



Appeal Decision

Site visit made on 19 December 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2024

Appeal Ref: APP/P0240/W/23/3323269

Church Farm, Goose Green, Hockliffe, Central Bedfordshire LU7 9NH

- 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 Gary Evans against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/00029/FULL, dated 4 January 2023, was refused by notice dated 15 March 2023.
 - The development proposed is retrospective application for the erection of two pairs of timber gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to two pairs of domestic gates erected to the front of Church Farm. No proposed elevation plans have been supplied, and on my visit, I observed that the northern pair of gates have subsequently been removed. Nonetheless, the form and design of the proposed gates are shown in the photographs within the appellant's evidence. Given such, I have assessed the appeal on the basis of the proposed plans and photographic evidence before me.
3. A revised National Planning Policy Framework (the Framework) was published 19 December 2023 and updated 20 December 2023. Whilst the relevant sections of the new Framework have not changed in respect of the main issues of concern in this appeal, the paragraph numbering has changed. Accordingly, I have referred to the updated Framework paragraph numbering.

Main Issues

4. The main issues are:
 - whether the proposed gates would preserve the setting of the grade II listed building known as Church Farmhouse;
 - whether the proposed gates would preserve or enhance the character or appearance of the Hockliffe Church End Conservation Area; and,
 - the effect of the northern set of proposed gates on highway safety.

Reasons

5. Church Farmhouse is a Grade II Listed building set within the Hockliffe Church End Conservation Area (CA). It is therefore necessary to have special regard to Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in reaching my decision, as set out below.

Setting of the listed building

6. Church Farmhouse is an attractive, 16th century or 17th century vernacular, two-storey building, set back from the road with a gravel surfaced in/out driveway. The building has colour washed plaster and a hipped clay tile roof, with two 3-light casement windows with glazing bars. It is a large imposing building and, is the first of historic quality and visual prominence on entrance to the small hamlet of Church End from the south.
7. Church Farm has a spacious, rural setting, which includes lawned areas to the front and rear, and open countryside beyond its rear and south side garden boundaries. The historical function of the former farmhouse, and its attractive architecture, together with its spacious rural setting, contributes to the significance of the listed building. To its frontage is metal, estate style fencing, which is lightweight and permeable, and which evokes the agrarian heritage of the former farmhouse. I understand that the previous gates followed this style, in which case they would have made a similarly important contribution to the significance of the listed building.
8. On the other hand, the proposed gates would be solid, tall domineering features, not of traditional estate design, and so the evocation of the agricultural heritage of the former farmhouse would be lost. Rather the photographs show they would be overtly modern and of nondescript domestic design, with mechanical operating systems, including sensors and electrical wiring connections to the gateposts. They would therefore jar within this rustic, vernacular context. Also, their bulk would reduce the spacious setting of the listed building, by blocking public views into the property when closed.
9. Whilst there is a significant hedge planted along the road frontage of the property, this is a natural feature, which is not harsh or abrupt in its appearance. The same could be said of the small area of conifers which survey mapping shows historically existed on the property frontage. These hedges, new and old, do not therefore justify the inappropriateness of the gates.
10. As suggested by the appellant's heritage specialist, it is plausible that there may have been a gate on entrance to the spur road leading to the farm some time ago. But this would likely have been related to the functional operation of the farm and for only one access driveway, rather than two. Furthermore, this does not consequently mean that any previous, historical gates would have been of the same or similar design to the gates proposed. Also, that the listed building is of age and is likely to remain, for many years, long after the proposed gates, does not justify the harm that would be caused with the gates in situ.
11. The appellant has referred to an example where tall, solid timber gates have been approved by the Council at Hockliffe House, Watling Street, which is also a Grade II Listed building. This property is not located close to the appeal site and appears, from my observations, to have a different site context to the

proposal. Goose Lodge, which is near to the appeal site, has an open frontage with no gates, but it is not clear why this unlisted, more modern dwelling and open driveway is comparable to Church Farm, or why it would justify the proposal.

12. In view of the above, the proposed gates would not preserve the setting of the Grade II Listed building, known as Church Farmhouse. In terms of the Framework, I assess the harm as less than substantial. Paragraph 208 of the Framework sets out that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Great weight should be given to the asset's conservation.
13. In this case, the gates would only appear to provide benefit to the occupiers of the property, rather than provide any notable public benefits.
14. The proposal therefore fails to accord with the Framework and conflicts with Policy HE3 of the Central Bedfordshire Local Plan (CBLP) 2015-2035 (adopted July 2021), which amongst other matters, requires development proposals affecting designated heritage assets to preserve the setting and historic significance of the asset.
15. Also, the proposal conflicts with Policy HQ1 of the CBLP which requires, amongst other things, that new development be of highest quality and responds positively to their context. For the same reasons, the proposal does not accord with the provisions of the Framework.

Character or appearance of the conservation area

16. The CA includes a variety of historic buildings, forming a dispersed, small rural hamlet focused round the Church of St Nicolas, which dates from the 14th century. There is a mixture of house types, including two-storey and single storey properties, which filter out along Goose Green and Church Lane. The CA also includes a significant area of open, undeveloped land to the side and rear of Church Farm that continues along, wrapping around the church.
17. Within the CA dwellings tend to have low gated or open driveways, typically of a field gate design, and hedgerows dominate the road frontages of many dwellings, adding to the verdant character of the CA. The CA therefore has an attractive rural, verdant character with a pleasing interplay between the built environment and the surrounding landscape. The front lawn and low and unobtrusive metal boundary fence of Church Farm provided open public views of the listed building, making a significant contribution to this element of the CA's significance. Whilst the beech hedge to the road frontage reduces some of these public views, it is befitting of the verdant character of the CA. Also, the gaps between the hedge, at the driveway access points, would help maintain important glimpsed public views of the listed building.
18. As noted above, the design and appearance of the gates, is not typical of that found in the CA. The example of a gated entrance at The Rectory, which is also a listed building within the CA is noted. However, this has open iron gates, with pillars and walls either side, and its access leads into a meandering tree-lined driveway to a building set back significantly from the road. Therefore, the design of these gates and the site context is not comparable to the appeal proposal.

19. 3 and 5 Goose Green, which are within the CA, also have gated driveways, yet these gates are of a low height comparable to the proposal. The gates at No 5 have a solid element, but this is approximately one metre high above the driveway and road level, allowing views over. Also, the gates at No 3 are of a traditional rural, field crossbar timber design. Therefore, these examples are also not comparable to the appeal proposal.
20. I quantify the harm to the CA as less than substantial. As with the listed building, no compelling public benefits have been put forward to justify this harm in the Framework's terms.
21. In view of the above, the proposal conflicts with Policies HE3 and HQ1 of the CBLP and the Framework.

Highway safety

22. Whilst the proposed gates would be on highway land, I do not have any substantive evidence to show why their erection would be harmful to highway safety. Where the northern gates are to be sited does not appear to readily function as part of the highway used by general road users. The gates would be set back a similar distance from the main carriageway to that of the existing access gates and driveway at the neighbouring property, 3 Goose Green. Furthermore, there would appear to be enough space in front of the proposed gates to allow a vehicle to stand clear of the main highway, whilst awaiting the gates to open. Thereby there would unlikely be any undue obstruction caused to passing road users.
23. I acknowledge that in erecting the gates on the public highway, this may breach the referenced Highways Act provisions. However, this is not a determinative consideration in this appeal, as no harm to highway safety has been demonstrated. Rather it would be a matter between the highway authority and the appellant to resolve. Therefore, other legislation would be able to control the use and construction of the gates on highway land.
24. In view of the above, the northern set of proposed gates would not be harmful to highway safety and so, there would be no conflict with Policy T2 of the CBLP, which sets out that, amongst other things, new development must not have a detrimental effect on highway safety.

Planning Balance and Conclusion

25. Whilst I have not found harm in relation to highway safety, I have found the proposal would be harmful to the setting of the listed building, Church Farmhouse, and that the proposal would not preserve or enhance the character or appearance of the Hockliffe Church End Conservation Area.
26. The scheme would therefore conflict with the development plan when read as a whole and the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.
27. Accordingly, I conclude that the appeal should be dismissed.

C Billings
INSPECTOR