



Appeal Decision

Site visit made on 1 May 2024

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/P0240/W/23/3330197

The Old Rectory, Higham Road, Higham Gobion, HITCHIN, Hertfordshire, SG5 3HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Thwaite against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01499/FULL.
 - The development proposed is Wooden workshop/barn. Wooden structure with a dwarf wall between supports. Shiplap cladding to exterior. Tiled roof to match existing. adjacent garage. Double door access for garden machinery and single door access for workshop. Style to match existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It has come to my attention that following the determination of the planning application, the subject of this appeal, the Council adopted the Central Bedfordshire Design Guide 2023 (DG) as a replacement for the 2014 version. The latest DG sets out the Council's most up to date guidance. However, in the context of the appeal before me, the design principles remain apposite. Therefore, no one would be prejudiced by my determining the appeal in the context of the revised DG.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the local area and the effect of the development on the setting of nearby heritage assets, bearing in mind the special attention that should be paid to the desirability of preserving their setting.

Character and appearance

4. The appeal proposal is for a modest timber outbuilding on a brick plinth which would sit immediately behind the brick boundary wall to the front of the Old Rectory which, together with St Margaret's and a scattering of other buildings, are set well back from Higham Road and sit in a rural context. It is no part of the Council's case that the design or materials of the proposed development are unsuitable, rather that the location is inappropriate.
5. My attention has been drawn to the two mature trees which provide some screening. However, even at the time of my site visit which took place whilst

the trees were in leaf, it was clear that the outbuilding would be visible and in the winter months this would be more so.

6. The existing timber outbuilding is located forward of the house. However, the proposed workshop/barn would sit closer to the wall and would be visible beyond the grass verge to people travelling along the road. Indeed, the appellant's car which was parked where the proposed outbuilding would be constructed was readily visible from the road. Moreover, the outbuilding would be particularly noticeable when viewed from the east due to the topography of the land. As such, the introduction of a further timber outbuilding closer to the road to the front of the house would adversely impact on the existing open character and appearance of the local area.
7. In coming to this conclusion, I have taken into account that cars travel quickly along Higham Road, and therefore, any views from those travelling by car would be fleeting. Nonetheless, the appeal proposal does not meet the policy requirement that high quality development reinforces local distinctiveness, and Section 11 of the DG which resists detached buildings at the front of houses. It is therefore contrary to the principles of good design set out in Policy HQ1: High Quality Development within the Central Bedfordshire Local Plan 2015-2035 adopted in July 2021 (LP).

Setting of Heritage Assets

8. The appeal proposal lies within the grounds and setting of the Grade II Old Rectory and the setting of the Grade II* Church of St Margaret. For the avoidance of doubt, the fabric of the listed building would not be affected by the development.
9. The glossary of the Framework defines setting as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
10. I have been provided with very little information relating to the significance of the heritage assets, including any contribution made to their setting as required in paragraph 200 of the Framework. The Old Rectory, which is a Grade II listed building, first listed in 1985, dates from the 17th century and has been substantially extended and reworked in both the 19th and 20th centuries to evolve into a substantial property. I am also aware that it has recently been extended. It may no longer have an active functional relationship with St Margaret's Church which dates from the 14th century. However, it is located very close to the church, consistent with its historic role as a home for the Rector. This physical proximity, together with a strong historic functional relationship between both buildings, makes a positive contribution to the historic significance of both listed buildings.
11. Notwithstanding the greenery between the church and the grounds of the Old Rectory, there is a clear visual relationship between the two which emphasises and contributes to the understanding of the historic significance of both buildings. The Old Rectory is set back off the road, nonetheless the frontage is significant as it provides the public presentation of the historic property and its polite status.

12. The proposed barn/ workshop would sit on land to the front of the extended Old Rectory. Whilst clearly the construction would be less robust than the house, it would be built on a brick plinth with a tiled roof. Notwithstanding that the timbers would age to a similar finish as the existing timber building, together they would produce a courtyard effect. This concentration of utilitarian service buildings at the front of the Old Rectory would interrupt and have an adverse impact on its setting, and in turn, on the setting of the church. In coming to this conclusion, I note that it would be located away from the oldest element of the building and that the existing outbuilding has permission. However, this does not overcome the adverse impact that the proposal would have on the setting of the two listed buildings which are intrinsically linked.
13. I consider that this would result in harm, albeit at the lower end of the spectrum. Paragraph 206 of the Framework makes clear, any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
14. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
15. In summary, I have found less than substantial harm to the setting of the Grade II Old Rectory and the Grade II* St Margaret's Church. Under such circumstances, paragraph 208 of the Framework advises that the harm to the significance of designated assets should be weighed against the public benefits of the proposal.
16. The appellant requires the new workshop/barn to store heavy beekeeping and other equipment related to the keeping of livestock. I understand that, due to the weight of the equipment, it needs to be accessible by car. These benefits, appear to be substantially private in nature. Moreover, nothing has been put to me to demonstrate that there could not be other options for storage available to the appellants elsewhere on the wider site.
17. Given the above and in the absence of any defined public benefit, I conclude that on balance, the proposal would fail to preserve the setting of the Grade II Old Rectory, and the Grade II* St Margaret's Church. This would fail to satisfy the requirements of the Act, paragraph 203 of the Framework and conflict with HE3 of the LP that seeks amongst other things to ensure that the setting of designated heritage assets is preserved and Section 5 of the DG in relation to the setting of listed buildings. As a result, the proposal would not be in accordance with the development plan.

Conclusion

18. For the reasons given above the appeal should be dismissed.

Louise Nurser

INSPECTOR