



Appeal Decision

Hearing held on 11 July 2023

Site visit made on 11 July 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/E3715/W/23/3318322

Dunchurch Park Hotel and Conference Centre, Rugby Road, Dunchurch, Warwickshire CV22 6QW

- 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 Signature Hotel Group Limited against the decision of Rugby Borough Council.
 - The application Ref R22/0193, dated 7 March 2022, was refused by notice dated 10 November 2022.
 - The development proposed is retrospective planning permission for ancillary accommodation comprising 40 cabins on a temporary basis for 18 months.
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Decision

1. The appeal is allowed and planning permission is granted for ancillary accommodation comprising 40 cabins on a temporary basis for 18 months at Dunchurch Park Hotel and Conference Centre, Rugby Road, Dunchurch, Warwickshire CV22 6QW in accordance with the terms of the application, Ref R22/0193, dated 7 March 2022, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. 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 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 this appeal.
3. The cabins that are the subject of this appeal have already been erected upon a hard-surfaced area that previously provided car parking for the hotel and conference centre. As such, whilst the cabins are yet to be occupied, I shall consider the appeal on the basis that the cabins are already in situ.

Main Issue

4. Whilst two Main Issues were identified for discussion at the Hearing, my considerations in the context of the scheme's public benefits (the focus of the second of those Main Issues) are contained within the Planning and Heritage Balance section below. Thus, for the purposes of this written decision, the single Main Issue is:
 - The effect of the development upon the character and appearance of the area, having particular regard to its effects upon the settings and thereby

the significance of relevant Grade II* and Grade II listed buildings and the Dunchurch Conservation Area and upon the significance of a Grade II listed Registered Park and Garden.

Reasons

Significance and special interest

5. The site historically formed part of the estate associated with the Grade II* listed building known as 'Dunchurch Lodge' and lies within the boundaries of the Grade II listed 'Dunchurch Lodge Registered Park and Garden' (the RPG). There are various other designated heritage assets contained within the Dunchurch Lodge estate, including, of pertinence owing to their proximity to the site, the kitchen garden walls element (the Garden Walls) of the Grade II listed 'Garden Walls, Fruit Rooms and Glasshouse' and the Grade II listed 'Stable Block at Dunchurch Lodge' (the Stable Block). The site also falls relatively close to the 'Dunchurch Conservation Area' (the CA) and the Grade II* listed 'Church of St Peter' (the Church), both of which are situated westward of the site beyond intervening countryside.
6. The significance and special interest of Dunchurch Lodge as a designated heritage asset is drawn, in-part, from its grand architectural qualities, its surviving historic fabric, and its historic associations. This significance and special interest is further underpinned by the building's origins as a high status country house, visually and functionally ascendant over a wider estate. There remains an enduring connection between Dunchurch Lodge and its surroundings. Therefore, the land and buildings that historically formed part of the Dunchurch Lodge estate, which include the RPG, the Garden Walls, the Stable Block, and the appeal site itself comprise part of its setting and make contributions to its significance as a designated heritage asset.
7. The significance and special interest of the Garden Walls is drawn, in-part, from surviving traditional building materials, which include plum-coloured bricks, and from the walls' formal composition and layout, depicting the extent of what would have historically been the formal productive area of the estate. This significance and special interest remains identifiable despite modern influences, including a sizeable conference centre within the limits of the former kitchen garden. The site, which offers some sense of approach to sheltered garden areas of the estate, comprises a part of the Garden Walls' setting. Nevertheless, the contribution made to this setting is tempered by virtue of the site's position beyond the walled perimeter of formal garden spaces and to the outer edge of the estate. Indeed, notwithstanding any suggestion made to the contrary, an historic back-of-house function/status can be fairly associated to the site.
8. The significance and special interest of the Stable Block is drawn, in-part, from its typically simple architectural qualities, which are complemented by a strident and featureful tower to its northern end, and from the verdant openness of much of its immediate surroundings. Nevertheless, a series of uncomplimentary modern developments of varying architectural styles have occurred upon previously cultivated land to the rear of the Stable Block in locations near to where the cabins have been erected. These additions have had a negative influence upon the Stable Block's significance and have led to the appeal site making a limited contribution to the asset's setting.

9. The significance of the RPG as a designated heritage asset is drawn, in part, from its inherent connection to Dunchurch Lodge and its design partnership origins that combined the renowned architect, Gilbert Fraser with the acclaimed landscape architect, Thomas Mawson. This significance is further underpinned by the RPG's formal garden spaces and the well-vegetated nature of the designed parkland landscape that comprises much of the estate. The main body of the appeal site performed a role, albeit most likely of a secondary or peripheral nature, in delivering the deliberate designs of Fraser and Mawson. On this basis, an open car park, as was in place before the introduction of the cabins, would have detracted from the RPG's heritage significance to only a minor degree.
10. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its intimate core and range of historic buildings. This significance and special interest is further underpinned by the often open and rural nature of its fringes and wider surroundings, which promote that the CA's rural origins are easily interpreted. The Church comprises an important building within the CA. Its significance and special interest is drawn, in part, from its age, its relevance to the historic evolution of the village, and its role and function as a visual and social landmark. This significance and special interest is further underpinned by the open and scenic rural views that are afforded from its churchyard. The appeal site, although somewhat distanced from these assets, comprises a part of the settings of both the CA and the Church.

Heritage effects

11. The cabins that have been installed are of modern, utilitarian design and offer no architectural relationship with original/historic elements of the wider estate. Indeed, as acknowledged by the appellant, the cabins comprise alien features in the landscape. However, notwithstanding the not insignificant number of cabins erected, each exhibits a small scale and occupies a discreet location towards an outer edge of the RPG. A contained visual envelope applies.
12. Moreover, available views of the cabins from locations outside of the car park within which they are located are often heavily restricted due to the positioning of buildings, boundary treatments, and established planting. For example, upon inspection from within the kitchen garden, when stood close to where the nearest cabins are located, merely the uppermost portions of the cabins were visible above the Garden Walls, and this applied only from locations where views were not fully obscured by the adjacent conference centre. Similarly, from areas of open parkland to the front of the estate, merely fleeting views of the tops of a small number of cabins were obtainable above an intervening hedgerow. Indeed, from a significant portion of the RPG, including locations adjacent to Dunchurch Lodge, the cabins were not experienceable in any capacity.
13. As such, notwithstanding the cabins' proximity to the Garden Walls and their tendency to conceal close-quarter views of some parts of these walls, their adverse effect upon one's ability to appreciate the Garden Walls' heritage significance is localised and restricted in extent. Similarly, owing to the cabins' distinct separation from Dunchurch Lodge and their peripheral positioning within the RPG, the level of harm to significance caused to each of these assets is low. This is especially so in the context of the modern and sometimes

insensitive additions and alterations that have occurred over time in and around the car park. These have lessened the site's sensitivity to change. This is particularly pertinent when considering any potential effects upon the Stable Block. Indeed, the intervening development that has occurred means that, in my view, the low-level cabins have no material impact upon the Stable Block's setting or special interest.

14. It has been suggested by the Council that cumulative piecemeal development at the estate has somewhat undermined the holistic integration of built form and the landscape, and that the cabins effectively tip the balance as regards what constitutes a harmful overdevelopment of the particular part of the RPG in question. Whilst I do not dispute the negative cumulative impact of some past changes, it is my responsibility to consider the scheme that is before me upon its own individual merits and on the basis of the level of harm caused by the cabins in their own right.
15. Turning to the CA and the Church, whilst I accept that the settings of these assets extend for some distance over neighbouring rural lands, limited intervisibility applies between each of them and the site due to the presence of established boundary planting along the RPG's southwestern edge. This was very much apparent upon inspection. Photographs were submitted at the Hearing that were taken from the churchyard during winter/spring months after the cabins were installed. Whilst these photographs clearly illustrate increased visibility of built form beyond a tree line not in leaf, the cabins do not, within the photographs, appear as prominent features. Indeed, only glimpses of the uppermost part of a selected number of cabins are possible against/alongside the backdrop of a considerable amalgamation of buildings. As such, I am suitably satisfied that the cabins lead to no adverse effect upon either the setting of the CA or the setting of the Church.
16. For the above reasons, I adjudge that the cabins cause no harm to the heritage significance of the Stable Block, the CA, or the Church by virtue of development within their settings. However, the cabins, even though being considered on a temporary basis, cause some low-level harm to the significance of both Dunchurch Lodge and the Garden Walls by virtue of development within their settings, as well as low-level harm to the significance of the RPG through failing to fully harmonise with the character and appearance of the RPG's landscape.
17. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I would qualify that the degree of harm to the Grade II* listed Dunchurch Lodge, the Grade II listed Garden Walls, 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 to be outweighed by public benefits, which I shall return to under my Heritage and Planning Balance below.

Other Matters

18. I have noted reference by interested parties to site access being obtained via a private right of way that exists subject to conditions/covenants being complied with. For the avoidance of doubt, any dispute related to compliance with any such condition/covenant would constitute a private/civil matter of little relevance to the planning merits of this case. For the purposes of this appeal, I observed a suitably accessible route to exist between Rugby Road and the site.

19. I have also noted a suggestion made that the village cannot sustain and support the inhabitants of 40 cabins in addition to further people moving to the area as a result of local housing developments. However, I have been provided with no substantiated evidence to clearly indicate that the capacity of local infrastructure/public services would be placed under undue pressure by virtue of the cabins' occupation. I note that the Council did not resolve to refuse planning permission based on any unmitigated effect(s) in this sense.

Heritage and Planning Balance

20. The case made by the appellant is largely centred upon the public benefits that would be drawn from the cabins should the appeal be successful. Whilst the cabins are not yet occupied, the wider hotel complex is presently accommodated by asylum seekers and refugees who take occupation on a temporary basis whilst relevant claims are processed, before ultimately being resettled in different locations. As was apparent from discussions at the Hearing, the cabins would noticeably expand the hotel site's capability to accommodate families of asylum seekers. Moreover, they would cater for up to 40 families each comprised of up to three persons.
21. As confirmed in correspondence received from the Home Office¹, the asylum system is under enormous and unsustainable pressure following an unprecedented rise in small boat crossings and a statutory obligation applies to accommodate any asylum seeker who would otherwise be left destitute. Whilst reference is made in this Home Office correspondence to an intention to gradually reduce the use of hotels to create a more sustainable accommodation system, there is no clear or obvious reason to doubt that the cabins, at this current time, would make a highly valuable contribution towards meeting an acute need for additional accommodation. This is notwithstanding the lack of any explicit reference to the Dunchurch Park Hotel site in the Home Office correspondence, or the fact that the cabins have already been stationed at the site for a not insignificant period.
22. It is also relevant that the evidence points towards a humane and safe environment being in place for the hotel's guests, with regular meals provided, various activities coordinated, and access to school education organised. Also, Dunchurch offers a range of facilities and services within reasonable walking distance that are thus potentially accessible to future occupiers. Further, having undertaken an internal inspection of one of the cabins, I have no reason to doubt that appropriate conditions would be provided for future occupiers on a temporary basis. This is notwithstanding any original intention to utilise the cabins for short-term isolation purposes related to the Covid-19 pandemic.
23. Discussion took place at the Hearing with respect to the potential for a planning condition to be imposed in the event the appeal be successful to formally restrict future occupiers of the cabins to asylum seekers only, in the interests of ensuring that the anticipated associated public benefits would indeed be realised. However, having listened to the respective positions of the main parties, I consider that such a potential restriction would be unnecessary. This is owing to the short-term and finite nature of the temporary permission that is sought and the present manner in which the hotel is occupied. Moreover, the way the accommodation has been provided alongside facilities/activities to

¹ email dated 19 May 2023

specifically cater for the needs of the proposed occupants leads me to conclude that it would be unlikely for the cabins to be occupied in any other manner.

24. It is also common ground between the main parties that the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 is directly applicable. The PSED requires, amongst other provisions, due regard to be had to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not. The development, once occupied, would be consistent with the aims of the PSED.
25. All related matters considered, I find that the public benefits associated with accommodating asylum seekers in the cabins, even though across a time-limited 18-month period, attract significant weight. In my judgement, in accordance with the relevant policy test contained within the Framework, the proposal's public benefits would outweigh, on both an individual and collective basis, the less than substantial harm I have identified is caused by the installed cabins to the heritage significance of Dunchurch Lodge, the Garden Walls, and the RPG. This is even whilst acknowledging that even less than substantial harm to a designated heritage asset carries considerable importance and weight.
26. Thus, the scheme accords with the historic environment conservation and enhancement policies contained within the Framework. Whilst there is some minor degree of conflict with Policies NE3 and SDC2 of the Rugby Borough Council Local Plan 2011-2031 (adopted June 2019) (the Local Plan) in so far as these policies support new development which positively contributes to landscape character, there is satisfactory compliance with Policy SDC3 of the Local Plan in so far as this policy sets out that where a development leads to less than substantial harm to the significance of a designated heritage asset, this is weighed against the public benefits of the proposal.
27. I find that, in compliance with Policy GP1 of the Local Plan, the scheme accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

28. In advance of the Hearing, a list of draft planning conditions was worked upon by the main parties to this appeal. Following further discussion at the Hearing, I have considered the conditions against advice in the Framework and Planning Practice Guidance and made amendments for consistency and clarity purposes.
29. In the interest of certainty, safeguarding the significance of relevant designated heritage assets, protecting the general amenities of the area, and reflecting the terms upon which both planning permission has been sought and the suitability of the development has been assessed, a condition confirming a temporary 18-month period within which the cabins are to be removed from the site is reasonable and necessary to impose. I am content that the cabins, which sit upon the surface of the car park, would be removable from the site without undue difficulty.
30. Also, in the interests of reflecting the terms upon which both planning permission has been sought and the suitability of the development has been assessed and safeguarding the general amenities of the locality, a condition is

reasonable and necessary to secure that the cabins are used only in the capacity of ancillary hotel accommodation. In the interests of certainty, a condition specifying the approved plans and documents is additionally required.

31. A further condition has resulted from a request made by the Highway Authority and, as such, is a matter of importance as it is they who are responsible for the safety of users of the local highway network. Their request for an agreed operating strategy to be complied with emanates from concerns surrounding what could occur if vehicles are unable to proceed beyond a security barrier that is in place at the entrance to the hotel. Indeed, lengthy or challenging reversing manoeuvres could be necessitated along/across confined routes.
32. The operating strategy involves vehicles that arrive without appointment being allowed to proceed, under supervision, through an entrance barrier to an open short stay parking area for the purposes of manoeuvring before exiting in a forward gear. As future occupation of the cabins would offer the realistic potential for increased vehicular movements to occur to and from the site, and having experienced the manoeuvring opportunities that are offered on-site when compared to the space constraints that apply upon approach to the hotel entrance, I am suitably satisfied that a condition to this effect is reasonable and necessary in the interests of highway and pedestrian safety.
33. Interested parties have indicated that there is not sufficient on-site manoeuvring space to enable large vehicles such as coaches to enter and leave the site in a forward gear, leading to some instances of such vehicles reversing to the site from Rugby Road. However, even should such manoeuvres be necessitated, future occupation of the cabins could not be fairly anticipated to result in a noticeable increase in the number of movements to and from the site by especially large vehicles. Moreover, the Highway Authority has not raised concerns in this specific sense.

Conclusion

34. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) Within 18 months of the date of this decision, the temporary ancillary accommodation cabins hereby permitted, together with any associated plant and materials, shall be removed from the site in their entirety and the car park where the cabins are located shall be reinstated to its former use and condition.
- 2) The temporary ancillary accommodation cabins hereby permitted shall be retained and operated in accordance with the following approved plans and documents: D03 Rev A; A/21/_/02 Rev B; D02.1; D02.2; Application Form (dated 7 March 2022); Planning and Heritage Statement (dated March 2022); Addendum to Planning Statement (dated 14 June 2022).

- 3) The temporary accommodation cabins hereby permitted shall be occupied and used as ancillary hotel accommodation only.
- 4) The existing gates at the entrance to the site shall be operated in conjunction with the agreed operating strategy for vehicles that arrive without appointment or authorisation to enter, which is to allow them through the barrier and, under supervision, to drive the short distance to the site's short stay parking area to allow them to manoeuvre and immediately leave the site in a forward gear.

APPEARANCES

FOR THE APPELLANT

Saira Kabir Sheikh KC	Counsel for the Appellant
Nick Collins	Director, Portico Heritage Limited
Sophie Rae	Associate Director, PMV Planning
Cathryn Smith	PMV Planning
Ben Derbyshire	Hotel Director, Signature Hotel Group Ltd
Juliette Dyer	Signature Hotel Group Ltd

FOR THE COUNCIL

Christian Hawley	Counsel for the Council
Chris Davies	Principal Planning Officer
Andy Graham	Director, The Urban Glow Design and Heritage Ltd
Nicola Smith	Head of Growth and Investment
Carolyn Foster	Interim Legal and Governance Manager
Ben Peffers	Planning Officer

INTERESTED PARTIES

Julie Sly	Local resident
Tracey Artistte	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 26 June 2023 appeal decision, APP/Y3425/W/23/3315258 – Stafford Education and Enterprise Park, submitted by the appellant
- 20 January 2023 site photographs, submitted by the appellant
- 25 April 2023 site photograph, submitted by the Council