



Appeal Decisions

Site visit made on 19 September 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2023

Appeal A Ref: APP/N1160/W/23/3318375

St. Annes House, Jennycliff Lane, Plymouth PL9 9SN

- 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 Neal Stoneman against the decision of Plymouth City Council.
 - The application Ref 22/00837/FUL, dated 12 May 2022, was refused by notice dated 15 September 2022.
 - The development proposed is a pavilion pool building.
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Appeal B Ref: APP/N1160/W/23/3315554

St. Annes House, Jennycliff Lane, Plymouth PL9 9SN

- 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 Neal Stoneman against the decision of Plymouth City Council.
 - The application Ref 22/00592/FUL, dated 5 April 2022, was refused by notice dated 28 July 2022.
 - The development proposed is change of use from wedding venue and hotel/holiday accommodation to a mixed use as a events venue, holiday letting/hotel and restaurant/café (sui generis) with associated car parking and landscaping.
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Decisions

1. **APPEAL A** - The appeal is allowed and planning permission is granted for a pavilion pool building at St. Annes House, Jennycliff Lane, Plymouth PL9 9SN in accordance with the terms of the application, Ref 22/00837/FUL, dated 12 May 2022, and the plans submitted with it, subject to the conditions in the attached schedule.
2. **APPEAL B** - The appeal is dismissed.

Preliminary Matters

3. An amended drawing¹ was submitted with Appeal A showing an alternative arrangement for the proposed car parking. It shows a reduction in the number of spaces proposed, and the relocation of some of them. As a result, the proposal differs significantly from that submitted to the Council, and on which the views of interested parties were sought. My consideration of the amended scheme would deny those who should have been consulted through the planning application process, the opportunity of such consultation. I have therefore determined the appeal on the basis of the plans submitted to the Council.

¹ Drawing no. 21276-SK-00-05C

Main Issues

4. The main issue in both appeals is whether the proposals would preserve the setting of the grade II listed St. Annes House.
5. With regard to Appeal A, there is an additional main issue of the effect of the development on the landscape character of the area and the function of the greenspace.

Reasons

Setting of St. Annes House (Appeals A and B)

6. St. Annes House is a large, detached, grade II listed building set in extensive grounds. The applications were both accompanied by Heritage Assessments, and the evidence demonstrates that the significance of the building lies in its historic interest and its architectural qualities. The building is by the renowned Gothic Revival architect, William White, and dates from 1856-8. It is a relatively early example of his many parsonage commissions, and includes features that make it particularly representative of his work. These include its plan-form of main range and rear service range; the extensive surviving Delabole slate hanging; the tall steep roof profile; the robust chimney stacks; the external buttress to the east elevation; and the paired and triplet three pane casement windows.
7. The first Heritage Assessment² finds that the building rises above the boundary vegetation, so is visible from higher land to the south. However, I saw that, in these views, the grounds surrounding the building are well-screened. The open lawns to the south and southeast of the building are, however, visible through and over the access gates from Jennycliff Lane. This Heritage Assessment also identifies that the sinuous driveway leading from this access was clearly laid out to present the southern and eastern elevations, arriving at the latter, in which is set the building's simple Gothicised porch. These elevations contained the most important family and entertaining rooms of the house, so were of primary importance. The ability to appreciate uninterrupted views of them in the approach to the building means that the setting provided by the open lawns makes a significant and positive contribution to the significance of the heritage asset.
8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses.

APPEAL A

9. The proposed pool building would replace an existing unauthorised white PVC covered marquee. This structure has been the subject of three previous appeal decisions³, all of which concluded that it was harmful to the setting of the listed building. Nothing that I saw led me to a different conclusion. However, the proposal now before me is for a lower building, of timber construction with a shallow mono-pitched roof covered in grey zinc. Whilst its footprint and location

² Statement of Heritage Significance and Impact Assessment: SH Ref ANNS0921_report_V2_submission 22/02/2022

³ Appeal References APP/N1160/W/21/3283458, APP/N1160/Y/21/3283461 and APP/N1160/C/22/3300900

would be broadly similar, the reduced height, and visually more recessive materials, would make it much less prominent within the setting of the listed building.

