



Appeal Decision

Site visit made on 30 January 2024

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/J3720/W/23/3326807

Gaydon Farm, Kineton Road, Gaydon, Warwickshire CV35 0EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Ellis Machinery Ltd against Stratford-on-Avon District Council.
 - The application Ref 22/03574/OUT, is dated 6 December 2022.
 - The development proposed is described as "Outline planning application for 6 self-build dwellings, including vehicular access, landscaping, and drainage on land located at Ellis Machinery yard, Gaydon; all matters reserved except for layout and access off Kineton Road, Gaydon."
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal is made following the failure of the Council to give notice of their decision on the application within the statutory period. The Council have provided an Appeal Statement which has confirmed that were they to have issued a decision, they would have refused planning permission. I have taken this to be the decision which the Council would have made had it been empowered to do so.
3. The application was submitted in outline, with details of access and layout provided for consideration. Appearance, scale, and landscaping are reserved for subsequent approval. I have therefore dealt with the appeal on that basis, treating all submitted plans and drawings as illustrative unless related to access and layout.
4. A set of revised plans were provided to the Council prior to the submission of the appeal. The Council has confirmed that these plans have not been subject to re-consultation.
5. The appellant advises that the heights of plots 1-4 have been changed and the developable area of plot 4 would be set further back into the plot to reduce the impact on the adjacent barn conversion. Scale is a reserved matter and would be the subject of a further application for approval. Therefore, the heights at this stage are only indicative and I have treated them as such. The change to the footprint of plot 4 would not materially alter the proposal from that considered by the Council and interested parties.
6. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. As the

changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version. I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

7. The main issue raised by this appeal is whether the proposed development would preserve the setting of the Grade II listed building known as Gaydon Farmhouse, and in the event that any harm is identified, whether that harm would be outweighed by any public benefits of the proposals.

Reasons

8. Ellis Machinery is an established rural business on the outskirts of the settlement of Gaydon. The appeal site forms a hard-standing forecourt, used for the display of agricultural machinery for sale and hire. The wider site includes large, functional, modern, agricultural style buildings and vast areas of hard standings also used for the display and storage of machinery, as well as vehicle parking areas.
9. The site is located adjacent to a small cluster of converted buildings, formerly part of Gaydon Farmhouse (the farmhouse), a Grade II listed building. The farmhouse is a seventeenth century two storey building, including attic space in the roof, constructed from stone, with a slate roof and contrasting brick chimney stacks.
10. The farmhouse fronts on to Kineton Road and has a commanding presence along the road due to its wide frontage and light-coloured stone façade. The cluster of converted buildings also occupy a prominent position on the edge of the village, with The Parlour and The Nook, immediately adjacent to the road. The former farm buildings range in scale and include new build elements but they have retained their attractive, traditional agricultural appearance, constructed with brick walls and tile roofs.
11. Under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I am obliged to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
12. The significance of the listed building is derived from its attractive appearance and historic interest as a long-established farmhouse. The cluster of associated farm buildings also contribute to the historic interest of the farmhouse, previously arranged around a central farmyard. The edge of village location and its open rural character and the arrangement of buildings as a group, with an attractive appearance, are important factors in the significance of its setting.
13. The proposed development is for the construction of six, large, detached self-build dwellings, which would utilise the existing access that serves the converted farm buildings. The scale of the buildings is reserved for future approval but the submitted plans indicate that the proposed dwellings would range in height from one storey to two storeys.
14. The layout of the proposed dwellings would extend around the converted buildings to the side and rear and, due to the arrangement and mass of the

dwelling, they would have an overwhelming effect on the farmhouse and the former farm buildings.

15. The site is currently well utilised for the permanent display and storage of large agricultural machinery, but the equipment is well spaced and largely not visible above the boundary fences of the converted buildings. Therefore, it has an open and spacious appearance with limited views from public vantage points from outside of the site. In contrast, the construction of six large dwellings, which would range in height, due to their mass, location and juxtaposition with the farmhouse and converted buildings, would result in permanent built development that would be clearly visible from wider vantage points from inside and outside of the village. In particular, plots 3 and 4 would be viewed as a backdrop to the farmhouse through the gap at its vehicle access, which would reduce the existing open character that the farmhouse is viewed, particularly from the main road.
16. The additional mass of built development to the rear of the farmhouse and the converted farm buildings would be incongruous within the open rural setting of the edge of village location, which would harm the character of the small cluster of buildings, and the setting of the listed building.
17. Accordingly, the proposed development would fail to preserve the setting of the Grade II listed building known as Gaydon farmhouse and paragraph 205 of the Framework, requires great weight to be attributed to the asset's conservation irrespective of the level of harm identified. In this case, due to the fairly small-scale nature of the development the harm caused to the significance of the setting of the listed building would be less than substantial.
18. Any harm to a designated heritage asset should require clear and convincing justification and where this relates to less than substantial harm, this should be weighed against the public-benefits of the proposal. This includes, where appropriate, securing its optimum viable use, in accordance with Policy CS.8 of the Stratford-on-Avon District Core Strategy (CS) and paragraph 208 of the Framework.
19. The construction of six self-build dwellings would contribute to the Councils acknowledged and significant shortfall of custom and self-build plots. The provision of six custom and self-build plots would therefore accord with the Framework's aim of providing housing for different groups of people including those who wish to build their own homes. I also acknowledge that the construction of six additional dwellings on brownfield land in a rural location would add to the mix and range of dwelling types in the area. Furthermore, the construction of six new dwellings would also provide both short and long term associated social, economic, and environmental benefits during the construction phases and following occupation. Therefore, the provision of six custom and self-build plots would amount to a significant public benefit in favour of the development. There would also be opportunities to provide biodiversity net gain on the site.
20. However, the proposals would harm the significance and special interest of the setting of the listed building, matters which carry considerable importance and weight. On balance, the sum of public benefits, individually and cumulatively, are insufficient to outweigh the less than substantial harm identified or provide any clear and convincing justification for the proposed development and harm caused to the setting of the listed building.

21. For the reasons set out above, the proposed development would fail to preserve the setting of the listed building known as Gaydon Farmhouse and the harm identified is not outweighed by any public benefits of the proposals. As such it is contrary to Policy CS.8 of the CS and the aim of the Framework, which together and amongst other things, seek to conserve, protect and enhance heritage assets.

Planning Balance and Conclusion

22. The appellant has identified that the Council has raised no concerns with regard to the location of the development, access, and highways safety, loss of employment land, amenity of neighbouring occupiers and design quality, the effect on biodiversity, drainage and flood risk, and other matters. I see no reason to disagree with the parties on these matters, but these neutral factors weigh neither for nor against the proposals in the overall balance.
23. I have found that the proposed development would fail to preserve the setting of the Grade II listed building known as Gaydon Farmhouse and would not provide any public benefits sufficient enough to outweigh the less than substantial harm identified.
24. In conclusion, the proposed development would be contrary to the identified policies of the development plan as a whole. There are no other material considerations which outweigh this conflict, and for the reasons given above, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR