



Appeal Decisions

Site visit made on 1 March 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal A Ref: APP/J3720/W/21/3275225

The Grange Stables Tysoe Road, Radway CV35 0UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Penny Gardner against Stratford-on-Avon District Council.
 - The application Ref 20/03209/FUL, is dated 11 November 2020.
 - The development proposed is Demolition of conservatory, erection of extensions and fenestration changes and internal amendments.
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Appeal B Ref: APP/J3720/Y/21/3275228

The Grange Stables, Tysoe Road, Radway CV35 0UE

- The appeal is made under sections 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mrs Penny Gardner against Stratford-on-Avon District Council.
 - The application Ref 20/03210/LBC, is dated 11 November 2020.
 - The demolition proposed is Demolition of conservatory, erection of extensions, fenestration changes and internal amendments.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed and listing building consent is refused.

Application for an award of costs

3. The applicant has made an application for an award of costs. This is considered in a separate decision.

Preliminary Matters

4. The applications were not determined by the Council. However, the Council has submitted a statement which sets out what it considers to be the main issues and I have used this as the basis for my reasoning. Although the appellant has not submitted final comments, I am satisfied that there was an opportunity to do so.
5. To avoid duplication, I have considered the appeals together where appropriate.

Main Issues

6. The main issues are:

7.
 - Whether the development and works would preserve the Grade II* registered Radway Park and Garden, the Grade II* listed Radway Grange, the Grade II Chestnut Cottage and Gardeners Cottage, other listed structures, or any features of special architectural or historic interest, including settings (Appeals A and B);
 - Whether the development and works would preserve or enhance the character or appearance of the Radway Conservation Area (RCA) (Appeals A and B); and,
 - The effect of the development on the Cotswolds Area of Outstanding Natural Beauty (AONB) (Appeal A).

Reasons

Heritage Assets

The Radway Estate

8. Radway Grange is the focus and principal building of a very large estate which has medieval origins as a monastic grange owned by the local Stoneleigh Abbey. Following the Dissolution of the Monasteries in the 16th century the estate passed to private ownership. The current Radway Grange (the Grange) was constructed in the late 16th century, and the estate underwent further changes of ownership until bought by a local cloth merchant, Sanderson Miller, around the turn of the 17th and 18th centuries.
9. In the mid-18th century, the son of that household, also named Sanderson Miller, and a notable local architect and landscape designer, redesigned the 16th century Grange. He also created an extensive landscaped park extending south and eastwards from the core of the estate to the Edge Hill escarpment. The landscaped park, together with its woodlands and romantic ruin, wraps around formal garden areas arranged around the Grange. These features, together with other listed structures such as a ha-ha, dovecote and garden walls, are very much in evidence today, giving a clear impression of the original park's design and its planned relationship to the surrounding landscape, the Grange and the nearby Radway village.
10. The park and gardens also contain references to significant local events, such as an urn to commemorate a visit to the estate by William Pitt, and the obelisk which commemorates the participation of Lt. Col. Fiennes Sanderson Miller in the Battle of Waterloo.
11. The current three-storey stone Grange has a square plan main range and a slate roof. It has Elizabethan gables and ball finials on three elevations and a pedimented centrepiece with tall gothic windows on the fourth. Located with extensive views across the ha-ha from its southern and eastern elevations, the Grange sits towards the south-western edge of a cluster of cottages and ancillary buildings. Until the subdivision of the estate in the 20th century, there was direct access from the carriage drive behind the Grange to the courtyard and its associated outbuildings and adjoining paddock. Although the layout of the carriage drive has been altered and another entrance created from Tysoe Road leading directly to the former outbuildings, the extents of the estate are very much as established by Sanderson Miller.

12. The ancillary buildings sited around the courtyard include the listed Chestnut Cottage (the Cottage) and the unlisted Grange Stables (the Stables) and its stable annex (the annex). The Gardener's Cottage is sited beyond the buildings lining the courtyard, but adjacent to a large kitchen garden area. The appeal site is the unlisted Stables and its annex, which now comprises one dwelling.
13. The Stables is a one-story L-shaped stone dwelling with attic accommodation attached to the Cottage's northern flank elevation. It is built in an understated arts and crafts style, and wraps around one corner of the courtyard. The evidence indicates that the Stables dates from the early 20th century and was built as a rectangular range attached to the Cottage, providing a hayloft, tack room and living accommodation. The then attached stables wing now forms the shorter limb of the Stables' L-shaped footprint.
14. The front and rear elevations of the original Stables limb include a pair of hipped dormers on each side of the roof, a rather oversized stone chimney stack and an imposing stone gable over what is now the front entrance door but which formerly accessed a passage to the courtyard. The stone mullioned windows with stone quoins appear somewhat grand for an ancillary building, and it is suggested that these may have been reclaimed materials. To the side gable, a rather elegant hooded hayloft supported by stone corbels, belies the Stables' original function. Within the courtyard, the rear elevation of the Stables is masked by a very large conservatory.
15. In the late 20th century, the original hayloft was extended at roof level to incorporate the adjacent stables wing. Internal alterations, including the relocation of the original staircase, have removed most of the evidence of the original domestic or service uses.
16. The annex is a separate long low stone building with flat elevations and a tiled pitched roof. It sits opposite the longer limb of the Stables and encloses another side of the courtyard. It has been substantially rebuilt but appears to retain some original wall fabric and roof trusses. The annex effectively separates the Stables from its extensive garden, and some of the original openings have been widened to accommodate French doors, particularly on the garden elevation.
17. Although the Stables and annex are now linked by a garden wall along the courtyard boundary, there is clear separation between the two elements. The annex's reduced scale and simpler typology is clearly subservient to both the Stables, and the nearby Cottage.
18. The Cottage is a two-storey 17th century coursed ironstone dwelling that is thought to have been a former farmhouse, and to predate the 18th century extensions and alterations to the park and the Grange. It has a simple form with flat elevations apart from a single storey 20th century lean-to extension on its front elevation, and a pitched tiled roof with brick stacks. There are stone mullioned windows with hood moulds on the ground floor, timber casements on the first floor and 20th century hipped dormers above.
19. The Cottage appears to be shown on the earliest map of the estate, as set out below, and is likely to have been the focus of a home farm for the estate.

20. The 18th century thatched Gardener's Cottage is located forward of the Cottage and Stables and is perpendicular to their combined frontage. Its simple form is constructed of coursed ironstone, and it provides ground floor and attic accommodation. To the rear it has direct access to the former kitchen garden, bounded by listed garden walls.
21. The Stables, the Cottage and the Gardener's Cottage provide a very pleasing grouping of period buildings around a small grassed area adjoining the current entrance drive. It seems likely that the Stables' prominent stack and entrance gable were designed to be a distinctive focal point when seen from the approach from Tysoe Road. The Stables is a key visual component of this historic composition, which also includes views of the slate roofed dovecote and its ornate lantern, with mature vegetation around the Grange itself in the background.
22. The heritage statement notes that externally the Stables retains its 1919 appearance and contributes positively to the setting of the Cottage and the Gardener's Cottage. It also notes that because of the close historic and contextual associations between the park and varied designated assets, it is necessary to consider the park and its constituent elements as a group. I see no reason to disagree with that view, especially as it is reinforced by Historic England's attribution of group value to the constituent heritage assets.

Curtilage listing

23. The courts have found that there are three factors to be taken into account with regard to curtilage. These are the physical layout of the listed building and the ancillary building, their ownership both historically and at the date of listing, and their use and function, also historically and at the date of listing.
24. The heritage statement notes that the Cottage and the Gardener's Cottage are shown on the 17th century Salmon map, but not the Stables. However, none of the buildings is labelled and given the inherent inaccuracies in mapping techniques at that time it is difficult for me to reach a conclusion in this regard. It is clear that the cluster of outbuildings shown on the Salmon map shows various buildings broadly in the same area as the appeal site, and the 1886 Ordnance Survey map shows buildings on what appears to be the same footprint as the Stables and the annex.
25. As such, even if the current buildings have been largely or partly rebuilt, it seems likely that the current layout reflects the layout of previous ancillary buildings and may contain remnants of those earlier buildings. The identification of the Cottage as the Groom's Cottage, and the Stables as the Butler's Cottage on a 1976 plan, strongly suggests that these buildings provided accommodation for staff supporting the lifestyle of the Grange's occupiers.
26. The appeal statement argues that the Stables is curtilage listed to the Cottage. However, the reference to butlers and grooms suggests association with the Grange rather than a working estate farm. Moreover, the rebuilding of the Stables with obvious care and investment, and in such a sympathetic style in relation to the wider estate, suggests that they were more than farm outbuildings and that the buildings had an inherent importance within the estate at the time. The annex is a lesser building architecturally but is clearly an integral part of the courtyard complex. Although the exact functions of the

ranges now forming the Stables and annex may have altered over time, I am satisfied that they have been central to the workings of the estate for a very long period.

27. In any case, although the Stables is attached to the Cottage, the overarching function of the estate farm would have been to support the estate and the functioning of its principal building. As such, I conclude that the Stables and annex were ancillary to the Grange at the point of the Grange's listing in 1952 and were in the same ownership until the 1970's. The Stables and annex are therefore curtilage listed in relation to The Grange.

Significance

28. The significance of the Grange itself arises from its fine and intact historic form, its aesthetic contribution to the park and its association with the architects of change, particularly Sanderson Miller and latterly Percy Morden Horley. It is also the visual and functional focal point of the surrounding estate.
29. The Stables was substantially rebuilt in the early 20th century and then altered again in the 1970s. However, it has a scale and typology which complements the attached Cottage as well being an integral part of the built form creating the courtyard. Its distinct vernacular form and style retains a sense of its former functionality despite its current residential use. It also makes a highly positive and direct contribution to the setting of the Cottage as well as to the overall composition of the wider estate. The significance of the Stables therefore arises from its overall scale, form and typology, and the use of materials, as well as its visual, evidential and spatial contribution to the wider historic complex that forms the Radway estate.
30. The annex has a far simpler form. In isolation it would be considered representative of a rural outbuilding of a particular period and otherwise fairly unremarkable. Nonetheless, it sits within the same visual envelope as the Cottage and the Stables and its significance in this context is related to its reduced scale and simple form, and its contribution to the Grange's underlying layout. There is also a clear separation between the Stables and the annex which reinforces the subservience of the annex in relation to the Stables and provides evidence of the former link to the paddocks from the courtyard. The annex also makes a positive and direct contribution to the setting of the Cottage, and the wider estate.
31. The heritage statement indicates that the Cottage was formerly accessed from the courtyard. The relocation of its main entrance to its current frontage diminishes the evidential value associated with its former function as a farmstead. Nonetheless, it has a high degree of aesthetic value, and individually and collectively contributes positively to the appreciation of the estate. The Cottage's significance arises from its historic form and intact fabric, its spatial relationship to the other structures around the courtyard, and in providing the part of the complex and extensive setting of the Grange and the registered park. It also makes a distinctive and notable aesthetic contribution to the small green area adjoining its front elevation.
32. The thatched Gardeners Cottage dates from the 18th century and is one storey with attic. Its significance arises from its historic fabric and form, and its spatial relationship with the gardens and the other nearby structures, which is reflective of its former function. It also makes a highly positive contribution to

the setting of the Cottage, the Stables and the other heritage assets within the estate.

