



Appeal Decision

Site visit made on 29 May 2024

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 20th June 2024

Appeal Ref: APP/C1760/C/23/3321192

Land and Premises Known as Grosvenor Hotel, High Street, Stockbridge, Hampshire, SO20 6EU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Stockbridge MGT Ltd against an enforcement notice issued by Test Valley Borough Council.
 - The notice was issued on 22 March 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the construction of a wooden framed building with a corrugated metal sheet roof, located in the approximate position marked A on the attached plan.
 - The requirements of the notice are: 1. Permanently demolish the building described in paragraph 3 above; and 2. Permanently remove from the Land all materials and waste resulting from compliance with paragraph 5.1 above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a), (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Applications for costs

2. An application for costs was made by the Council against the appellant. This is the subject of a separate decision.

Ground (a) and the deemed planning application

3. The appeal property is a Grade II* listed building within the Stockbridge Conservation Area. An historic coaching inn, it is one of the most prominent buildings in Stockbridge High Street. The buildings immediately to the east and west, The Old Rectory and St Peter's Church, are Grade II listed, as are numerous other buildings on the High Street. Planning permission¹ and Listed Building Consent² were granted in January 2020 for "Demolition of glass link building between hotel and annexe, internal and external alterations to annexe, landscaping of rear garden, erection of garden wall to replace wooden fence and erection of pergola" to the rear of the property.

¹ Ref. 19/02903/FULLN

² Ref. 19/02904/LBWN

4. The appeal concerns the pergola element of the development. The approved pergola was to be sited behind the eastern wing of the building just inside the new garden wall alongside a laneway off the High Street, between the property and The Old Rectory, leading to the hotel car park and other properties. It appears that the pergola was erected, but not fully in accordance with the approved details and also without complying with condition 4 of the permission and consent which required approval of materials before above-ground construction. The deviations from the approved details saw the pergola built higher, closer to the listed building and running parallel to the new wall rather than being offset at the rear. The pergola was then clad and roofed and attached to the rear of the listed building along with the addition of an open-sided extension into the rear garden. This building, the subject of the notice, was for outside dining purposes during the COVID pandemic, when it was tolerated by the Council.
5. The basis of an appeal on ground (a) is that planning permission should be granted in respect of any breach of planning control which may be constituted by the matters stated in the notice. The appeal seeks to retain the building as it is, or alternatively retain the pergola element, albeit details of how this would be done and what would remain have not been set out. The main issues in this case are the effect of the development on the setting of the Grosvenor Hotel and nearby listed buildings and on the character or appearance of the conservation area.
6. The approved pergola was considered not to be visually prominent in the setting of the listed building due to the proposed siting, and subject to approval of materials it was considered that it would sustain the significance of the listed building. That was a lightweight open structure set away from the rear façade of the building and sited between a rear extension and the new wall. As a typical light-weight garden structure reasonably well separated from the listed building it would not have been incongruous in the proposed location. However, the current enclosed structure is attached to the listed building and obscures details of the rear façade, including a large 12-paned sash window. This prevents appreciation of the coherence and appearance of the rear façade, to the detriment of the significance and special interest of the listed building. Furthermore the timber cladding contrasts unsympathetically with the brickwork.
7. From outside the site the building can be clearly seen above the new boundary wall from locations including the High Street itself and along the laneway. Its rudimentary appearance, including the corrugated roof, draws the eye and it appears a visually prominent and entirely discordant structure, to the detriment of the setting of the subject property and also that of The Old Rectory just opposite. It appears out of place in the street scene, diminishing the appreciation of the historic buildings in close proximity and adversely affecting the character and appearance of the Conservation Area, which in the vicinity of the development is characterised by formal buildings of evident quality.
8. Although argued under ground (f) below, it is more appropriate to consider the planning merits of alternative schemes under this ground. In essence, the appellant seeks at the very least to retain the internal structure as a pergola, presumably with the removal of all cladding and the roof and connections to the listed building. However, while I acknowledge that the original structure

proposed was deemed to be acceptable, albeit subject to approval of materials, the base structure in this case, running alongside the boundary wall rather than being set in from it at the rear, is larger and would be much more visible from public vantage points outside the site, intruding into, discordantly, the setting of the Old Rectory. It would also, as far as I could see, be closer to the listed building, interfering with the ability to appreciate its significance, thereby detracting from its setting. While the resulting open structure would cause considerably less harm than the existing building, it would still appear unduly prominent and discordant in public views.

9. As such the development, either as built or as adapted, conflicts with Policy E1 of the Test Valley Borough Revised Local Plan (2016) (TVRLP), which expects development to be high quality in terms of design and local distinctiveness and to complement the character of the area, with TVRLP Policy E2 which aims to protect local character, and with TVRLP Policy E9, which requires development affecting a heritage asset to make a positive contribution to sustaining or enhancing the significance of the heritage asset taking into account its character, appearance and setting.
10. In considering works affecting listed buildings Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting. Similarly, Section 72 requires consideration of the effect on the character or appearance of the Conservation Area. These duties are reflected in the National Planning Policy Framework (NPPF). In NPPF terms, the harm I have identified would be considered as less than substantial, and should be weighed against the public benefits of the proposal. No specific public benefits have been put forward, and while the hotel is a significant local employer, there is no evidence that the building is necessary to sustain the business. Although the proposal would cause less than substantial harm, any harm to heritage assets must still be given significant weight.
11. For these reasons I consider that the development, as built or as proposed to be adapted, does not accord with the adopted development plan when considered as a whole. It also conflicts with national planning policy. In the absence of material considerations to outweigh the development plan conflict, or of public benefits to justify the harm to the listed building and its setting, and that of The Old Rectory, and the harm to the character and appearance of the Conservation Area, I conclude that the appeal on this ground should be dismissed and planning permission refused.

Ground (f)

12. In the circumstances of this appeal, this ground is that the requirements exceed what is necessary to remedy the breach of planning control. I have already considered the planning merits of the proposed removal of cladding and the roof and found them to be unacceptable. There are no lesser steps proposed that would remedy the breach of planning control, as a matter of fact. Accordingly the appeal on this ground cannot succeed.

Paul Dignan

INSPECTOR