

Appeal Decision

Site visit made on 3 September 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/J3720/W/24/3336342

6 Manor Farm Court, Kineton Road, Gaydon, Warwickshire CV35 0HB

- 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 Miss Gillian Malsbury against the decision of Stratford-on-Avon District Council.
 - The application Ref is 22/01833/OUT.
 - The development proposed is described as 'outline application for the construction of three self-build/custom-build dwellings, including access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been made in outline with details of the access submitted for consideration at this stage. Therefore, the layout, scale, appearance, and landscaping of the proposals, as shown on the submitted drawings, are for indicative purposes. I have determined the appeal on this basis.
3. The site has been subject to a previous appeal decision¹, relating to the change of use of land to domestic and the construction of 3 dwellings. A copy of that decision has been provided which I have taken into consideration, nonetheless I have reached my own findings based on the evidence that is before me.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area; and
 - Whether the development would preserve the setting of Gaydon Manor Farmhouse, a Grade II listed building.

¹ Reference APP/J3270/W/18/3205083

Reasons

Character and appearance

5. The appeal site comprises an open, grassed parcel of land enclosed, in part, by a fence and hedge. Buildings adjoin the site on two sides and form part of a group that are arranged in a largely random pattern that differs from the more compact and linear form of development within the core of the village of Gaydon. The rural, open character of the site in combination with the loose knit nature of the buildings within the group provide a transition into the wider agricultural landscape village setting and positively contribute to the character of the area.
6. Whilst for indicative purposes only, due to the constrained nature of the site and the relatively limited options for the positioning of three dwellings, it is reasonable to consider that the site layout would be broadly as shown on the appeal plans. The proposed dwellings would, therefore, line up with the two, modern houses to the south-east in a manner that would be comparable to that which was found to be unacceptable by the Inspector in the previous appeal. Based on my observations of the site and its surroundings, I consider that such a layout would be out of keeping with, and harmful to, this part of Gaydon. In addition, the green and open character of the site would also be significantly eroded to the detriment of the character and appearance of the area.
7. The appellant has referred me to the other developments on the edge of Gaydon, to which I have had regard. Those dwellings, unlike the appeal proposal if constructed, are not in a location where they form an intrinsic part of the loose-knit group I have referred to. As such, they are not sufficiently comparable to the development before me. Furthermore, the earthworks undertaken to the north of the site would not assist in the assimilation of the proposals into their surroundings given they do not directly adjoin the built form of the village and retain the openness of the countryside. Such matters, therefore, do not alter my findings in this regard, nor does the proposed development being for self-build dwellings as this will not alter the extent that the development will erode the open character of the site.
8. Accordingly, the appeal proposal is harmful to the character and appearance of the surrounding area contrary to Policies CS.5, CS.9, CS.15 and AS.10 of the Core Strategy (CS) which seek to protect and enhance the character of a settlement, maintain local distinctiveness, and minimise impact on landscape character.

Listed building

9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving the setting of a listed building. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

10. The appeal site is close to the Grade II Listed building, Gaydon Manor Farmhouse (the Farmhouse), which, according to the listing description, is dated 1673 but probably of late sixteenth century origins, with 18th and 19th century alterations. The Farmhouse has a complex T-plan, of regular coursed lias with ironstone dressings and with part of the main range largely built in brick. The architectural features include an 18th century four-panelled door and overlight, stone recessed chamfered mullion windows of four lights to ground floor and three lights above, and brick first floor datestone with moulded oval panel. As observed by the Conservation Officer (CO), the main orientation of the Farmhouse appears to be to the south-east where there are imposing gate piers forming an entrance into a walled garden.
11. The significance and special interest of the listed building is derived from its associative and historic value as a Farmhouse. It is also derived from its aesthetic value due to its attractive design.
12. As illustrated by the 1885 map, included in the CO's response to the planning application, the Farmhouse and associated farmstead buildings were separated from the village by fields. According to that map, part of the appeal site formed a long, relatively narrow, enclosed area that appears to have been directly accessed from the north-east elevation of the Farmhouse and was likely used as a recreation space, garden, or paddock. The impression of this enclosed area is still evident in the aerial photos that the main parties have provided. The remainder of the appeal site formed part of a larger field, amongst a network of fields.
13. The appeal site is seen as part of the visual context for the listed building and is part of the surroundings in which it is experienced. This conclusion is not significantly undermined by the presence of the hedge and track that separates the appeal site from the Farmhouse, as a visual relationship remains. The contribution of the appeal site to the setting of the listed building is particularly important as little of the wider open, agricultural context, shown on the 1885 map, remains and the Farmhouse, and its associated farmstead buildings, now form a contiguous part of the village.
14. The appeal proposal would introduce substantial detached dwellings into this area resulting in the loss of what remains of the open setting of the listed building and its connection to the open network of fields that it was once associated with. It would, by undermining the historic context for the Farmhouse, adversely affect the way that it is experienced and would harm its significance. Accordingly, the proposal would fail to preserve the setting of the Grade II listed building, Gaydon Manor Farmhouse.
15. I acknowledge that, in this regard, I have reached a different conclusion to the Inspector in the previous appeal, for a broadly similar development. I do not know what evidence was before the Inspector at the time of his decision. However, as the views of the CO were not sought it is unlikely that he would have had sight of the 1885 map which illustrates the historical relationship of the site to the listed building, and its significance to its setting. Consistency is important in the planning process, nevertheless, having assessed the proposal on its own merits considering all the evidence before me, I find that the development of the appeal site as proposed, and the loss of the

remaining connection to the former agricultural land, would thereby harm the setting of the listed building.

16. The Framework indicates, at paragraph 205, that great weight should be given to the conservation of heritage assets. At paragraph 206 the Framework states that any harm to the significance of a designated heritage asset should require clear and convincing justification. In finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. In my judgement, the harm arising from the proposal to the setting of the listed building would be less than substantial. Even so, this still amounts to a serious harm which requires clear and convincing justification.
17. Under such circumstances, paragraph 206 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Three self-build dwellings would contribute to the Council's acknowledged shortfall of custom and self-build plots and would accord with the Framework's aim to provide housing for different groups of people, including those that wish to build their own homes. The construction and occupation of three dwellings would also provide social, economic and environmental benefits. This would amount to significant public benefits in favour of the development.
18. Nonetheless, the proposal would harm the significance and special interest of the setting of the listed building, which carries considerable importance and weight. On balance, the sum of the public benefits, either individually or cumulatively, are insufficient to outweigh the less than substantial harm identified or provide any clear and convincing justification for the proposed development and the harm it would cause to the setting of the listed building.
19. In view of the above, I find that the proposal would fail to preserve the setting of Gaydon Manor Farmhouse, a Grade II listed building, and the harm identified is not outweighed by any public benefits of the proposals. Accordingly, it would be contrary to the requirements of Section 66(1) of the Act, the Framework and CS Policy CS.8 which seeks to protect and enhance the historic environment.

Conclusion

20. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
21. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR