



Appeal Decision

Site visit made on 28 June 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/E2530/W/22/3301530

Stoke Rochford Hall, Village Street, Stoke Rochford NG33 5EJ

- 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 Naushad Busawon (Talash Hotel Group) against the decision of South Kesteven District Council.
- The application Ref S20/1382, dated 12 August 2020, was refused by notice dated 24 January 2022.
- The development proposed is described as 'retaining of existing marquee to eastern edge of site'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed on site that the marquee is in situ, albeit not in use, I have therefore determined the appeal on the basis that the development has already occurred, having regard to the details shown on the ordnance survey map, and the floorplan and elevations (References: J33-02 and J33-03).
3. The Council's Questionnaire included a list of listed buildings affecting the appeal site, so I asked the main parties to each provide comments in relation to the effect of the proposal on the setting of each building in the list. I have had regard to the responses received, which inform the main issues below.

Main Issue

4. The main issue is the effect of the proposed development on the Grade II* Stoke Rochford Hall Park and Garden, and any features of special historic interest that it possesses; and its effect on the setting of the Grade I listed buildings 'Stoke Rochford Hall' and 'Seats, Balustrades and Terraces to East of Stoke Rochford Hall', and the Grade II listed building 'Stables Immediately North of Stoke Rochford Hall'.

Reasons

Special Interest, Setting and Significance

5. The appeal concerns an area of land to the north of Stoke Rochford Hall, a Grade I listed building¹; northwest of the Grade I listed Seats, Balustrades and Terraces to East of Stoke Rochford Hall²; and east of the Stables Immediately North of Stoke Rochford Hall³, a Grade II listed building. The land was used for

¹ List Entry Number: 1306963.

² List Entry Number: 1360353.

³ List Entry Number: 1062293.

car parking and is enclosed to its north and east by tall tree and hedge planting. The site and listed buildings are also situated within the Stoke Rochford Hall Park and Garden, a Grade II* registered park and garden⁴.

6. Stoke Rochford Hall is a former country house, constructed in 1841-5 by William Burn for Sir Christopher Turnor. It was formerly a residential trade union centre, but is now in use as a hotel and conferencing centre. The Hall's architecture is typically ornate, with a plethora of Jacobethan details included in its ashlar and slate composition. These are thoroughly detailed in the listing, and it serves no benefit repeating them here. Nevertheless, its irregular L-plan form takes the northern end of the building into a lower service range and the stabling block beyond it, and at its southwest end is an orangery overlooking its south gardens. The principal range is of two tall storeys with attic rooms served by gabled dormer windows and taller gable ends. The Hall was damaged by fire in 2005 and subsequently restored. Nevertheless, as far as it is relevant to this appeal, I find the special interest of the listed building to be derived from its extravagant architectural detailing and history as a former country house of mid-19th Century origin.
7. The seats, balustrades and terraces to its east were constructed along with the Hall, by Burn and are a key part of the formal gardens that overlook the wooded valley, Cringle Brook and lakes beneath. They are arranged at varying levels and served by two pairs of steps leading down from the Hall. They are finished in ashlar stone with varying extents of detailing, including to its parapets, piers, and copings. In the context of this appeal, the special interest of the listed building lies in its architectural and historic interest as fundamental components of the formal gardens, parterres, and terraces associated with the Hall, particularly the balustrades which enclose much of its gardens.
8. The Stables Immediately North of Stoke Rochford Hall were likely constructed at the same time as the Hall, again to a design by Burn. The building is single storey with attic rooms and arranged around a square courtyard connected to the former service wing of the Hall. It previously incorporated a stable block and carriage house and, while it does not feature the same extent of extravagant details associated with the Hall, it is nevertheless finished to a high standard with embellishments including stone dressings, corncicing, parapets, rusticated voussoirs. The southwest entrance to the courtyard is marked by a central semi-circular carriage arch with a bellcote atop. Despite modern alterations to the Stables, its special interest is to be found in its architectural and historic interest, as a notable and refined former courtyard of stables constructed along with the Hall.
9. The Park and Gardens cover a significant area of land north of the village of Stoke Rochford that extends some distance beyond the Hall surrounding it in all directions. However, it is generally contained between Cringle Road to the west and the Great North Road (A1) the east.
10. The formal gardens and pleasure grounds have been much altered over time and Burn created the formal terraces described above and the southern approach over the lakes. The basic outline of the formal gardens, planned by Burn, survives. The pleasure grounds were designed by W A Nesfield, a regular collaborator of Burn's. The surrounding parkland is primarily grass and grazed

