



Appeal Decision

Site visit made on 28 January 2025

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/P0119/C/24/3341636

Fieldgrove House , Fieldgrove Lane, Bitton BS30 6HU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Wayne Braund against an enforcement notice issued by South Gloucestershire Council ('the Notice').
 - The notice was issued on 22 February 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, erection of detached garage in curtilage of Grade II Listed Building (photograph of detached garage included at Annex 1).
 - The requirements of the notice are: Demolish the detached garage and remove all constituent materials from the land.
 - The period for compliance with the requirement is: 3 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a) and (g) 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.
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Decision

1. It is directed that the enforcement notice is varied by the deletion of 3 months and the substitution of 8 months as the period for compliance. Subject to the variation, 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.

Ground (a)

2. The appeal made under Ground (a) is that planning permission ought to be granted for the development alleged in the Notice.

Main Issues

3. The main issues are:
 - the effect of the development on the setting of Fieldgrove House, a Grade II listed building;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the setting of the listed building; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Setting of Fieldgrove House

4. Fieldgrove House is a large and imposing three-storey detached property that lies in the open countryside between the village of Bitton, the town of Keynsham and the edge of Bristol. It is a Grade II listed building, a designated heritage asset, that dates from the end of the 18th century.
5. It has a classical, largely symmetrical principal elevation that faces east across a carriage circle immediately in front, beyond which is a lake and open land. There is a feature portico on this frontage. This elevation, and the majority of the building, is finished in rubble stone laid in rough courses with brick and stone detailing; though there are also elements of painted brick and stucco walls. Although not easily seen from ground level, it appeared that the roof of the main part of the building was clad in pantiles.
6. The house has a number of elements projecting from it, including on its north side two single storey elements. These are both largely constructed of stone in a similar manner to the main house, with one having a rendered infill panel where a small flat-roofed element has been removed. One has a slate roof and the other is clad in pantiles.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('LBCA') states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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".
8. Paragraph 212 of the National Planning Policy Framework ('the Framework') sets out that when consideration is given to the effects of a development on a designated heritage asset, great weight should be given to the asset's conservation. The weight given should increase according to the importance of the asset.
9. The requirements of LBCA s66(1) and the Framework are reflected in the terms of Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2006-2027 ('CS') and Policy PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan, adopted November 2017, ('PSP'). It is within this statutory and policy context that the effect of the development has to be assessed.
10. Across the yard from the two single storey elements, and close to them, is the garage that forms the subject of the Notice. It is common ground that the garage lies within both the curtilage and setting of Fieldgrove House.
11. The garage is a large building with a rectangular plan form, measuring 13.6m wide by 8.2m deep. Its front elevation, facing Fieldgrove House, has two large roller shutter doors, of a type and size often seen in a double garage. The doors are separated by a central pillar. Above the doors is what appears to be the metal enclosure that screens their opening mechanisms. The front elevation, in which these doors are set, is 4.8m high, of which I would estimate that more than one-third of this height is made up of wall above the doors.

12. The parties make reference to buildings that were previously on the site of the garage. Notwithstanding the evidence of a newspaper article relating to the sale of the property and a photograph¹, the precise form of earlier buildings is unknown. The Council's claims that the latter building was demolished towards the end of the 1990s and that its footprint was less than the garage that has been built were accepted by the Appellant². In the circumstances, given the length of time that has passed since the earlier building's removal, I agree with the Appellant's point that the garage should be assessed on its own merits.
13. Whilst having subservience to the main element of Fieldgrove House, the front elevation of the garage is nonetheless very high for a domestic garage. The necessity for this height has not been explained by the Appellant. When I visited the site, I was unable to gain access to the interior of the garage. Had I been able to, I might have understood the need.
14. The height of the front of the garage appeared to be higher than the pitched roofs of the two single storey wings to Fieldgrove House. This height, allied to its width and the very large and, to my mind, inappropriate roller doors, results in an overly assertive building. The necessity of a building of this size and form has not been shown, and it detracts from the appreciation of this side of the house. The garage uses a local stone that is said to be the same as that used in Fieldgrove House, which is a point in its favour. However, the individual stones are far more uniform and regular in shape and size, as is the coursing in which they are set. The concrete tiles used on the roof have a similar appearance to pantiles, but their form and colour does not match those on Fieldgrove House. I find that these external materials are markedly at odds with the main house.
15. Whilst the north side elevation of Fieldgrove House is less grand than its front elevation and has been subject to change, it nonetheless includes some impressive windows, especially that which lights the stairs, and it provides clues to the evolution of the house through time.
16. A door leads from the side of the house onto a small yard area between the two single storey elements. From here, the harmful effect of the garage, in particular from its height and scale as well as the inappropriate nature of the two large doors, is appreciated. One can also see the discordant relationship between the large and high expanse of relatively uniformly sized and regularly coursed stonework above the doors and the rubble stone of the house from here. These effects are also apparent when seen from the property's rear garden. Although I did not enter Fieldgrove House, it is axiomatic that these features and the adverse relationship between the garage and the house would be seen from windows on its north elevation.
17. At the present time, because of a high evergreen hedge the garage is little seen in conjunction with the front elevation of Fieldgrove House. It is glimpsed through a gap in the hedge that provides vehicular access to the yard and garage. However, were this hedge to die or be removed, the harmful effect of the garage on the setting of the house would be readily appreciated from the carriage circle. Given the importance of this elevation, this is a matter that I afford some weight to.

¹ Appellant's Statement of Case, Appendix 5, Plate 7

² Appellant's Final Comments, Appendix 1, paragraph 1.3

18. Although, as the Appellant points out, the garage is used for purposes ancillary to Fieldgrove House and is positioned in its service yard, it is still necessary for such developments to preserve its setting. That the house is Grade II listed and is thus of less than the highest significance, it is still a designated heritage asset. Its setting is important and requires protection. Although there is no reason why a modern design should not be used in buildings in the curtilage of a listed building, the garage, by way of its height, massing, scale, and inappropriate doors and materials has a significantly adverse effect on this setting.
19. This harm is, in the words of the Framework, less than substantial. It sets out that such harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In this regard, the Appellant makes the point that “the continued use of the Appeal building as residential supports the ongoing use of the Listed Building as a private country residence which represents its optimum viable use”. Whilst I can understand how the provision of garaging would be beneficial to the occupants of Fieldgrove House, and that its use as a single dwelling might well be its optimum viable use, this is not the same as demonstrating that this garage was required to secure that use. There is no evidence as to why the garage had to take this particular form, rather than one that would not harm the setting of the house. The case put forward does not outweigh the harm that I have identified.
20. I find the garage to be of a simple design, utilising a form of mono-pitch roof that is found in the area. Further, I find that it is used for purposes ancillary to the main house in an area of its curtilage where one would expect to find such uses. It is also an area where developments have been undertaken over the years to suit the needs of the property’s owners, and it does not impact on longer-distance views of the house. However, none of this outweighs the harm that I have identified.
21. For the above reasons, I find that the garage that has been built causes harm to the setting of the Grade II listed Fieldgrove House. Although this harm is less than substantial, the case put forward does not demonstrate that it is outweighed by public benefits. The development is, therefore, contrary to the terms of s66(1) of the LBCA, CS Policy CS9, PSP Policy PSP17 and the Framework.

Green Belt (GB)

Whether Inappropriate Development

22. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the GB and should not be approved unless very special circumstances apply. As the Council’s Notice does not refer to any development plan policies in respect of the GB issue, my decision only uses the terms of the Framework.
23. What constitutes inappropriate development in the GB is set out in paragraph 154 of the Framework. It states that development in the GB is inappropriate, unless one of the cited exceptions applies.
24. The first of two cases made by the Appellant relates to exception d), that what has been built is a replacement building that is in the same use and is not materially larger than the one it replaces. In support of his position here, he points out that when he made a planning application to retain the garage, (Council reference

P23/03134/HH), there was no reference to harm to the GB. Therefore, he says, the Council has been inconsistent in its approach.

25. For its part, the Council states that, at the time it determined application P23/03134/HH, the information before it was that the garage was replacing a building that had recently been removed. Having found that the removal was actually in the 1990s, a point now accepted by the Appellant, it has changed its position and finds that there would be harm to the GB.
26. Given that a considerable period has passed since the removal of the earlier building, this cannot be seen as being a replacement building. Therefore, the Council's approach is both understandable and reasonable. I find that the case made in respect of sub-paragraph d) fails.
27. His second point is made under paragraph 154 g). Amongst its terms is that limited infilling, or the partial or complete redevelopment of previously developed land ['pdl'], would not be inappropriate, as long as it did not cause substantial harm to the openness of the GB.
28. I find that as the garage lies close to and within the curtilage of Fieldgrove House, it has been built on pdl. I shall move onto assess whether this has an effect on openness and, if so, whether this is substantially harmful as set out in paragraph 154 g).

Openness of the GB

29. As the garage is largely screened from views from outside and could not be seen from public vantage points, its effect on visual openness is negligible. However, this is not to say that it has no effect on openness. This is a large building that affects the spatial openness of the GB. In the words of paragraph 154 g), this effect is substantial.
30. It is, therefore inappropriate development in the GB.

Effect on the setting of Fieldgrove House

31. For the reasons that I have set out, above, the garage has a significantly harmful effect on the setting of the Grade II listed Fieldgrove House.

Very special circumstances

32. No case has been made on the basis that there are other considerations that amount to the very special circumstances required to justify the proposal, nor can I see any.

Conclusion on GB matters

33. For the reasons that I give, above, the development causes substantial harm to the openness of the GB. No very special circumstances have been identified that might outweigh this harm. As such, the erection of the garage is contrary to the terms of the Framework.

Overall conclusion on Ground (a)

34. For the reasons given above, I find that the garage that it is proposed to retain would cause significant harm to the setting of the Grade II listed Fieldgrove House

and substantial harm to the openness of the GB. Therefore, the Ground (a) case fails.

Ground (g)

35. An appeal made under this ground is that the time for complying with the requirements of the Notice falls short of what should reasonably be allowed. The Appellant's case falls into two parts: the nature of the demolition; and the effect of the demolition on bats.
36. As the building is constructed from reclaimed stone, which the Appellant would want to retain, I recognise that this might require a more careful approach than other, more straightforward demolitions. However, there is no substantive evidence provided to show that it would not be possible to undertake the work within the three-month period for compliance.
37. The Appellant asserts that there are bats roosting in the garage. Photographs of a bat hanging from a ceiling have been submitted. Although I did not enter the building, I have no reason to doubt what has been said and, given the protected nature of bats, I find that a precautionary approach should be taken. Given the need for survey work to be undertaken that would require accredited specialists, and that this can only be carried out at certain times of the year, I find the three-month period for compliance to be unreasonably short.
38. From the evidence given, extending the period to eight months would allow for the work to be undertaken without harm to any bats. Should unforeseen circumstances arise in relation to this, then the Council has the powers to further review this under s173A(1)(b) of the Act.
39. Therefore, the Ground (g) succeeds, and I shall vary the requirements of the Notice.

Conclusion

40. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Curnow

INSPECTOR