10. Viewed from the higher land to the south, only the top part of the existing marquee is visible above the adjacent evergreen hedge, but its white PVC material draws the eye, making it a visual distraction in the setting of the listed building. However, the building now proposed would be largely below the level of this hedge. Whilst part of the roof may just be visible, it would be barely discernible, and would not interfere with views of the listed building in the same way that the existing, somewhat garish, structure does. From the public open space to the southwest of the property, the building would be largely hidden by the evergreen hedge, and would be seen against a backdrop of trees. Therefore, despite its proximity to St Annes House, it would be a low-level and unobtrusive feature, which would not challenge the visual dominance or grandeur of the listed building.
11. The building would be evident from the footpath on the higher ground to the north. However, its low-profile means that it would not impinge on views of the listed building. Furthermore, it would not result in the loss of any of the open green lawns that contribute positively to its setting. Rather, it would cover a swimming pool and its attendant hard-surfaced surrounds. The evidence from the Heritage Assessments indicates that this part of the gardens was not designed to be visible from the driveway, and is likely to have been a productive area providing fruit and vegetables for occupants of the house. Furthermore, there is photographic evidence to demonstrate its enclosure by hedges by the mid-20th century. For these reasons, I concur with the previous Inspector's comments⁴ that the proposal would not entail the loss of any open space that is important to appreciating or understanding the significance of the listed building.
12. For these reasons, I find that the proposal would preserve the setting of the grade II listed building. The development would, therefore, accord with Policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2019 (the Local Plan), which seeks to conserve and, where appropriate, enhance designated heritage assets and their settings. The proposal would also accord with the aim of the National Planning Policy Framework (the Framework) to conserve and enhance the historic environment.

APPEAL B

13. Whilst the proposal involves the change of use of the building, it is only the impact of the proposed parking arrangements that is at dispute. In this regard, the submitted plans show the introduction of 29 car-parking spaces on the open lawn to the northeast of the driveway that approaches the listed building. The parking spaces would line almost the entire length of the driveway. Together with the proposed spaces on the north-western boundary, and the intervening circulation space, most of the open lawn on this side of the access drive would be taken up.
14. The parking and circulation area would be achieved through the use of a grass grid system, so would not require any significant works of excavation, and would not involve a fundamental change to the appearance of the land.

⁴ Appeal References APP/N1160/W/21/3283458 and APP/N1160/Y/21/3283461

However, the presence of parked cars in this area, particularly along the edge of the driveway, would be intrusive in the key views of the primary elevations of the listed building from Jennycliff Lane, and when approaching it down the access, resulting in harm to its setting.

15. It is contended that the parking would be seasonal, with a lull in winter, so any harm would be on a sporadic basis. It is also suggested that a management plan could be put in place, so that the proposed spaces were only used when the parking at the rear of the building had reached capacity. Whilst these measures could go some way to limiting the harm, the appellant's evidence indicates a significant demand for weddings and events catering for a larger number of guests than is currently permitted by the existing planning permission. It is therefore likely that car-parking would occur in the proposed location on a regular basis.
16. I am mindful that cars could already be parked on any part of the site in association with the current authorised use. Indeed, at the time of my visit, I saw that there were eight or nine vintage vehicles parked along the north-eastern boundary, in the approximate position of the proposed spaces numbered 35 – 45. These were not overly intrusive in public views, or when approaching the house along the drive. In practice, however, the parking of customers vehicles on the grass is only likely during dry weather. The provision of hard-surfaced parking would facilitate the parking of vehicles in this location on a much more regular basis. Those parked along the edge of the driveway would intrude into key views of the listed building, resulting in harm to its setting.
17. It is argued that the parking spaces would be some distance from the building. However, the submitted drawings show that the spaces numbered 17 – 20 would be within about ten metres of the building. Furthermore, although the spaces at the southern end of the drive would be further away, cars parked on the driveway edge would still interrupt views of the principal elevations of the building.
18. For these reasons, I conclude that the proposed car parking would fail to preserve the setting of the listed building. The harm that I have identified would be less than substantial for the purposes of paragraph 199 of the Framework. Nevertheless, paragraphs 199 and 200 state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance, including through development within their setting, should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development.
19. The appellant has provided evidence that the current restrictions on the scale of events that can take place significantly restricts the business. It is argued that, without a relaxation of these conditions (which necessitates the increase in on-site parking), it may soon no longer be viable for the appellant to continue to operate at the current level. In these circumstances, the listed building itself could suffer, as the appellant may no longer have the means to maintain it sufficiently. Conversely, the proposal would allow the creation of six to eight new permanent jobs. The economic benefits of the proposal, and the generation of funds to maintain the listed building are public benefits that carry considerable weight in my decision.

20. However, I am not persuaded that the submitted proposal minimises the harmful impact of car parking on the setting of the listed building. The appellant's evidence indicates that a total of 30 on-site car parking spaces would meet the Highway Authority's requirements for 100 guests. Consequently, the proposal for 45 spaces would result in greater harm to the setting of the listed building than would be necessary to achieve the identified economic benefits.
21. The legislation requires special regard to be paid to the desirability of preserving the listed building and its setting, and the Framework requires that great weight should be given to the heritage asset's conservation. In the overall balance, I conclude that the economic benefits would not outweigh the harm caused by the extensive car parking area, which would intrude into key views of the listed building, thereby failing to preserve its setting. The development would, therefore, be contrary to Policy DEV21 of the Local Plan and the aim of the Framework to conserve and enhance the historic environment.

Landscape character of the area (Appeal A)

22. The appeal site lies on the western edge of the built-up area, adjacent to expanses of open green space that lead to the cliffs and the coast beyond. The site forms part of an area of land identified as City Green Space within the Local Plan and is adjacent to an area of Undeveloped Coast. The site for the proposed pool building is well-screened along Jennycliff Lane, and from views from the east and west. However, it can be seen in public views from the car park to the south and the public footpath that runs to the north of St Annes House.
23. For the reasons identified in the first main issue, the building would be largely indiscernible in southerly views due to its low profile, recessive materials, and the screening effect of the evergreen hedge. It therefore follows that in these views, the building would not have any significant impact on the wider open landscape surrounding the site. Although the roof of the building would be visible from the footpath to the north, it would be seen alongside the substantial listed building and within a group of other structures. It would also be seen in the context of the well-defined domesticated curtilage of St Annes House, which is readily distinguishable from the surrounding rugged coastal landscape. The building would not intrude into, or obscure views of, the wider surroundings, so would not be harmful to the visual amenity of the designated landscape. As the site does not lie within the Undeveloped Coast, the five limiting criteria set out in Policy DEV24 of the Local Plan are not applicable.
24. Although within the City Green Space designation, the site is not publicly accessible. Nevertheless criterion 2 of Policy DEV27 allows development in these areas for alternative sports and recreation provision. In this case, the proposal would cover an existing swimming pool, thereby increasing the seasons and hours of the day when it could be used by visiting members of the public for exercise and recreational purposes. Furthermore, the provision of the building would not result in the loss of any existing open green space. Consequently, there would be no conflict with the aims of Policy DEV27.
25. For these reasons, I find that the proposal would not harm the landscape character of the area or the purpose of the City Green Space designation. The development would, therefore, accord with policies DEV23, DEV24 and DEV27

of the Local Plan, which seek to conserve and enhance the landscape, avoid harm to the unspoilt character of the Undeveloped Coast, and protect and support a network of green space.

Conditions (Appeal A)

26. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance (the PPG).
27. Although the drawings indicate the proposed external materials, they do not provide specific or comprehensive details. Consequently, a condition requiring the submission of external materials is necessary to protect the setting of the listed building and the character and appearance of the area. A condition requiring the preservation of the hedge and trees that are indicated for retention on the plans is also necessary for the same reasons. However, to avoid duplication, I have not imposed the separate condition suggested by the Council relating specifically to tree protection measures.
28. The Council has suggested a condition requiring the provision of net biodiversity gain in accordance with Policy DEV26 of the Local Plan. However, the evidence indicates that this policy only applies to major development. Consequently, such a condition would not be necessary to comply with the development plan.
29. The Council has also suggested that conditions should be imposed relating to noise, hours of use, and management of the pool to protect the residential amenity of the area. However, the nearest dwellings are some considerable distance away from the proposed building, and St. Annes House would act as a substantial barrier in between. I have not been presented with any evidence to indicate that noise from within the pool building would be likely to result in any harm to the occupants of these dwellings. I am, therefore, not persuaded that these conditions would meet the tests of necessity and reasonableness set out in the PPG.
30. Finally, a condition is suggested requiring that the building be only occupied for purposes ancillary to St. Annes House. The reason given for the condition is that an independent use would be likely to produce conditions unacceptable to the Local Planning Authority. However, there is no explanation of what harm would arise, and I have not been provided with a copy of Policies DEV1 and DEV2, which are cited in support of the condition. In any event, the use of the building as an independent planning unit, separate from the primary use of St. Annes House would be likely to amount to a change of use requiring planning permission. Consequently, I find the proposed condition to be unnecessary.

Conclusion

31. For the reasons given above I conclude that Appeal A should be allowed, and Appeal B should be dismissed.

Nick Davies
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21277-PL-00-01 – Location Plan; 21277-PL-00-02 - Block Plan; 21277-PL-00-03 - Existing Site Plan; 21277-PL-00-04 - Proposed Site Plan; 21277-PL-01-01 - Existing Floor Plan; 21277-PL-01-02 - Proposed Floor Plan; 21277-PL-02-01 - Existing Elevations; 21277-PL-02-02 - Proposed Elevation; 21277-PL-02-03 - Proposed Elevation; 21277-PL-02-04 - Proposed Elevation; 21277-PL-02-05 - Proposed Elevation.
- 3) Details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the local planning authority prior to their installation. Development shall be carried out in accordance with the approved details.
- 4) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs A and B below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted, or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of A above in a manner which leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Appendix 1 - List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/N1160/W/23/3318375	Mr Neal Stoneman
Appeal B	APP/N1160/W/23/3315554	Mr Neal Stoneman