that the Highway Authority says the splays can be achieved within land which it considers to be adopted highway. Nor is there any substantive evidence to suggest that the proposal would be harmful to highway safety.

Conditions

17. I have considered the conditions put forward by the Council in the light of the advice on conditions in the Government's *Planning Practice Guidance* (PPG).
18. Conditions are needed for both appeals to secure compliance with the submitted plans and submitted Statement for the avoidance of doubt, to ensure a satisfactory finished appearance for the development, and in the interests of proper planning. Conditions concerning the surface materials and gradient of the access, and the provision and maintenance of visibility splays, are necessary for reasons of highway safety.

Conclusion

19. A number of objections to the proposal have been submitted expressing various concerns including harmful impact on the CA and listed building, harm being caused to the surrounding countryside, and highway safety issues. Taken together these demonstrate a considerable level of local feeling. However, the information and evidence before me does not lead me to conclude that these concerns, either individually or cumulatively, are of sufficient weight to justify dismissing the appeals. I find that the proposal would accord with the relevant policies of the development plan and the policies of the Framework when taken as a whole. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be allowed.

Nigel Harrison

INSPECTOR

Schedule of Conditions – Appeal A: Ref: APP/J3720/W/20/3263966

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev 01; 101 Rev 03; 120 Rev 01; 130 Rev 03, 21388-01, and the Planning Statement & Design and Access Statement dated 12 August 2020, unless otherwise required by conditions attached to this permission.
- 3) The materials of the replacement gate hereby approved shall match, in colour, form, profile, and texture, those outlined in the Planning Statement & Design and Access Statement dated 12 August 2020.
- 4) The approved access shall not be used by vehicles until a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.
- 5) The approved access shall not be used by vehicles until it has been surfaced with a bound material for a distance of 7.5m as measured from the near edge of the public highway carriageway.
- 6) The approved access shall not be used by vehicles until it has been provided with visibility splays in accordance with Drawing No. 21388-01. No structure, tree or shrub which exceeds a height of 0.6m above the level of the public highway carriageway shall be erected, planted, or retained within the visibility splays.
- 7) The gradient of the approved access shall not exceed 1 in 15 for a distance of 7.5m into the site, as measured from the near edge of the public highway carriageway.

Schedule of Conditions - Appeal B: Ref: APP/J3720/Y/20/3263980

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev 01; 101 Rev 03; 120 Rev 01; 130 Rev 03, 21338-01, and the Planning Statement & Design and Access Statement dated 12 August 2020, unless otherwise required by conditions attached to this permission.
- 3) The materials of the replacement gate hereby approved shall match, in colour, form, profile, and texture, those outlined in the Planning Statement & Design and Access Statement dated 12 August 2020.