
Appeal Decision

Site visit made on 11 April 2023

by Susan Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/H0520/W/22/3296724
17 School Lane, Eaton Socon PE19 8GW

- 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 Mr M Hicks against Huntingdonshire District Council.
 - The application Ref 21/01867/FUL, is dated 9 August 2021.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed and planning permission for the erection of a detached dwelling is refused.

Procedural Matters

2. The appeal has been made following the Council's failure to determine the application within the prescribed period. Following the submission of the appeal, the Council has clarified the position it would have taken on the applications if it had made the decision within the required timescales. I have taken these comments into account in determining the main issues.
3. As the proposal relates to the setting of a listed building and is within a conservation area (CA) I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - Whether the proposal would preserve the setting of the nearby Grade II listed building known as 'the River Mill' (Eaton Mills, School Lane ref. 1162299) and the Castle Hills (ref. 1009629), a Scheduled Monument, and whether it would preserve or enhance the character or appearance of the St Neots Conservation Area;
 - The effect of the proposal on highway safety and whether the site is accessible in terms of sustainable transport opportunities; and
 - Whether sufficient information has been submitted to assess effects on protected trees.

Reasons

5. The appeal site comprises part of the grounds of Castle Hills House, a two storey detached property with extensive grounds leading to the River Great Ouse. The site lies wholly within St Neots CA. The River Mill public house and restaurant, a Grade II listed building, is located a short distance away along School Lane. The grounds of the house incorporate a Scheduled Monument, Castle Hills.
6. The appeal follows a previously dismissed appeal decision¹ where my colleague found that the proposed dwelling would fail to preserve the CA or conserve the setting of the Scheduled Monument. The appellant aims to overcome such concerns, essentially by reducing the scale of the proposed dwelling. It would otherwise be located in the same position as previously proposed.

Conservation Area

7. The St Neots CA comprises a number of ancient settlements which gain much of their significance from their location either side of the Great River Ouse, and the Saxon monastic origins to the town. The appeal site lies within one of the four historic settlements, Eaton Socon, which was recorded in the Domesday Book as a manorial estate. The character assessment² divides the large CA into a number of sub-areas.
8. The Eatons sub-area derives its significance largely from the presence of the former Great North Road with its preponderance of coaching inns and a range of historic buildings lining the highway, together with recreation spaces and large amounts of natural green space spanning both sides of the River Great Ouse. School Lane forms part of neighbourhood 3a and contains numerous modern residential dwellings in its central section, including the adjacent cul-de-sac at Castle Hills Close. Nonetheless it retains its spacious character providing a pleasant verdant setting to St Mary's Church, the River Mill and Castle Hills Scheduled Monument, giving it a rural feel. Close to the appeal site a public right of way forms part of a well-used walking route which links both sides of the river.
9. Despite the presence of the brick boundary wall, the scale and verdant appearance of the grounds of Castle Hills House make a positive contribution to the significance of the CA. In particular, the tree-lined frontage provides relief from the more starkly urban appearance of the dwellings and large areas of hardstanding in the central section of School Lane, as the lane transitions towards the millpond and a distinctly more rural riverside area.
10. Castle Hills House, although significantly altered, is a characterful property with faced with a mixture of brick and render under a plain tiled roof. The proposed dwelling, a small and somewhat basic bungalow, bears no resemblance to the host property and fails to capture the historic character or appearance of the CA. There is an extensive amount of design of the site of the site before me to indicate how such guidance has been taken into account as required by paragraph 134 of the National Planning Policy Framework (the Framework). This is of particular importance given the sensitive location of the site within a CA.

¹ APP/H0520/W/19/3242418

² St Neots Conservation Area Character Assessment October 2006

11. Rather, the appellant's case appears to focus on the reduced scale of the dwelling and not its design or siting. Any similarity to nearby bungalows, including those on Castle Hills Close, is inadequate justification for its substandard design. Indeed, the CA character assessment specifically notes Castle Hills Close as an intrusion into the historic street scene caused by inappropriate buildings.
12. Whilst I acknowledge that a smaller dwelling would be less visible from School Lane, a lack of visibility does not automatically imply a lack of harm. Notwithstanding that it would be well screened by the boundary wall, I find that the erosion of the open space by an inappropriately designed dwelling would fail to preserve the character or appearance of the CA.

Scheduled Monument

13. Scheduled Monuments are heritage assets of the highest national significance, and any loss of significance from development within its setting requires clear and convincing justification.
14. Situated to the west bank of the River Great Ouse, the Castle Hills Scheduled Monument is a Norman ringwork fortification, containing evidence for continuous occupation between the late Saxon and Norman periods as a vill and medieval village, and subsequently a windmill. It is noted that ringworks are rare nationally, with only 200 recorded examples and less than 60 with baileys. The site is therefore of particular significance to the understanding of these periods. Investigations in 1949-50 found a large number of burials from a late Saxon cemetery together with rubble from a Saxon church, whilst later investigations in 1962 found the remains of other Saxon buildings. The ringwork is associated with Geoffrey de Mandeville, dating around the 1140's. Accordingly, Castle Hills has considerable evidential, communal and historic value and significance.
15. The appeal site itself is not within the boundary of the Scheduled Monument. Nonetheless, the entire grounds of Castle Hills House, in particular their openness and riverside setting, make a positive contribution to the setting of the Castle Hills Scheduled Monument and to its significance. This is not diminished by the lack of public access nor limited public views. The preservation of its current setting is particularly important given that it has already significantly diminished through 20th Century development of Castle Hills Close and other development along School Lane.
16. I have already found that the presence of the proposed dwelling would unacceptably erode the grounds of Castle Hills House. Consequently, the proposal would diminish the ability to appreciate the wider setting of the Scheduled Monument. As a result of the distance from the Scheduled Monument and intervening existing dwelling, I would agree with Historic England that the degree of harm to significance would be towards the lower end of less than substantial harm. Nonetheless, given the importance of the heritage asset I give such harm great weight, and this harm is not diminished by the smaller size of the dwelling.

Listed Building

17. The River Mill (listed as 'Eaton Mill') dates from around 1847 and is a fine example of a 19th Century mill which is intrinsically linked and experienced

within its waterside setting, which adds to the significance of the building. The CA character assessment notes the building as a local landmark. Whilst the River Mill is best experienced in its riverside setting, there are also clear views of the building when approached via School Lane. It only comes into view around the junction with Ackerman Street. Here, the gable end of the building is seen in the context of a large car park area and apartments at Addington Walk. The appeal site does not prominently appear in the same views, by virtue of the mature vegetation surrounding the mill pond which separates the River Mill car park from the appeal site. The trees, protected by preservation order, provide an attractive setting to the River Mill and correspondingly limit the intervisibility with the appeal site. As such the effect of the proposal on the setting of the listed building would not be harmful.

18. In conclusion on matters of character and appearance and the heritage assets which contribute to it, whilst I find that the proposal would preserve the special interest of the Grade II listed River Mill, it would fail to preserve the significance of the St Neots CA and would harm the significance and the setting of the Castle Hills Scheduled Monument.
19. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or development within its setting and that any such harm should have a clear and convincing justification. Given the limited visibility of the proposed dwelling and distance from the Scheduled Monument, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
20. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. A single dwelling would make only a minor contribution to boosting housing supply and I give this moderate weight as a public benefit. Whilst provision of older or disabled persons accommodation is a valid public benefit, there is a lack of evidence before me to indicate that the proposed dwelling would meet an identified need, nor has an appropriate mechanism been put forward to secure such specialist accommodation. The use of sustainable construction techniques, the employment generated during construction, and increased local spending by future occupiers are generic benefits attracting limited weight in my considerations. There is no biodiversity enhancement scheme nor net gain calculation before me so I am unable to attribute weight to such matters. Together, the presented benefits do not outweigh the harm to the significance of the heritage assets, to which I place great weight.
21. I conclude that the proposal, by virtue of its poor design and inappropriate siting, would fail to preserve the character and appearance of the St Neots CA and the significance of the Castle Hills Scheduled Monument, to which its setting contributes. This would fail to satisfy the requirements of the Act, paragraph 199 of the Framework and conflict with policies LP11, LP12 and LP34 of the Huntingdonshire Local Plan (HLP) and policy A3 of the St Neots Neighbourhood Plan which seek, amongst other things, for proposals to be of a high quality design, to preserve and wherever possible enhance features that contribute positively to area character, appearance and setting, and to retain

and reinforce local distinctiveness. As a result, the proposal would not be in accordance with the development plan.

Highway Safety

22. School Lane is a narrow lane with a single footway to the opposite side. The road becomes a dead end shortly after the junction with Ackerman Street, opposite the appeal site, which is also narrow in width but provides looped access to housing areas to the south. School Lane is not heavily trafficked, nor was there any on-street parking at the time of my visit. I noted the slow speeds of passing vehicles and an intermittent flow of pedestrians going to from the River Mill and the marina area, where a public right of way leads across the river at the weir. Access to services around the Great North Road are within reasonable walking distance of the site.
23. The proposed dwelling would utilise the same gated access as is currently in use for Castle Hills House. Full details of the previous proposals are not before me, however I note that highway matters were not a matter of dispute in that appeal. The appellant states that the existing access and driveway is 4.6 metres in width, which falls short of the five metre wide shared access specified by the Highway Authority. Highways also require details of appropriate visibility splays, which may need to be justified by a speed survey. However this would require alterations to the boundary wall, and potential further adverse consequences for area character and loss of vegetation. The Council have not provided any further information to justify their requirements. Given the characteristics of this section of School Lane, I am not persuaded that the intensification of the access for one small additional dwelling would have an unacceptable impact on highway safety.
24. The Council's suggestion that the proposal fails to promote or make available opportunities for sustainable transport is unclear. The appeal site is situated in an accessible location within the town of St Neots, where there are a range of services including a bus route nearby. There is ample space within the site for cycle parking and an electric vehicle charging point.
25. Consequently, I do not find conflict with HLP policy LP16 parts a) and c) in relation to sustainable travel modes and safe physical access from the public highway, nor policy LP17 in terms of servicing requirements and accessibility. In turn, the proposed development would be compatible with paragraphs 105, 110 and 111 of the Framework.

Trees

26. The trees within the site and in the wider grounds of Castle Hills House are protected by a group Tree Preservation Order³ (TPO). Together, they make a significant contribution to the character and appearance of the area. A Tree Survey Report dated April 2019 has been submitted, which I understand is the same report as was submitted with the previous proposals. The assessment notes that four trees would need to be removed to facilitate the development, three being low quality and one of poor quality. Three trees have the potential to be compromised by the previously proposed driveway encroaching into root protection areas. Based on the previous plans tree T10, a mature Red Norway Maple, would require mitigation to avoid damage during construction including

³ TPO no.9 1988

a reduction in its crown spread. Protection during construction is proposed via temporary fencing and ground guards as indicated on the Tree Protection Plan.

27. I acknowledge that the trees would have been subject to further growth in the past four years, but there is no evidence before me that there has been any significant change since the 2019 report was produced. T8, T9 and T11 would still require removal. The overlay plan indicates that the root protection zones for T10 and group G1 would no longer be encroached by the proposed dwelling nor the parking area.
28. I note that my colleague, in considering such matters in the previous appeal proposals, did not find that the Council's concerns were justified. Conditions could specify appropriate protection of the retained trees during construction, and the smaller footprint and height of the dwelling would enable more space around it, away from the trees. There is the potential for future pressure on works to trees following occupation, arising from shading of the dwelling as well as general nuisance from falling leaves. However, given that the trees are covered by a TPO, this is a matter which is in the future control of the Council.
29. Sufficient information has been submitted to enable an assessment of the likely impacts on protected trees and as such I do not find conflict with HLP policy LP31 nor paragraph 174 b) of the Framework.

Other Matters

30. A Unilateral Undertaking (UU) made pursuant to Section 106 of the Town and Country Planning Act 1990 dated 20 August 2021 has been submitted, which secures a wheeled bin contribution. Given that I am dismissing the appeal for other reasons I do not consider this any further.
31. I would agree with the Town Council that the proposal would have a minimum impact on neighbours, however this is not a matter that would override the considerations I have already outlined.

Conclusion

32. I find the proposal would have a neutral effect on the setting of the River Mill, and would be acceptable in terms of highway safety and impacts on trees. Nonetheless, the proposal would fail to preserve or enhance the character or appearance of the CA and the significance of the Castle Hills Scheduled Monument, a designated heritage asset of the highest significance. Such impacts are not outweighed by public benefits. It therefore fails to satisfy the requirements of the Act, the Framework and development plan as a whole. Accordingly, for the reasons given, the appeal is dismissed.

Susan Hunt

INSPECTOR