33. Whilst the estate's subdivision has caused some fragmentation of the earlier relationships between the various structures, it has not reduced legibility to the point that the former functional and architectural relationships between the buildings and other features has been significantly diminished. Notwithstanding that there are detracting features such as the Stables' conservatory, taking the estate as a whole there is a distinct absence of modern intrusion. The morphology of the estate's designated assets remains highly legible and is a clear representation of the estate's development, and an illustration of the changing design and socio-economic influences over the centuries.
34. As such, and considering the estate as a whole, there is significance in the architectural fabric and form of the Grange and other structures on the estate, as well as their arrangement and relationship to the underlying park layout and each other. These reflect the estate's evolution from its ecclesiastical and medieval origins, through Sanderson Miller's grand vision which created the basis of the current estate's extents and layout, to the 20th century alterations to the courtyard buildings which are of particular relevance to these appeals.
35. Consequently, although I have considered the listings and significance of the most relevant structures separately, there are clearly layers of reciprocal and overlapping influences. Each asset makes an individual and cumulative contribution to the significance of the estate as a whole and its individual assets.
36. The space between the former carriage turning area behind the Grange and the courtyard is now blocked by a property boundary and conifer hedge. However, there are glimpsed views from the parking area across the courtyard to the rear of the Grange. This gives a sense of the former visual interactions and period character that would have existed before the estate's subdivision. The buildings remain even if there is no longer a direct spatial link.
37. I appreciate that the Stables and the annex are not listed in their own right but this does not diminish their significance with regard to the Grange and the remainder of the estate.

Proposals and Effects

38. The proposals would extend the roofline of the Stables' rear limb, across the current gap between the Stables and the annex, and the roofline would then step up to oversail the ridge of the annex by some considerable degree. The resultant two storey structure would subsume one end of the annex, which would also project beyond the annex's rear elevation into the garden by some 6 metres. The resultant structure would be taller than the main Stables range.
39. The proposals would therefore add considerable height, mass and bulk to the existing configuration of buildings and would remove the existing separation between the Stables and the annex. This would reverse the current visual relationship between the Stables and the annex, as the proposed rear range would appear as the dominant element of the group. Moreover, the quasi-barn form of the rear roof would appear contrived and disproportionately large in both height and width.

40. The contrived detailing of the southern elevation in particular, with its oversized barn style roof and covered balcony would also be disproportionately large and clumsy in relation to the more refined scale and detailing of both host structures.
41. Moreover, the removal of the hipped roof structure at the end of the rear limb would result in a loss of the historic roof structure which appears to have been part of the original stable wing.
42. The entire inner elevation of the Stables' rear limb would be hidden within a boxy glazed two-storey structure. This would build out from the Stable's inner courtyard elevation, providing a ground floor lobby, large dining area and first floor landing, effectively linking the Stables and annex on both floors. The link structure's scale, contemporary form and styling would be wholly incongruous with and detract from the understated vernacular form and clarity of the existing buildings.
43. The extension would therefore appear overbearing and would significantly detract from the appearance and appreciation of the current harmonious composition presented by the Stables and the courtyard. It would also detract directly from the setting of the Cottage, as well as the settings of the other listed structures.
44. The outer side elevation of the Stables faces a parking area and is not seen in the immediate context of the Cottage, the courtyard or the Grange. However, the addition of two hipped dormers, a rooflight and a ground floor window would present a more obviously domestic elevation to the parking area. There would also be a rather suburban symmetry in the proposed arrangement of window openings.
45. I appreciate that the extension's typology and materials would reflect the styling and materials of the original buildings on this elevation. However, this elevation's current plain and functional appearance is consistent with the overall appreciation of the Stables' functional origins. Its clear alteration to residential use on this elevation would be detrimental to the significance of the Stables and the stable annex. In combination with the disproportionate and overbearing extension to the annex, this would diminish the appreciation of the original scale and typology of the Stables to a considerable extent.
46. I have set out above that a key feature of the building arrangement around the courtyard, and consequently its heritage significance, is the sense of separation and subservience between the Stables and the annex. There is also significance in the underlying hierarchy of buildings arranged around what was once a stable or farmyard. I conclude that the extension between the Stables and the annex would amount to considerable harm to the significance of the Radway estate.
47. The works would also include one new dormer and a conservation rooflight on the otherwise unaltered north-west front elevation, and a pair of oak doors in the current entrance opening. These works would not particularly detract from the aesthetic of this elevation. The doors would complement the scale of the existing opening and the proposed dormer would mirror the existing dormers. Although the Council has raised a concern in relation to the rooflight, and I agree that it would be slightly incongruous on this elevation, its inclusion would not be determinative in the absence of other concerns.

48. I see no particular harm in relation to the glazed doors in the former arched opening on the Stables' inner courtyard elevation. The arched recess appears to have been added when the Stables' roof was extended in the late 20th century and as such does not appear to be a historic feature.
49. There are other internal alterations that do not affect the overall form of the Stables and annex and would disrupt what is largely modernised fabric. The Council has not found harm in this regard, and I see no reason to disagree.
50. The removal of the conservatory would be a benefit to the courtyard buildings. However, although rather oversized, the conservatory is tucked into the corner of the Stables, and does not protrude above the nearby rooflines. As such it can be seen only from within the courtyard and from the upper windows of the Cottage, albeit in oblique views. I give its proposed removal minor to moderate weight in favour of the appeal.
51. With regard to the Cottage, the proposals would not affect what is now the Cottage's front elevation and its rear elevation, formerly the principal elevation fronting the courtyard, is somewhat obscured by a hedge and timber garden fence. Nonetheless, fences and hedges tend to be less long lasting than buildings. Although the contextual link between the Cottage and the courtyard has been altered, there remains a strong sense of the historic visual and functional relationship between the Cottage, the courtyard and the Stables. As such the introduction of a dominant and highly incongruous building in that context would significantly detract from the setting of the Cottage and diminish its significance to a considerable degree.
52. Each of the designated assets within the estate makes its own and cumulative contribution to the estate's significance of the estate. Whilst the Stables and annex may not be within the direct visual context of The Grange, the Gardener's Cottage and the other listed elements, they make an important contribution to the estate as a whole, particularly given the current absence of particularly intrusive and incongruous elements. As such the proposals would also diminish and erode the settings of the other designated assets and detract from the significance of the estate as a whole.
53. The heritage statement notes that changes to the Stables would need to be restrained and proportionate, in order to minimise or avoid harm, and that the building's appreciation as former outbuildings should be retained. These proposals would be neither restrained nor proportionate and would have a considerable adverse effect on the appreciation of the Stables and the annex. The incorporation of matching materials to some elements of the works would not overcome the harm arising from the proposals' excessive scale and unsympathetic form.
54. Notwithstanding that there are elements of the proposals that would have both neutral effect and positive effects on the significance of the Stables, the annex and the wider estate, the proposals taken as a whole would result in the loss of key elements that contribute to the significance of the various heritage assets. Given the richness of assets within the estate, I conclude that the magnitude of harm would come very close to being substantial harm as set out in the National Planning Policy Framework (the Framework). On balance I have concluded that the harm overall would be less than substantial, but that it would be very much at the upper end of that wide ranging spectrum and on the cusp of substantial harm.

Heritage Balance and Conclusions

55. Paragraph 200 of the Framework sets out that any harm to the significance of a designated heritage asset requires clear and convincing justification. Paragraph 202 of the Framework states that where a proposed development will lead to less than substantial harm, this harm should be weighed against public benefits, including where appropriate securing its optimum viable use.
56. I appreciate that the proposals would enable the host dwelling and the annex to have an internal link and to have a more direct relationship with the extensive garden. However, these benefits would be private and do not amount to clear and convincing justification. Moreover, in my experience, the separation of a guest annex from the main accommodation is often seen as a benefit. I see no reason why the continued separation of the guest annex would be detrimental to the Stables' optimum viable and residential use.
57. The only public benefit cited is that the oversized conservatories would be removed. However, these could be removed without the proposed works. In any case the harm caused by the proposals taken as a whole would substantially outweigh the benefit of the conservatory's removal.
58. I conclude that the proposals would not preserve the Grade II* registered Radway Park and Garden, the Grade II* listed Radway Grange, the Grade II Chestnut Cottage and Gardeners Cottage, other listed structures, or any features of special architectural or historic interest, including settings. As such they would fail to comply with Sections 16 (2) and 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), and Section 16 of the Framework which are concerned with the conservation and enhancement of the historic environment. They would be contrary to Policy CS8 of the Core Strategy (CS) which sets out that priority will be given to protecting and enhancing historic and cultural assets, and CS Policy CS9 which requires all forms of development to enhance the sense of place, reflect local character and distinctiveness and which also prohibits proposals that damage or destroy features which positively contribute to local distinctiveness. The proposals would also fail to comply with CS Policy CS20 which requires extensions to be of an appropriate scale and subservient in relation to existing buildings.

Radway Conservation Area (RCA)

59. I noticed at my visit that there was a high degree of architectural coherence amongst the largely domestic and residential buildings that comprise the village. Most of the dwellings are two-storey and use local ironstone as the predominant building material.
60. The conservation area review draws on a well-documented history of the village's evolution. It also notes that the Stables are a key building which defines the village space. Although set back from the Tysoe Road, I see no reason to disagree with this statement.
61. The significance of the RCA is derived from its distinctive building pattern, use of local stone and its spatial and visual relationship with the Grange estate.
62. LP Policy CS20 requires alterations and modifications to existing buildings to be both of an appropriate scale and subservient in relation to the host building.

63. The proposals would be of an inappropriate scale in relation to the existing buildings, would be incongruous in their context and would fail to preserve or enhance the character or appearance of the RCA. They would therefore be contrary to LP Policy CS20 as well as Section 72(1) of the Act and Section 16 of the Framework which is concerned with the conservation and enhancement of the historic environment.

Area of Outstanding Natural Beauty (AONB)

64. LP Policy CS11 sets out that development within the AONB should not harm historic or built character, or local distinctiveness. I have concluded above that the effects of the proposals on the listed buildings and their settings would be less than substantial harm and would fail to comply with the requirements of the Act and the Framework. As such, the proposals would amount to harm to the historic and built character, and local distinctiveness of the AONB, contrary to LP Policy CS11.

Other matters

65. The DAS states that the stable annex is used as self-contained guest accommodation, but that it cannot be readily incorporated as a useful part of the house due its separation from the Stables. The design brief sought to link the stable annex and the Stables.
66. The Council's suggested conditions indicate that use of the identified guest accommodation could be limited by condition. However, given that the guest accommodation would be directly next to the garden and the main living kitchen it is difficult to see how this could be enforced. In any case, there is nothing before me to indicate why the inclusion of an annex into living accommodation for the Stables should raise conflict with the Local Plan. As such I give the Council's concerns in this regard no weight in my reasoning.
67. Energy efficiency is also included as a benefit arising from the proposals, but I see no reason why this should be predicated upon this particular development. As such, this weighs neither for nor against the proposals.
68. The Council's statement concludes that there would be harm to the living conditions of occupiers of the Cottage arising from the form and bulk of the proposals. The link between the Stables and the stables annex would be some 18 to 19 metres from the Cottage's rear elevation and seen only at an oblique angle. Views directly from the rear of the Cottage would not be affected. I am satisfied that the proposals would not result in harm to the living conditions of the Cottage's occupiers in terms of outlook.
69. In line with my statutory duties, I am required to consider the impact of the proposals on the Edgehill Registered Battleground (battleground) and nearby ancient woodland. However, there is nothing before me to indicate that the proposals would have an adverse effect on the battleground or the ancient woodland.
70. The Design and Access Statement states that the annex was rebuilt about 17 years ago. However, this is not supported by the very detailed heritage assessment, or the site's planning history. As such I give this limited weight. In any case, it does not alter my conclusions that it is the annex's simple form, together with the use of materials, that contributes to the overall historic composition.

71. The Council has also raised a concern in relation to light pollution from the proposed glazed link but the works would involve the removal of an existing conservatory of some size. I conclude that there would be a more or less neutral effect on light pollution.
72. I acknowledge that the works would provide a short-term economic benefit but that minor benefit would not outweigh the harm identified above.

Conclusion

73. I note that the proposals have received some local support. Nonetheless, I have concluded that the development and works would result in less than substantial harm to the heritage assets of Radway Grange, and their settings, as well as harm to the CA and the AONB. There are no public benefits of sufficient magnitude to outweigh that harm.
74. As such, the proposals would be contrary to the requirements of the Act, the Framework and the Local Plan taken as a whole. There are no material considerations of such weight to lead me to conclude otherwise.

A Edgington

INSPECTOR