⁴ List Entry Number: 1000991.

or used as part of the Stoke Rochford Golf Club, with many trees of some age remaining. There are also a series of ponds and water features.

11. The Hall and grounds stayed within the Turnor family until just after the Second World War but it was subsequently used by Kesteven Council as a college, and halls of residence were built to the west of the park. This closed in the late 1970s and a National Education and Conference Centre was opened by the National Union of Teachers. The pleasure grounds are now largely divided from the Hall, but some land to its west is within the appellant's ownership.
12. Despite being in separate ownership, the significance of the Park and Garden today is derived from its special historic interest, as an early 19th Century designed landscape. In particular, the formality of the Hall and its gardens and the mature landscaped grounds, particularly to its east in the valley, partly as envisaged by Burn and Nesfield.
13. The listed buildings also draw significance from their settings, which is defined in the National Planning Policy Framework (the Framework), as being the surroundings in which a heritage asset is experienced. The aerial photograph of the Hall taken in 1964 illustrates the part of the grounds of the hall identified for the appeal proposal has been occupied by built forms previously, but it is unclear what this was or when it was removed. The photograph also shows that area has been enclosed by planting for some time and is still in place. Although this mature planting reduces the intervisibility between the listed buildings, I am mindful that vegetation is subject to seasonal change and is, in any event, ephemeral. Furthermore, openness and space around the listed buildings is important to their shared historic settings and how they are appreciated together. Moreover, this contributes to the understanding and significance of the listed buildings and Park and Gardens, as they were all constructed around the same time, as part of the last phase of Burns' work for Turnor.

The Proposal

14. The proposal is for the existing marquee to be retained to provide additional floor space in connection with the hotel use. The application originally intended this to be for restaurant dining space during the Covid-19 pandemic, but it would be used for the hosting of events.

Effect of the Proposal

15. While it is situated within an area of the site incorporating planting, as I stated above, when this is not in leaf during autumn and winter there would be a greater degree of visibility. In any event, I do not find the absence of a visual connection between the formal gardens and the site of the marquee to be a determinative factor, as its appearance and physical presence is harmful to the setting of the listed buildings.
16. The marquee is white and of a size, form and nature of construction that appears discordant, prominent, and inharmonious in the context of the listed buildings, particularly in the foreground of views toward the Hall and Stables from the north and around the buildings themselves. Moreover, it is sited close to the Stables and has significantly eroded the space around this listed building, which forms an important aspect of the shared setting of the assets, which contributes to their significance. Furthermore, at the time of my visit, the marquee was in poor condition, with the floor being warped and various

ingresses through the roof and façades. Although I appreciate a scheme could be secured for its renovation, the temporary nature of its construction undoubtedly diminishes its quality. Accordingly, the presence of planting should not be relied upon to hide this development from view as it is harmful to its highly sensitive heritage context.

Public Benefits and Conclusions on the Main Issues

17. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight, as are the aims of paragraphs 197, 199 and 200 of the National Planning Policy Framework (the Framework).
18. The proposed development is harmful to the setting of the listed buildings and the openness of the Park and Gardens. This would have a negative effect on the significance of these designated heritage assets. This harm would equate to less than substantial harm to the significance of the designated heritage assets. Accordingly, paragraph 202 of the Framework and policy EN6 of the South Kesteven District Council Local Plan 2011- 2036⁵ (LP) identify this harm should be weighed against the public benefits of proposals, including securing its optimum viable use.
19. The additional floorspace that the marquee provides helped the hotel to manage indoor social distancing during the Covid-19 pandemic, but these nationally imposed restrictions have since been lifted. It is also not possible to be certain how the virus will behave in future or what measures would need to be put in place to combat it, including social distancing. On this basis, I am only able to afford limited weight to this social benefit.
20. Former country homes, such as the Hall, are not guaranteed to incorporate rooms capable of hosting large events and the marquee would provide variety in the event space available at the venue. Accordingly, it would continue to be used for reception space to cater for large weddings with up to around 250 guests.
21. Although the Hall accommodated around 65 events each year, prior to the Covid-19 outbreak, given its poor condition it is unclear when the marquee was last used for this purpose. How integral it was to hosting weddings at the venue is also in doubt, having regard to the other rooms available in the hotel for events and the quantum of weddings held therein for up to 120 guests, as referred to by the appellant.
22. In this context, the evidence before me does not clearly and convincingly demonstrate the absence of the marquee would jeopardise the long-term use of the Hall as a hotel and venue for conferencing and other events. Hence, it is also unclear what effect, if any, there would be to the local economy, including through employment, either in a positive or negative sense. As such, I afford limited weight to these benefits, including the argument that the proposal would maintain the optimum viable use of the listed building.
23. The marquee is not physically connected to the listed buildings, has no foundations and there is sufficient parking available. These therefore equate to potential absences of harm to the listed buildings, nearby trees, and users of the site, so they weigh neither for nor against the proposal.

⁵ Adopted January 2020.

24. Taking the above together, the stated public benefits would not justify allowing development that fails to preserve the setting of the listed buildings and the openness of the Park and Gardens. In accordance with paragraphs 199 and 202 of the Framework and LP policy EN6, considered together, I am therefore not persuaded there would be wider public benefits of sufficient magnitude to outweigh the great weight to the assets' conservation and considerable importance and weight to the less than substantial harm identified to their significance as heritage assets.
25. In light of the above, I conclude that the proposed development has a significantly harmful effect on the setting of the listed buildings and the special historic interest, including openness, of the registered park and garden. Hence, it is contrary to the provisions of the Act, and the design and heritage aims of LP policies DE1 and EN6, and paragraphs 197, 199 and 200 of the Framework.

Other Matters

26. The appeal property is near to Gate, Screen Wall and Balustrade to West of Stoke Rochford Hall⁶ and Obelisk, Approximately 250 Metres North West of Stoke Rochford Hall⁷, which are both designated as Grade II* listed buildings; and Kennels and Yard Wall and Railings⁸ and Kennel Masters House⁹, which are both designated as Grade II listed buildings. I have therefore had regard to the statutory duty referred to in the Act. However, given the proximity and physical relationship of the proposal with these heritage assets, including the presence of intervening buildings and land, their settings are preserved and the proposal does not detract from them.
27. The appellant states an application for a certificate of lawful use was submitted prior to the subject application, but was disputed by the Council. The Council twice granted permission¹⁰ for a marquee to be situated at the Hall, but it is claimed this was in a different location to assist with restoration of the Hall. Despite references to previous use of a marquee on site, there is insufficient evidence before me to demonstrate that a fallback position exists for the marquee in the form of lawful development by virtue of its presence on site.

Planning Balance

28. The development plan for the area comprises the LP, which predates the current Framework, but it makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to them according to their consistency with the Framework.
29. I am satisfied that LP policies DE1 and EN6 are generally consistent with Sections 12 and 16 of the Framework, so I can afford considerable weight to the conflict of the proposal with them.
30. I have already identified the benefits of the scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. In terms of harm, the proposed development would not comply with development plan policy in respect of harm to those assets.

⁶ List Entry Number: 1306948.

⁷ List Entry Number: 1062294.

⁸ List Entry Number: 1062331.

⁹ List Entry Number: 1306985.

¹⁰ Planning References: S05/0768 and S08/1023.

31. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the grant of planning permission that outweigh the stated benefits.

Conclusion

32. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding, including the Framework. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR