

Appeal Decision

Site visit made on 10 July 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2024

Appeal Ref: APP/J3720/W/23/3334869

Dallas Burston Polo Grounds, Southam Road, Stoneythorpe, Southam, Warwickshire CV47 2DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Dr Dallas Burston against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/01412/OUT.
 - The development proposed is the replacement of an existing farmhouse known as 'Home Farm'; demolition of existing farmhouse and associated outbuildings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with matters relating to access, appearance, landscaping, layout and scale reserved for later consideration. I have dealt with the appeal on this basis and treated the submitted plans where relevant as indicative with regard to the outstanding matters.
3. The description of development given on the decision notice differs from that given on the application form. For the avoidance of doubt I have used the description given on the application form in the banner heading above and have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the appeal site is an appropriate location for a replacement dwelling, having regard to local planning policies, and
 - Whether the proposed development would preserve the setting of the Grade II listed buildings known as "Stoney Thorpe Hall" and "Stoney Thorpe Hall, stable block and attached outbuilding approximately 10 metres west of house".

Reasons

Character and appearance

5. The appeal site comprises part of a wider site associated with the Polo Club which includes several buildings and areas of hardstanding, although the majority of the wider site comprises formal playing areas, open fields and treed areas. The area therefore has a mixed character. The existing development at the polo club fits comfortably into the wider countryside and landscape which primarily comprises open fields and pockets of woodland.
6. The appeal relates to the demolition of an existing dwelling which is located towards the centre of the wider site and the erection of a new dwelling near to its eastern boundary. The site of the proposed dwelling is within an open grassed field which comprises part of a relatively undeveloped swathe of land towards the eastern part of the wider site. This swathe has the character and appearance of open countryside and links to other areas of countryside beyond the polo club site.
7. The appeal site is not in an area designated for its landscape value nor identified as being a valued landscape or view within the Long Itchington, Bascote and Bascote Heath Neighbourhood Plan 2021 – 2031. Nevertheless, the absence of development at the site of the proposed dwelling contributes positively to the essentially rural character and appearance of this area.
8. There are existing buildings in relatively close proximity to the location of the proposed dwelling. However, the proposal would result in the further encroachment of development into an area which is currently free of buildings. Whilst matters of appearance, layout and scale are reserved for future consideration, the construction of a dwelling in the proposed location would inevitably be an obvious physical incursion into an open area which visually comprises part of the open countryside.
9. The proposed siting of the dwelling, away from the boundaries of the field, means it would appear as an incongruous and visually intrusive addition to the area. It would be prominent in views from the adjacent Public Right of Way to the east and from vantage points within the polo club on approach from the north, west and south.
10. Consequently, the proposal would result in a form of development which would be at odds with its surroundings and would result in harm to the character and appearance of the area. Whilst screening could be provided through a landscaping scheme, it would take many years for any planting to sufficiently mature to provide an effective screen.
11. I therefore conclude that the proposed development would result in a harmful effect on the character and appearance of the area. The proposal would therefore conflict with Policies AS.10, CS.5, and CS.20 of the Stratford-on-Avon Core Strategy 2011 – 2031 (CS). Together these seek to ensure that development minimises the impact on the character of the local landscape, has regard to local distinctiveness, does not cause inappropriate harm to the character of the area and is not visually intrusive.

12. Policy CS.9 is a policy which relates primarily to design. As appearance is a matter which is reserved for later consideration, this policy is not applicable to this appeal.

Appropriate location

13. The proposed dwelling would be a replacement for an existing dwelling. Policy AS.10 (f) of the CS allows for replacement dwellings, subject to their scale and design not causing inappropriate harm to the character of the area. The supporting text of the policy states that unless significant environmental benefits would accrue, a replacement dwelling should be located within the curtilage of the existing dwelling. Other types of development in the countryside, unless covered by a specific policy in the Core Strategy, will need to be fully justified, offer significant benefits to the local area and not be contrary to the overall development strategy for the district.
14. Policy CS.20 states that where existing dwellings are not considered suitable for retention, the replacement dwelling will be well sited in relation to the existing site and buildings, not visually intrusive, and not significantly larger than the dwelling it replaces. Replacement dwellings should be sited within the lawful curtilage of the existing dwelling, unless significant environmental benefits would result.
15. The existing dwelling is located centrally within the polo club site, adjacent to other development. However, the location of the proposed dwelling is a significant distance east of the existing dwelling and its curtilage and is in a more peripheral location within the wider site.
16. I recognise that the dwelling would be associated with the agricultural activities which take place at the site and that the existing location may not be entirely compatible with the adjacent hospitality uses. Based on my observations, the building appears to be in relatively poor condition and I acknowledge that its replacement with a more efficient dwelling would be a minor environmental benefit of the proposal. However, it has not been adequately demonstrated that the significant benefits required to justify a replacement dwelling in this location, would occur.
17. The appellant accepts that the proposal would result in a dwelling that is larger than existing. Whilst it has been suggested that the proposed dwelling would result in a 15% increase in floor area compared to the existing dwelling, scale is a matter reserved for later consideration and the extent of the increase is not known at this stage. In any event, even if the increase was not significant, I have found that the proposal would be visually intrusive and would result in harm to the character of the area.
18. I therefore conclude that the appeal site is not an appropriate location for a replacement dwelling. It would conflict with Policies AS.10 and CS.20 of the CS. These seek to ensure that replacement dwellings are well sited in relation to the existing site and buildings.

Setting of listed buildings

19. The appeal site is close to two Grade II LBs, "Stoney Thorpe Hall" and "Stoney Thorpe Hall, stable block and attached outbuilding approximately 10 metres west of house". Mindful of the statutory duty set out in s66 (1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had regard to the desirability of preserving the setting of these listed buildings.

20. Stoney Thorpe Hall is a Manor House dating from the early 17th Century. It derives its significance from its history and architecture including its gabled dormers and two storey front porch. Features such as mullioned and transomed windows add to its interest. The stable block and attached outbuilding are located to the west of the house. They also date from the 17th century and partly derive their significance from their history in association with the main house, possibly as a kitchen or bakehouse. Their architecture including limestone walls and features including mullioned windows and archways add to their significance and interest.
21. The setting of these LBs includes the garden of the house along with the adjoining grounds. It also includes the wider landscape in which it sits, including the appeal site. The field in which the proposed dwelling would be constructed is separated from the LBs by a vegetated boundary. However, the appeal site forms part of the wider countryside setting which contributes to the significance of the LBs.
22. The LBs are clearly visible in gaps through trees from the appeal site and from other vantage points to the west. Presently, due to the lack of development on the appeal site views are possible from within the grounds of the polo club, across the appeal site towards the listed buildings allowing them to be appreciated by visitors.
23. The proposed dwelling would result in the partial loss of a field adjacent to the boundary with the LBs. This would have an urbanising effect which would partially erode their rural setting. The proposed dwelling would partially obscure and intercede in views from within the grounds of the polo club towards the LBs. This would lessen the appreciation of the LBs from these vantage points. Consequently, the proposal would result in harm to the setting of the LBs, and therefore, their significance.
24. As required by paragraph 205 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, the proposal would lead to less than substantial harm to the significance of the listed building. Paragraph 208 of the Framework states that if development would lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
25. The replacement of the existing building with a more efficient structure would facilitate the ongoing management of the estate, and an enhancement of the hospitality accommodation through the removal of the existing farmhouse and associated activity. Although these improvements would largely benefit the polo club, members of the public who visit the site would also benefit through enhanced accommodation. However, I am not convinced that these benefits could not accrue in a manner which would be less harmful to the setting of listed buildings. Therefore overall, I give modest weight to these benefits. However, I attach considerable importance and weight to the harm to heritage assets. I therefore conclude that the public benefits of the proposal do not outweigh the less than substantial harm.

26. I conclude that the proposal would fail to accord with Policy CS.8 of the CS insofar as it seeks to preserve designated heritage assets and their settings. Additionally, the proposal would conflict with the historic environment protection policies of the Framework.

Other Matters

27. I have given careful consideration to the conditions suggested by both parties. However, the suggested conditions would not overcome the concerns I have identified.

28. Planning permission has previously been granted for a replacement for the existing dwelling¹ within the grounds of the polo club. These consents have now lapsed and therefore no fall-back position exists.

29. The approved position for the replacement dwelling in these cases was also within an open part of the site towards the eastern boundary. However, it would have been located more closely to the internal access road and hardstanding than the appeal proposal. Therefore, the effect on the character and appearance of the area would be materially different, whether or not the previously approved schemes would have provided benefits to the local area through the creation of new woodland. In addition, the location of the previously approved dwelling was not aligned with the nearby LBs and as such its effect on their setting would have been different.

30. In any event, the fact that these permissions have been granted in the past is not adequate justification for allowing the harms I have identified to occur.

Conclusion

31. The proposal conflicts with the development plan as a whole and the material considerations including the Framework do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal is dismissed.

E Pickernell

INSPECTOR

¹ 09/000873/OUT and 14/01518/OUT