



Appeal Decision

Site visit made on 27 February 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/J3720/W/22/3294598

Old Pastures Farm, Stratford Road, Hampton Lucy CV35 8BQ

- 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 N Mauro on behalf of Valefresco Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/02235/FUL, dated 13 August 2020, was refused by notice dated 14 September 2021.
 - The development proposed is application to extend packhouse and cold storage facility.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Potential revised plans¹ (the revised plans) have been submitted at appeal stage. These detail a not insignificant reduction to the proposed extension's footprint and gross internal floorspace in the interests of ensuring that it does not encroach upon an adjacent Scheduled Monument. However, the appeal process should not be used to evolve a scheme and, in the interests of ensuring that no one with a potential interest in the outcome of the appeal is prejudiced, it is important that the plans considered at appeal stage are essentially the same as those considered by the Council at application stage. The revised plans evolve and materially alter the scheme that was refused planning permission. I thus do not accept them and shall consider the appeal based on the plans intended to be superseded and considered by the Council.
3. Nevertheless, I can accept for information purposes a further revised plan² submitted at appeal stage. This indicates relatively minor landscape masterplan adjustments and does not illustrate a change to the footprint of the extension nor involve material alterations to the development proposal that is before me. I note that final details of new landscaping could be secured via planning condition should the appeal be successful.
4. 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 that 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 the appeal.

¹ Ref: 20.005-05-003 Rev A to supersede 20.005-05-003; 20.005-05-200 Rev A (Floor Plan) to supersede 20.005-05-200 (Floor Plan); 20.005-05-200 Rev A (Elevations) to supersede 20.005-05-200 (Elevations)

² Ref: BPA1106-10 Rev A to supersede BPA1106-10

Main Issues

5. 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 the Grade I listed building known as 'Charlecote Park', its Grade II* listed Registered Park and Garden (the RPG), other relevant listed buildings, the Charlecote and Hampton Lucy Conservation Area (the CHLCA) and the Alveston Conservation Area (the ACA); and
- The effect of the proposal upon the heritage significance of the Scheduled Monument known as 'Enclosure North of Old Pasture Farm' (the SM).

Reasons

Character and appearance

6. The site forms part of a large agricultural holding that is predominantly comprised of open arable fields defined by sometimes intermittent hedgerows and trees to their boundaries, but that also contains farm buildings, polytunnels, seasonal workers accommodation and temporary office accommodation. An existing packhouse and cold storage facility (the packhouse) is the subject of this appeal. It covers a roughly rectangular footprint and has a utilitarian appearance with elevations for the most part comprised of metal cladding with some blockwork beneath.
7. The packhouse makes up part of a loose cluster of various buildings (the cluster) that tend to be of simple and functional design, to cover sizeable footprints, and to rise to considerable heights. A large expanse of polytunnels also has a close physical relationship to the appeal site. Thus, notwithstanding the inherently rural makeup of the wider agricultural holding, there are various instances of built development at or adjacent to the appeal site that, although supporting agricultural activities, are not wholly sympathetic to the intrinsic character and beauty of the countryside when considered in combination.
8. There are numerous designated heritage assets situated in the site's general vicinity, including the Grade I listed Charlecote Park, the Grade II* listed RPG and the CHLCA to the east, as well as the ACA to the west.
9. Charlecote Park is identified within the statutory list description as being of 16th-century origin. Its significance and special interest is drawn, in-part, from its grand architectural qualities, surviving historic fabric, and historic associations. 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 that contains many associated designated buildings and structures. There remains an enduring connection between Charlecote Park and its rural surroundings, with attractive westward views eventually terminated by the distant Welcombe Hills. The appeal site, whilst located beyond the western extent of the asset's parkland, comprises a part of Charlecote Park's expansive and open rural setting.
10. The significance of the RPG as a designated heritage asset is drawn, in part, from its inherent connection to Charlecote Park, its formal garden spaces and its extensive expanses of often well-vegetated parkland that evolved under the influence of Lancelot 'Capability' Brown, a prominent 18th century landscape

designer. This significance and special interest is further underpinned by the influence and aesthetic qualities of the River Avon, which meanders its way through the parkland. Notwithstanding the separation that applies, the appeal site comprises a part of the RPG's far-reaching setting.

11. The significance of the CHLCA as a designated heritage asset is drawn, in-part, from the diversity of its distinct parts and the widespread influence of Charlecote Park and its parkland setting. The significance of the ACA is drawn, in-part, from its range of historic buildings and a predominance of traditional building materials. This significance is further underpinned by an abundance of established planting, including along much of the river corridor that defines the ACA's north-eastern edge. Whilst the site falls within the settings of the CHLCA and the ACA, considerable distances of separation and limited levels of intervisibility avail between the site and its nearest conservation areas.
12. I have noted specific reference to Hampton Lucy House and Alveston House in correspondence received from Historic England. Both are Grade II* listed. The significance and special interest of both these designated assets is drawn, in part, from their age, historic fabric and the verdant spaciousness of their settings. Nevertheless, owing to the separation distances from the appeal site and the presence of intervening development, the appeal site forms merely a peripheral part of the setting of each of these assets.
13. The proposal involves a large extension to the packhouse, which would be of simple design utilising concrete wall panels and steel cladding in addition to fibre cement sheeting at roof level. It would more than double the building's existing footprint and be somewhat higher. Even so, its position would be centred to the packhouse's southern side and thus towards the centre of the cluster so that it would not be isolated but viewed in conjunction with other utilitarian structures. Furthermore, its location means that it would not represent an excursion into the open countryside. Moreover, given the typical large scale of other closely situated buildings/structures, the proposed extension, even though tall, would not over dominate the cluster nor read as an incongruent addition to the site.
14. The evidence before me includes a Landscape and Visual Impact Assessment³ (the LVIA) which contains visual analysis based on visits undertaken in March 2020 and January 2021 and, during my inspection, I observed the site from a wide variety of vantage points. These included from Charlecote Park (including the RPG), the villages of Alveston and Hampton Lucy, and from various nearby locations upon the public right of way network. Whilst I accept that views over distance and across a river valley landscape would be attainable, from no specific location would the proposed extension appear unacceptably prominent or obviously discordant with its immediate surroundings. Indeed, it would be experienced as an integral part of the cluster and as part of a wider landscape where scattered examples of rural development are observable.
15. The site's distance from designated heritage assets is also pertinent to my considerations. When factoring in the presence of adjacent buildings that are of agricultural scale and the filtering effects of existing mature planting, the proposed development would be barely perceptible in available views from Charlecote Park (including from parkland proximate to the main building).

³ Ref: BPA1045lvia Revision A

16. Whilst perceptibility would increase from westerly points within the RPG, including from a pathed avenue edged by mature trees, it remains that available views would be over distance, influenced by existing buildings, and often heavily filtered by mature landscaping. I am satisfied that, even from the closest westernmost tip of the RPG, the extension would not be experienceable as an intrusive addition to an existing complex of utilitarian buildings. As such, the proposal would not materially erode the quality of available views from Charlecote Park or its RPG, nor lead to any detrimental effect upon the settings of these assets.
17. The well-planted river corridor that defines the ACA's edge is a factor that ensures intervisibility between the site and Alveston village is often very limited. Where available, views of the extension would be heavily filtered by vegetation and/or adjacent buildings. It is also noteworthy that, with respect to both the ACA and CHLCA, the extension would occupy a distanced location and be viewable only against the backdrop of (or in the context of) existing rural development. I thus cannot find that the heritage significance of either the CHLCA or ACA would be adversely affected as a consequence of the proposed development within their settings.
18. As a further note, as significant noise impacts would be unlikely (as corroborated by the Council's Environmental Protection Officer), no material loss of tranquillity from the rural area could realistically be anticipated. This is especially when factoring in the well-established nature of the cluster and associated operational activities. I am also content that any potential effects of new lighting could be suitably controlled via condition should the appeal be successful.
19. For the above reasons, the proposal would not cause harm to the character and appearance of the area, or to the heritage significance or special interest of Charlecote Park, the RPG, the CHLCA or the ACA by virtue of development within their settings. Consistent with the positions of the main parties and given the nature and distance of the relationships involved, I also do not find harm to the significance or special interest of any other listed building located in the vicinity of the site by virtue of development within its setting. This includes Hampton Lucy House and Alveston House.
20. In relation to this main issue of the appeal, the scheme satisfactorily accords with Policies CS5, CS8 and CS9 of the Stratford-on-Avon District Core Strategy 2011-2031 (the Core Strategy) (adopted July 2016) in so far as these policies set out that all forms of development will reflect the character and distinctiveness of the locality, and that the District's historic environment will be protected and enhanced for its inherent value.
21. For the avoidance of doubt, I find Policy CS20 of the Core Strategy to be of limited relevance to my consideration of this main issue. This is because, as highlighted in its supporting text, the policy is geared towards ensuring the effective management of the existing housing stock and promoting contributions to the District's housing supply where appropriate. In this case, an extension to an existing packhouse and cold storage facility is intended. In any event, given the simple utilitarian appearance of the packhouse, which sits in an agricultural context, any dominating effect of the proposed extension upon the existing building would not raise undue concerns in a design sense.

