



Appeal Decision

Site Visit made on 28 July 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Appeal Ref: APP/P0119/W/20/3258897

Plot of Land, South Side Of Hay Street, Marshfield SN14 8PF

- 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 Stephen Finch against the decision of South Gloucestershire Council.
 - The application Ref P20/02972/F, dated 10 February 2020, was refused by notice dated 28 July 2020.
 - The development proposed is erection of a fence and gates on vacant plot of land for health and safety reasons.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is from the application form. Part E of the appeal form states that the description has not changed but a different wording has been entered. None of the main parties have confirmed that a revision has been agreed so I have used the original description.
3. The appeal drawings show the position of the fence and the gates although only elevation details of the fence have been submitted. On my visit I saw a fence apparently in accordance with the details as well as metal gates at the positions as shown on the plans. Therefore, the development has commenced. My assessment is based on the plans and my observations at the site visit.
4. I have invited the main parties to submit comments on the revised National Planning Policy Framework (the Framework), issued in July 2021. However, no responses have been received.

Main Issues

5. The main issues are (i) the effect of the development on the character and appearance of the area including whether it preserves or enhances the character or appearance of the Marshfield Conservation Area (the CA), (ii) its effect on the setting and significance of nearby listed buildings, and (iii) whether it conserves the natural beauty of the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

Character and appearance

6. The CA is focused around High Street and surrounding roads. It gains its significance from the medieval planned layout and its historic buildings. Also,

the predominant use of Cotswold stone as a construction material creates a strong and attractive sense of cohesion.

7. The site lies on the approach to High Street where there is a more informal pattern of development. It is vacant of buildings but has a roadside stone wall and is adjacent to stone buildings to each side and to the rear. While now converted to dwellings and associated uses, these buildings are clearly of some age and are of a form and style that hints at their history as part of a farm. Despite the presence of more modern buildings and features such as street furniture on Hay Street, the site and its immediate surroundings retain a significant heritage interest and make a marked positive contribution to the visual qualities of the CA.
8. The timber fence is seen from Hay Street from in front of and to the side of the adjoining drive as well as over the roadside wall. The front metal gate is next to the pavement boundary and so it is clearly visible from the road. The other gate is set back and screened to a degree by vegetation but it too can be seen from the pavement over the wall.
9. By reason of its timber construction, the fence is an unusual feature amongst the prevalence of stone buildings and walls. Wooden gates are seen in the locality but these tend to be short and across small gaps whereas the fence is much longer. The timber fences at the community centre are set back from the road and are next to a modern rendered building. Also, fences further along Hay Street are seen within the context of more recently constructed dwellings rather than traditional stone structures. As such, these other features do not set an appropriate precedent for the development. Moreover, there is no historic evidence of timber fencing on the site, despite it being part of a former farm.
10. The metal gates are wider than their associated access gaps. As such, they are not well-designed and are insensitive to their context. Metal gates lie opposite the site but appropriately fit within the space to the side of a house. Other more modern gates elsewhere on Hay Street are unsympathetic to the traditional sense of the area, but do not affect the particular visual qualities of the site. Therefore, they do not justify the gates' poor design.
11. The fence and gates are low and allow views onto the site and so cause no meaningful loss of openness. Nevertheless, by reason of their incongruity and unsympathetic design, they detract from the visual quality and heritage value of the site and the CA in general.
12. For these reasons, I conclude the development harms the character of the area and fails to preserve or enhance the character or appearance of the CA. In these regards, it does not accord with policies CS1 and CS9 of the South Gloucestershire Core Strategy 2013 (CS) and policies PSP1, PSP5 and PSP17 of the South Gloucestershire Policies, Sites and Places Plan 2017 (PSPP). These aim, amongst other things, to ensure development protects the significance of heritage assets and respects the character of a site and its context.

Listed buildings

13. The Council's refusal reasons do not refer to any particular listed building but I have been provided with listing descriptions for 14, 17, 18, 19 and 20 Hay

Street. These are grade II listed houses that gain their significance by reason of their age, attractive stone construction and strong street presence.

14. The fence and gates are near to these listed buildings but are not easily seen in the same views due to their low height and intervening roadside wall and other buildings. As such, I conclude the development would not harm the setting or significance of these, or any other, listed buildings. In these regards, the development would accord with CS policies CS1 and CS9 as well as PSPP policies PSP1 and PSP17. The lack of harm in this respect is a neutral factor in my assessment.

Heritage balance

15. The scheme affects only part of the CA and so it causes less than substantial harm to its significance. In light of the Framework, it follows to consider any public benefits of the development against the adverse effects on the CA.
16. The fence and gates help prevent unauthorised access onto private land as well as disposal of waste and other abuses of the property. Also, the appellant claims he has a legal duty of care for the safety of trespassers and so the development serves a health and safety purpose. Even if I was to consider these factors to be public benefits, alternative boundary treatments and gates that are sensitive to their context could be provided to serve similar purposes. As such, I attach limited weight to these advantages in my assessment.
17. The Framework dictates that great weight should be attached to a heritage asset's conservation. As such, I find the identified adverse effects on the CA's significance would outweigh the public benefits of the development.

AONB

18. The site lies in the AONB but its value and contribution to the area relates to its association with the built environment rather than the natural landscape. Also, I note the Cotswold Conservation Board raise no objections to the development. As such, I conclude the scheme conserves the natural beauty of the AONB and so, in these regards, it accords with PSPP policy PSP2.

Conclusion

19. The scheme causes no harm in respect of listed buildings and the AONB. However, the identified harm in respect of the first main issue means it conflicts with the development plan policies when read as a whole. Its benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR