



Appeal Decision

Site visit made on 12 December 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/E2530/W/23/3325723

Church Walk Cottage, Bridge Street, Marston, Grantham NG32 2HL

- 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 and Mrs David Hoyes against the decision of South Kesteven District Council.
 - The application Ref S22/0780, dated 11 April 2022, was refused by notice dated 17 April 2023.
 - The development proposed is erection of one new dwelling, and associated works, following demolition of an existing extension to Church Walk Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal is focussed on the effect of the proposed development on the setting of the Grade I Listed Church of St. Mary and the Grade II Listed Marston Hall Registered Park and Garden (RPG). However, I have also been referred to the Grade II* listed building known as Marston Hall, the Grade II listed sundial 6m to the south of the porch of the Church of St. Mary and the Churchyard Cross Scheduled Ancient Monument (SAM) at the Church of St. Mary. Accordingly, I have had regard to the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in relation to the listed buildings.
3. Given the parallels between the setting of the RPG and the listed Marston Hall, I have considered the listed building as part of the main issues, even though it was not specifically referred to in the Council's decision notice. As both parties have addressed these heritage assets within their evidence, their interests have not been prejudiced by my consideration of them in my decision.
4. The Churchyard Cross (SAM) and the sundial (listed building) are the same structure lying close to the Church within the graveyard. The Council have not found harm in relation to the setting of the listed sundial or the SAM. Its age, quality of design, elegance, and positional prominence within the graveyard, contribute to its special architectural and historical interest. Its setting is closely linked to the Church, rather than the land beyond the graveyard. In this regard, the appeal site does not contribute to the significance and special interest of this sundial/cross. Accordingly, I agree with the Council's finding that the proposal would not harm its setting and I have not considered these designations further in the main issues.

Main Issues

5. Accordingly, the main issues are the effect of the proposal on:

- The settings of the Grade I listed building known as the Church of St. Mary, and the Grade II* listed building and Grade II RPG both known as Marston Hall; and
- The character and appearance of the surrounding area.

Reasons

Heritage Assets

Special interest and significance

6. The Grade I listed Church of St. Mary is a modest sized church constructed of ashlar and ironstone rubble and a slate roof. Dating to the late 12th century, it was remodelled and extended, including with a 14th century tower. Its historical use as a religious site from the 12th century, its external ecclesiastical architectural character, including from its surviving 14th century windows and medieval fabric, and its broach spire, all contribute to its special historical and architectural interest and significance.
7. The Church is set within modest sized grounds containing a graveyard and several maturing trees and is bound by a field to the north and east and the spacious grounds of Marston Hall to the south. It is accessed by an entrance point onto Church Walk, which has an open and spacious quality with grassed areas and trees.
8. Buildings near the Church, include the bungalow to the west, Marston Hall, which is set back within large grounds and the appeal property and its attached neighbour, which are positioned with an open developed gap at the corner near the entrance to the Church grounds.
9. The low density of buildings, softness of the trees, grassed areas and spacious open qualities beyond its grounds results in a peaceful setting to the Church. This setting contributes to the understanding of the local community's historic use of the church for, amongst other things, a place of worship, quiet contemplation and to pay respects for the deceased.
10. The undeveloped and spacious qualities of the appeal site are prominent at the entrance to the Church grounds and at various points within the graveyard including the main path. There is little to indicate that these views were designed or historic views, but they are part of the way that the Church and its graveyard are experienced. In this regard, these physical qualities make a positive contribution to its peaceful setting and thus the significance of the listed building.
11. The grade II* Marston Hall is a country house dating to the late 16th century with later modifications. It is set within spacious grounds, which are also designated as a RPG. This includes an open lawn to the south-west, with several mature trees on the western boundary by the churchyard.
12. In so far as it relates to this appeal, the significance of these heritage assets largely stems from the architectural and historical interest as a country house of 16th century date with a polite composition to its south western elevation,

which can be seen from its entrance onto School Lane. Its surviving historic fabric, including its traditional construction and materials contribute to its architectural and historical interest. Moreover, the Hall's physical and functional relationship with the RPG, within spacious grounds with different distinct and designed areas, on the edge of the settlement within an agrarian landscape contribute to its historical significance.

13. A footpath connecting School Lane and Church Walk passes the western boundary of the grounds of Marston Hall. This is defined by strong tree planting with only glimpses through into the grounds. The appeal site lies on the other side of the footpath and is close to the boundary of the Hall's grounds but is a considerable distance to the listed building. Moreover, I have no substantive evidence of a specific historic relationship between the Hall and the appeal site.
14. The open qualities of the appeal site allow views across from Church Walk to the boundary trees of the Hall grounds. However, this does not include views to within the grounds itself or of the listed Hall. Moreover, these trees form a strongly defined boundary enclosing that part of the grounds. As such, its historic and functional relationship with the appeal site on the other side of the footpath is limited. In this regard, the appeal site's open qualities contribute little to the historic context of the Hall, or the RPG, and thus their significance and special interest as designated heritage assets.

Appeal proposal and effects

15. Cumulatively, the extension to the existing property and the attached new dwelling would have considerable bulk. From near the entrance to the Church grounds on Church Walk, inside the grounds, and from the footpath from School Lane the proposal would be an imposing feature. The entrance to the Church grounds is important to the historical social role of the Church. In this regard, the imposing presence of the proposed dwelling, in such close proximity to the entrance to the Church grounds, would erode the contribution that the appeal site's open qualities make to the Church's peaceful setting and thus its significance.
16. The built form would follow the angle of the boundary and would therefore not obstruct views of the Church on the approach from Church Walk or from Bridge Street. Nor would the proposal extend into the open space to the north of the existing dwellings along Church Walk. I also accept that the Church would remain a dominant landmark feature in views. Furthermore, the detailed design of the proposal, including from the refurbishment of the existing property with clay roof tiles, would broadly reflect detailing from the attached property. The consistency in roofing material would be a small benefit, as would the removal of some small ancillary structures in the garden. However, the absence of harm or the small benefits that I have identified, do not outweigh my findings in relation to the harm from the bulk of the built form in closer views from the Church grounds and near its entrance.
17. Turning to the setting of the Grade II* listed Marston Hall and the RPG, the proposed development's position relative to these heritage assets is such that it would appear in views of its boundary. However, I do not consider that it would appear in views to or from the listed building itself due to the intervening trees. Moreover, any views from within the western part of the grounds would be limited due to the extent of tree coverage.

18. The proposal would not affect the appreciation of the Hall, its south west elevation, its formal entrance from School Lane or its designed garden. Nor would it impinge on its historic and visual relationships with the countryside and the village. Overall, the proposal would not erode any of the elements, which contribute positively to the special interest and significance of these heritage assets. Thus, I am satisfied that it would not detract from the setting of the listed building, the RPG, or the ability to appreciate and understand them.
19. Drawing the above together, I have found no harm in relation to the setting of the Grade II* listed building and Grade II RPG known as Marston Hall. However, the proposed development would fail to preserve the special interest of the Grade I listed building, known as the Church of St. Mary, and its setting. As a result, the expectations of the Act have not been met and the proposal would harm the significance of this designated heritage asset.

Public Benefits

20. Paragraph 199 of the Framework advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
21. With reference to paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, the harm to the listed building would be 'less than substantial' due to the scale of the development and its presence within a part of the listed building's setting. Nevertheless, any harm is of considerable importance and weight. Under such circumstances, paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
22. The scheme would provide social benefits from an additional dwelling boosting the supply of housing within the village in a sustainable location and improved living accommodation associated with the existing dwelling. Moreover, any future occupiers would bolster the demand for local services and facilities. The occupation of the dwelling would bring economic benefits too from the spending of future occupiers in the local area, as well as from the construction works. This would stimulate employment, the commissioning of services, and the retention of building craft skills. There would be some small heritage benefits from the consistency in roofing material with the attached neighbouring property and the removal of some small ancillary structures in the garden.
23. The absence of harm in relation to the living conditions of neighbouring properties or vehicle parking are neutral matters. There is no firm evidence that the proposal would result in biodiversity enhancements considering the baseline conditions and I therefore give the retention of natural features and the additional planting limited weight in favour. Moreover, I have no substantive evidence that the continued viable use of the appeal property is dependent on the proposed development as the building has an ongoing residential use and there is no firm evidence that this would cease in its absence.

24. Overall, the weight that I ascribe to the public benefits resulting from the proposed development, is not sufficient to outweigh the great weight that I attach to the harm I have identified. As such, the proposed development does not comply with paragraph 202 of the Framework. It follows that it would also be contrary to the requirements of Policy EN6 of the South Kesteven Local Plan (LP) (2020). This says, amongst other things, that the Council will seek to protect and enhance heritage assets and their settings in keeping with the policies in the Framework.

Character and appearance

25. This area of the village around the entrance to the Church is a small area within the village. Nonetheless its open, peaceful qualities emanating from its low density of built form, grassed areas and mature trees, along with the physical qualities of the Church and its grounds positively contribute to the character and appearance of the area and therefore the village as a whole.
26. Given my findings in relation to the setting of the listed Church, it follows that the proposal would also harm the character and appearance of the surrounding area through the imposing nature of the bulk of the proposed development. The harm would be localised to this part of the village, but there would nonetheless be harm.
27. I therefore find that the proposal would harm the character and appearance of the surrounding area. I therefore find conflict with the requirements of Policies SP2, SP3, DE1 and EN1 of the LP, the guidance within the Council's Design Guidelines Supplementary Planning Document (2021) and the provisions of the Framework when taken together and in so far as they relate to this main issue. These say, amongst other things, that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to the local distinctiveness, vernacular and character of the area.

Conclusion

28. The proposed development would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Mr R Walker

INSPECTOR