The Scheduled Monument

22. The SM is comprised of enclosed Romano-British farmsteads which, according to the statutory list description, survive comparatively well as entirely buried structures, layers and deposits that are detectable via aerial photography. The heritage significance of the SM as a designated heritage asset is drawn, in part, from the relevance of its archaeological remains to the construction, longevity, chronology, agricultural/domestic practices and wider landscape context of Romano-British farmsteads.
23. Detailed analysis of aerial photography has been carried out and forms part of the appellant's appeal submissions. This illustrates that the most visible cropmarks, which indicate the presence of buried features, tend to be concentrated away from the southern end of the SM where, in comparison, cropmarks tend to be more spread out. However, as acknowledged in the appellant's submissions, at least two parallel linear features are identifiable on historic images at or in proximity to the appeal site. In this context, it is reasonable to speculate that archaeological remains of high significance are likely to be present at or in the immediate environs of where the packhouse extension is proposed.
24. I accept that the extension, to be metal-framed, would be constructed in an area disturbed by existing development, which includes a raised area of hardstanding. However, a comprehensive redevelopment of the specific area in question is intended that would realistically involve invasive works at and beneath ground. It is also important to note that the extension would, in-part, be constructed upon land that has not been the subject of past development and that falls within or immediately adjacent to the SM. Indeed, the evidence before me indicates that the north-western most part of the extension would overlap, albeit marginally, the boundary of the SM. Whilst the potential past effects of cultivation activities, including ploughing, have been highlighted, there remains no certainty that any sub-surface archaeological remains present have been truncated by such activities. To my mind, an unacceptable effect upon the significance of high-value buried archaeological remains cannot be ruled out. This is not inconsistent with the views of Historic England.
25. It has been suggested that further archaeological investigation could be secured via planning condition should the appeal be successful. However, given the existence of the SM and the associated sensitivities that apply, I do not consider such an approach acceptable. Moreover, robust assessment and evaluation should take place prior to any potential grant of planning permission to allow the possible presence of remains and their potential significance to be fully understood.
26. For the above reasons, and in the absence of clear and convincing evidence to the contrary, the proposal would cause harm to the heritage significance of the SM. The degree of harm to be caused, in the terms of the National Planning Policy Framework (July 2021) (the Framework), would be less than substantial. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits, which I shall turn to in my Heritage and Planning Balance below.

Other Matters

27. I have noted objections/concerns raised by interested parties with respect to matters including the need for the extension, a possibility that the newly proposed facility would be used for the packing and refrigeration of crops grown on other farms, the effect upon the highway network and highway safety, drainage impacts, and the effect upon biodiversity. However, as I have found the proposal to be unacceptable for other reasons, it is unnecessary for me to explore these matters further here.

Heritage and Planning Balance

28. The scheme's public benefits include that it would support sustainable food production and national food security. Moreover, whilst the proposal is focused solely upon an extension to an existing packhouse and cold storage facility at the site, a noticeably increased output of salad and oriental vegetable products has been forecast by the appellant to be achievable as a result of the scheme (most particularly during periods of peak production). This is in the context of increased capacity, modernisations, and operational efficiencies. These factors would, in turn, promote lesser food waste as well as lower carbon emissions because of anticipated reduced haulage trips. The scheme would also support the viability and growth of an already well-established business. Indeed, an estimated additional 15 full time jobs and 10 seasonal roles would be created.
29. I note the intention to strengthen existing hedgerows/field boundary lines through the provision of new native planting, which, if robustly implemented, would have the influence of softening, at least to some degree, a range of available distant views of the cluster. However, new planting could not be relied upon to provide permanent or substantial buffers to views. This is not least because planting would initially take time to properly establish and is ever evolving and reliant on regular maintenance to retain a consistent form. Thus, any potential visual benefits to be attained from the implementation of new landscaping attract limited weight. Any possible benefits in terms of promoting a net-gain in biodiversity also attract limited weight.
30. The benefits associated with the expansion and enhancement of existing operations at the site as proposed would, in cumulative terms, be meaningful and attractive of considerable weight. However, in my judgement, the scheme's public benefits would not be so considerable to outweigh the harm that I have identified would be caused to the heritage significance of the SM. It must be noted that even less than substantial harm to a designated heritage asset carries considerable importance, and I attribute significant weight to the harm I have identified.
31. The proposal conflicts with the historic environment conservation and enhancement policies contained within the Framework and with Policy CS8 of the Core Strategy in so far as these policies require the historic environment to be protected and enhanced for its inherent value, and that less than substantial harm to the significance of a designated asset is justified and weighed against the public benefits of the scheme.
32. Moreover, the proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

33. Whilst I have identified no material harm in the context of the first main issue of this appeal, I have identified harm to the heritage significance of the SM. This harm is the overriding consideration in this case. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR