



Appeal Decision

Site visit made on 1 February 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/K2420/W/21/3282352

Land to the Rear of White Swan, High Street, Stoke Golding, Nuneaton CV13 6HE

- 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 Everards Brewery Limited against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/00070/FUL, dated 20 January 2021, was refused by notice dated 25 May 2021.
 - The development proposed is 6 detached dwellings with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area bearing in mind it would be within the Stoke Golding Conservation Area and partly within the Battle of Bosworth (field 1485) Registered Battlefield, within the setting of the grade I listed Church of St Margaret and within the setting of the Ashby Canal Conservation Area.

Reasons

3. The appeal site comprises a public house, car park and overgrown grassland within the Stoke Golding Conservation Area (SGCA). Part of the site is within the Battle of Bosworth Registered Battlefield (the registered battlefield). To the south of the appeal site, within the village, is the grade I listed Church of St Margaret (Church of St Margaret). To the west, is countryside and the expansive registered battlefield which is dissected by the Ashby Canal and associated Ashby Canal Conservation Area (ACCA).

Significance

Stoke Golding Conservation Area

4. Stoke Golding dates back to the Saxon period. It's historic core, including the Church of St Margaret, is prominent on a ridge top and overlooks rolling countryside, which includes a significant part of the registered battlefield included within the SGCA boundary.
5. There are a number of farmsteads within the SGCA and a variety of traditional buildings of different periods as well as noticeable modern residential

development on the settlement edges. Insofar as is relevant to this appeal the significance of the SGCA derives from the variety of traditional architecture, the positioning of the built form in the surrounding landscape and the historical relationship of the settlement with agriculture and the Battle of Bosworth and associated registered battlefield.

Battle of Bosworth (field 1485) registered Battlefield

6. I have noted the appeal decision¹ which considered the effect of a solar park on a different part of the registered battlefield. However, that was a different form of development and context. Having considered the evidence before me, and insofar as is relevant and proportionate to this case, I note, the battle of Bosworth was a turning point in English history, witnessing the death of King Richard III. The historic core of Stoke Golding, including the Church of St Margaret (outside of the registered battlefield) and Crown Hill where Henry Tudor was crowned king of England in victory would have been significant landscape features at the time of the battle.
7. Although now interspersed with modern features, the expansive registered battlefield mainly comprises a series of agricultural fields. These still today reflect the open context within which the battle took place. In my view and insofar as is relevant to this appeal the historical events that took place leading to, during and concluding the battle and the landscape character and setting within which the battle was fought are the foundations of the significance of the registered battlefield.

The Church of St Margaret

8. The Church of St Margaret is grade I listed, a designated heritage asset of the highest significance. It is of medieval origin, C13 with periodic alterations, of stone block construction, with a plinth, buttresses and a recessed octagonal spire set on a square tower. Although altered over time it has a variety of intact medieval/post medieval fabric and decorative architectural features such as gargoyles and a moulded parapet string. Insofar as is relevant to this appeal the significance of the Church of St Margaret, is founded on its medieval origin, intact medieval fabric and the noticeable alterations over time, its ecclesiastical use and its positioning and prominence in relation to the settlement and the surrounding landscape.

The Ashby Canal Conservation Area

9. The ACCA follows the line of the canal, towpaths and associated structures and features, through countryside and built-up areas. Insofar as is relevant to this appeal, in my view the significance of the ACCA derives from its historical role in the movement of goods and the associated historic canal structures and features.

Effects of the Scheme on Significance

Stoke Golding Conservation Area

10. The proposal would involve the erection of six large two storey detached dwellings and garage buildings behind the existing public house. The proposed

¹ Appeal reference APP/K2420/W/21/3266505

- development would fill an otherwise mainly undeveloped gap between modern dwellings on Andrew Close and farm buildings associated with Mulberry Farm.
11. The 1888 and 1928/9 ordnance survey maps show dense development was once along the appeal site frontage. The view from High Street into the appeal site is also identified in the SGCA appraisal² as a frontage improvement area. I also note the historic maps show the sheds at Mulberry Farm added after 1928/9 and intensified over time and Andrew Close added by 1982 almost enclosing the appeal site. This evidence assists to illustrate how the western edge of the settlement and road frontage have evolved to their present state.
 12. However, the new proposed High Street frontage would be an access road affording views of the gable end of plot 6, associated parking, a brick wall and a large compact parking area serving the public house. Beyond which the tall and wide front elevations of plots 2 and 3 and their garaging would be prominent at the head of a new cul-de-sac.
 13. Furthermore, the dwellings proposed as plots 1, 2 and 3, would be tall and wide executive houses in elevated positions, almost filling the western edge of the site with built form. When viewed from the north and west they would have the effect of filling the existing green gap between the buildings either side of the appeal site at Mulberry Farm and Andrew Close.
 14. I acknowledge the planting proposed within the scheme. This would soften the development when viewed from High Street. I also acknowledge the scheme would be constructed using materials which would reflect traditional local buildings. I note that all the existing western boundary vegetation would be retained and additional buffer planting would be incorporated. I have also considered the visualisations which show after 15 years vegetation would almost screen the development creating a new thick evergreen landscaped settlement edge.
 15. However, due to the scale of the properties proposed and the limited space between them, the scheme would have a compact urban character. When viewed from High Street, replacing the view of vegetation and open skyline beyond the fencing and gates, the scheme would diminish the visual relationship between the built up part of the village and the surrounding countryside. In my view, it would appear cramped and urban in character and would not be an improvement to the High Street road frontage.
 16. Furthermore, the proposed western boundary landscape buffer, even when fully established would not screen the roofs of the tall dwellings proposed as plots 1,2 and 3. Those dwellings would be visually prominent over the rolling rural landscape to the north and the west, particularly when viewed from the Ashby Canal footpath and would create a hard urban edge to this part of the settlement. This would extend and exacerbate the effect of Andrew Close and diminish the relationship between the SGCA, the rural landscape and the registered battlefield. For these reasons the appeal scheme would fail to preserve the character or appearance of the SGCA and would harm its significance.

² Stoke Golding Conservation Area Appraisal, Hinckley and Bosworth Brough Council, 2013

Battle of Bosworth (field 1485) registered Battlefield

17. I accept the appeal site is in the periphery of the registered battlefield some distance from where the encampment, approaches and battle engagements took place. I note that the proportion of the registered battlefield which would be developed is sandwiched between farm buildings and modern dwellings on Andrew Close. I accept that the appeal site has a less open character than other large fields within the much wider battlefield. I acknowledge the view study showing the proposed development would not be visible from Crown Hill.
18. However, it is not for me to determine whether or not the relevant part of the appeal site should be included in the registered battlefield designation. The fact remains the proposal would involve residential development on a part of the registered battlefield at the point where the rural landscape meets the built-up part of Stoke Golding.
19. For the above reasons, part of the registered battlefield would be developed into a compact urban development which would sever the connection between the registered battlefield and the village at this point. The proposed urbanised western edge would be noticeable from the wider battlefield to the north and west and would have a harmful effect on the rural landscape and the setting of the historic village core. Even though I accept these effects would not be prominent from Crown Hill, they would still harm features of significance relating to the context upon which the battle would have been fought. Consequently, I find the scheme would harm the significance of the registered battlefield overall.

Church of the Margaret

20. The Church of St Margaret is almost entirely surrounded by modern development which separates it from the rural landscape to the north and west. Although its spire remains widely visible, having regard to the advice in GPA 3³, it is seen in the context of surrounding modern development from almost all relevant viewpoints. For these reasons, I find filling the gap between, the farm buildings and dwellings on Andrew Close with the appeal scheme, would not alter the setting of the church. The existing grassland and car parking is not harmful to its setting, consequently the proposed development would not improve the setting of the heritage asset. Overall, I therefore find the appeal scheme would have no effect on the setting or significance of the grade I listed Church of St Margaret.

Ashby Canal Conservation Area

21. The appeal scheme would appear as part of the settlement of Stoke Golding, within the setting of the ACCA at the bottom of a valley. The scheme would have no effect on the historic role of the canal or any of its associated historic structures or features. The scheme would not therefore harm the setting or significance of the ACCA.

Planning and Heritage Balance

22. The combined harm I have identified to the significance of both designated heritage assets would be less than substantial. In which case paragraph 202 of

³ The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (second Edition), Historic England, 2017.

the National Planning Policy Framework (the Framework) requires it to be weighed against the public benefits of the proposed development.

23. The proposal would provide six new dwellings suitable for family occupation. Those homes would be in an area where an Inspector found in May 2021⁴, that the Council is unable to demonstrate a 5-year supply of deliverable housing land and would meet a need for such accommodation in the area. There would be economic benefits associated with construction as well as benefits to the local economy through additional labour force and local expenditure. Those dwellings would be in a service centre where services and facilities could be easily accessed. There would also be ecological benefits associated with the proposed landscaping. Even if I accepted there would be benefit associated with supporting the viability of the existing public house identified as being locally important, all these benefits combined, although significant are insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
24. In reaching these conclusions I have also noted the Stoke Golding Neighbourhood Plan (NP) is at an advanced stage of preparation. I note the maps included within it show the appeal site entirely within the NP settlement boundary. I also note the comments that representations have been made to the NP examination arguing for the appeal site to be allocated in the NP. However, even if the site was allocated and I were to afford full weight to the NP, this would not alter my earlier findings which relate to the impact associated with design of the scheme on the designated heritage assets. I have also noted the examples of other schemes nearby granted planning permission by the Council⁵. However, I afford these limited weight as they are not before me, nor do they have the same impacts on the relevant designated heritage assets as the appeal scheme.
25. Overall, for the reasons given the appeal scheme would harm the character and appearance of the area and the significance of both the SGCA and the registered battlefield and that harm is not outweighed by public benefits. Thus, the scheme is in conflict with paragraphs 199 and 202 of the Framework and fails to accord with Policies DM11 and DM12 of the Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies Development Plan Document (2016). These policies taken together and amongst other things seek to protect and enhance heritage assets and their settings.

Conclusion

26. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

⁴ Appeal reference APP/K2420/W/20/3262295

⁵ Council Reference 17/00484/FUL & 18/01031/CONDIT