



Appeal Decision

Site Visit made on 10 August 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th August 2021

Appeal Ref: APP/F2415/D/21/3271533

Four Seasons, Wistow Road, Newton Harcourt LE8 9FT

- 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 John Ryan against the decision of Harborough District Council.
 - The application Ref 20/02062/FUL, dated 18 December 2020, was refused by notice dated 11 February 2021.
 - The development proposed is Construction of Entrance Walls and Gates.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed during my site visit that the entrance walls and gates had largely been constructed, except for the stone copings. Nonetheless, I have dealt with the appeal on the basis of the development shown on the proposed drawing referenced: P213 Revision P02.
3. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the setting of the listed buildings known as 'Manor House' and the 'Church of St. Luke', and the character and appearance of the surrounding area.

Reasons

5. The appeal site concerns the access to a relatively new house situated to the western side of Wistow Road. The site was formerly part of Manor House Spinney and grounds of the Grade II listed Manor House, the significance of which lies in its architectural and historic interest as a 17th Century small country house. Moreover, it is constructed of rendered timber framing with brick nogging above coursed rubble stone at ground floor. While the site is now separate from Manor House, part of the spinney still remains between, which provides evidence of its historic relationship to this listed building.
6. The Church of St. Luke is also to the northwest of the site, it is a Grade II* listed building and has its origins in the 13th and 14th Century, with later alterations in the 19th Century. The significance of the church is derived from

its architectural and historic interest. In particular, the use of course rubble stone in the tower of two distinct forms, but each with stone dressings, and detailing found to the nave, are all typically decorative.

7. The listed buildings are opposite one another and their historic relationship forms part of the significance of each building.
8. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. In so far as it is relevant to this appeal, aside from the appeal property, the only buildings within the immediate context are the listed buildings and others found at Manor House. These are situated within a verdant context and surrounded by generally open and undeveloped fields, some of which are accessible to the public. Wistow Road is generally narrow in width and enclosed to either side by tree and hedge planting. Together these features provide a rural context which forms an integral part of the historic setting of the listed buildings, which contributes to their understanding and significance, and to the character and appearance of the surrounding area.
9. Due to the height and depth of the planting to the roadside, the appeal property and the structures and surfacing within its grounds are highly conspicuous in their immediate surroundings and have changed the setting of the listed buildings and the character and appearance of their surroundings. Nevertheless, the roadside planting will be interrupted by the strident, bright, and pristine nature of the proposed curved stone walls and gates, which appear from corners in the road to the north and south and across open ground to the east. Like the appeal property and its grounds, the proposal is therefore conspicuous within its surroundings and has a harmful urbanising effect.
10. I appreciate that the proposal has been designed to be more reflective of the modern appearance of the house, particularly its plinth, but stone is not commonplace in the local area and the Council has suggested it is reserved for higher status buildings, such as Manor House and the church. Its use in the construction of the proposal therefore artificially elevates the status of the appeal property and, in doing so, detracts from the importance and the setting of the listed buildings in their rural context and the character and appearance of the surrounding area.
11. A hedge planted in front of the walls would soften their appearance, but this should not be relied upon to hide them from view, as they are visually harmful and planting is likely to be ephemeral and could fail to establish. It would therefore not be appropriate to control such matters by a planning condition. Similarly, the textured finish of the stone means its degree of prominence will eventually recede, but this is unlikely to be for some time.
12. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

13. The proposal is harmful to the setting of the Grade II and Grade II* listed buildings, which has a negative effect on their significance as designated heritage assets. In my view the harm that I have identified would equate to less than substantial harm to their significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
14. The appellant has not advanced any public benefits, so there would be no justification for allowing development that is harmful to the setting of the listed buildings. In accordance with paragraphs 199 and 202 of the Framework, considered together, the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
15. Given the above and in the absence of any substantiated public benefit advanced by the appellant, I conclude that the proposal has a harmful effect on the setting of the listed buildings, namely Manor House and the Church of St. Luke, and the character and appearance of the surrounding area. Hence, the appeal proposal fails to satisfy the requirements of the Act, paragraphs 197 and 199 of the Framework and conflicts with the design and heritage aims of Policies HC1 and GD8 of the Council's Local Plan.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR

