



Appeal Decision

Site visit made on 24 January 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2022

Appeal Ref: APP/Z1510/D/20/3261974

Home Farm House, Hall Drive, Gosfield CO9 1RZ

- 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 & Mrs Edwards against the decision of Braintree District Council.
 - The application Ref 20/00767/HH, dated 11 May 2020, was refused by notice dated 6 October 2020.
 - The development proposed is removal of greenhouse wall and construction of ancillary outbuilding and outdoor swimming pool.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Braintree District Local Plan 2012-2033 Section 1 (the S1LP) was adopted in February 2021, such that its policies now attract full weight. The main parties have had the opportunity to make observations as regards any relevance of this to the outcome of the appeal. Furthermore, a Section 2 Local Plan (the S2LP) is emerging and has reached examination stage. However, on the basis that it has yet to be found sound, the S2LP is currently at a stage that attracts limited weight. I have seen nothing to clearly indicate otherwise and shall determine the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal upon the character and appearance of the area, having particular regard to its effects upon the settings and thereby the significance of relevant Grade I and II listed buildings and the significance of a Grade II listed Registered Park and Garden; and
 - In the event that I identify that the proposal would cause harm to the significance of any designated heritage asset(s), whether or not this harm would be outweighed by the proposal's public benefits.

Reasons

Background

4. The appeal proposals concern a portion of the residential garden associated with Home Farm House, a detached dwelling situated in the open countryside outside of the village of Gosfield. Whilst Home Farm House itself is not a listed

building, it historically formed part of the estate associated with the Grade I listed building known as Gosfield Hall; is partly bound by the perimeter wall of the Grade II listed building known as Home Farm, Walled garden approximately 20 metres east of Home Farmhouse (the walled garden); and lies within the boundaries of the Grade II listed Gosfield Hall Registered Park and Garden (the RPG).

5. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I shall have regard to this statutory duty in my consideration of this appeal.

Character and appearance

6. The appeal scheme proposes the introduction of an outbuilding in addition to external works including the provision of a swimming pool, ornamental ponds and additional hardstanding. The proposed outbuilding would be situated in proximity to the west of the walled garden, although detached from it. At present, this portion of the appeal site is flat, grassed and features remnants of dilapidated walling and a former glasshouse thought to be of 19th century origin. Notwithstanding that these remains are not protected and could be removed without consent, in my judgement, it is the open nature and simplicity of the site that provide it with a low-key, informal yet functional character.
7. The Grade I listed Gosfield Hall is identified within the statutory list description as being of mid-16th century origin. Its significance and special interest is drawn, in-part, from its grand architectural qualities, surviving historic fabric, historic associations, and alterations over time. This significance and special interest is further underpinned by the building's origins as a high status country dwelling, visually and functionally ascendant over a wider parkland estate. Although now in divided use and ownership, there remains an enduring connection between Gosfield Hall and its surroundings. Therefore, the land and buildings that historically formed part of the Gosfield Hall estate, which include the walled garden, and the RPG, comprise part of its setting and make a valuable contribution to its significance as a designated heritage asset.
8. The walled garden is situated to the northwest of Gosfield Hall, beyond and separated from its more formal landscaped gardens. It is comprised of high brick perimeter walls with an open interior now used, at least in part, for storage purposes and parking in connection with an adjoining golf club. The significance and special interest of the walled garden is drawn, in part, from its horticultural origins, its historic connection to Gosfield Hall, its considerable open interior and its notable surviving elements of 16th century brickwork. Whilst no longer productive as a garden, the significance and special interest of the walled garden lies in its form, fabric and layout, and the continued legibility of its intended horticultural purpose and intrinsic link to the Gosfield Hall estate. Thus, the setting of the walled garden extends beyond its walls and to the Gosfield Hall estate. Indeed, this setting includes lands that were historically associated with horticultural production that therefore contribute to the walled garden's significance as a designated heritage asset.
9. The appeal site is situated to the immediate west of the walled garden. Historic mapping contained within the submitted Heritage Statement

(July 2020) (the HS) indicates that Home Farm House had comprised a pair of cottages associated with the Gosfield Hall estate. This historic association with Gosfield Hall indicates that Home Farm House is within its setting and contributes to its significance. The HS identifies an historic functional association between the appeal site and the walled garden. Indeed, the remains of the former glasshouse and associated red brick walling link the site to the historic evolution of the estate and to horticultural operations that once took place within the walled garden. Thus, the appeal site is within the settings and contributes to the significance of both Gosfield Hall and the walled garden as heritage assets.

10. The significance of the RPG as a designated heritage asset is drawn, in part, from its inherent connection to Gosfield Hall, its formal garden spaces and its extensive expanses of undulating and often well-vegetated rural land. This significance remains identifiable despite the introduction of a golf course to a part of the former estate and the division of agricultural operations. The appeal site, through its open and informal characteristics, contributes to the asset's significance.
11. The proposed outbuilding, whilst single storey, would occupy a large footprint and have expansive roof slopes rising to a not insignificant ridge height. Its scale and physical separation from Home Farm House would introduce a domestic formality and urbanisation onto the appeal site, causing the outbuilding to appear as a standalone and non-subordinate structure. Moreover, when considered in conjunction with the various external works also intended, the outbuilding would represent an insensitive urbanising addition and read as unsympathetic and dominating development, completely at odds with the informal, functional and open characteristics of the appeal site. The proposed material treatment and supplemental landscaping would not mitigate this obtrusive impact.
12. Notwithstanding the appeal site's relatively discreet location that would provide some degree of containment, the appeal proposal concerns a sensitive location where the settings and significance of various designated heritage assets are at play. There would be no intervisibility between Gosfield Hall and the outbuilding. However, introducing a sense of domestic independence and emphasising a functional separation away from Gosfield Hall, the proposed development would be anomalous to its setting and diminish, albeit in a small way, its significance and special interest.
13. The proposal would also weaken the legibility of the historic functional connection between the appeal site and the walled garden. Whilst, the proposed outbuilding would be constructed away from the fabric of the walled garden, its height and mass would cause it to compete with the asset and dominate its immediate setting. It is also evident that the top of the outbuilding would reach above the parapet of the walled garden¹. Where visible, the scheme would draw the eye and be experienced as an uncharacteristic intrusion. By the same effect, the proposal would introduce an incongruous form of development that would fail to harmonise with the character and appearance of the countryside and the RPG landscape, causing harm.

¹ Ref: DRG.04

14. Thus, there would be some harm caused to the significance and special interest of the Grade I listed Gosfield Hall and the Grade II listed walled garden by development within their settings. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I would qualify that the degree of harm to the Grade I listed Gosfield Hall, the Grade II listed walled garden, and the RPG as designated heritage assets would, in each case, be less than substantial. Paragraph 202 of the Framework requires less than substantial harm be outweighed by public benefits.

Public benefits, heritage and planning balance

15. In terms of the public benefits of the proposal, there would be economic benefits associated with the construction phase. Furthermore, the proposal would, in part, utilise previously developed land and make an effective use of it.
16. However, in the main, the proposal would ultimately satisfy private needs and wishes, increasing living space for the appellant's private enjoyment, which would offer no substantive public benefit. Reference has been made to a potential fallback position offered by the utilisation of permitted development rights that could see development on a larger footprint and closer to the walled garden when compared to the proposal before me. However, the specific details of any such potential scheme, and/or a certificate of lawful development, are not before me to assist in demonstrating that a realistic and fully implementable fallback position, as purported, exists. Thus, I attach limited weight to the appellants' arguments in a fallback position sense and to any possible associated public benefit.
17. Even considered cumulatively, the public benefits associated with the appeal scheme would be modest and carry limited weight in its favour. The heritage harm that I have identified would therefore not be outweighed by public benefits. This leads me to conclude that, in the circumstances of this case, the public benefits do not outweigh the harm or satisfy the overarching statutory duties in respect of listed buildings (or their settings) nor the considerable importance and weight that even less than substantial harm to designated heritage assets carries.
18. The proposal therefore runs contrary to the clear expectations under Section 66(1) of the Act. The proposal would also fail to accord with the historic environment conservation and enhancement policies contained within the Framework. Conflict therefore arises with saved Policy RLP100 of the Braintree District Local Plan Review (July 2005) (the Local Plan), Policy SP7 of the S1LP and emerging Policies LPP50 and LPP60 of the S2LP in so far as these promote the preservation or enhancement of the settings of listed buildings.
19. The proposal would also have a negative impact on local character and distinctiveness, leading to conflict with Policies RLP2, RLP90 and RLP103 of the Local Plan, Policy CS5 of the Braintree District Core Strategy (September 2011), Policy SP7 of the S1LP and emerging Policies LPP1, LPP38 and LPP55 of the S2LP. Amongst other provisions, these policies set out that countryside development will be strictly controlled and that the layout, height and mass of buildings and developments shall be in harmony with the character and appearance of the surrounding area. Thus, the proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew Smith

INSPECTOR