



Appeal Decisions

Site visit made on 17 June 2025

by Chris Preston BA (Hons) Town and Country Planning, Bachelor of Planning (BPI)

an Inspector appointed by the Secretary of State

Decision date: 8 July 2025

Appeal A Ref: APP/J3720/W/24/3354791

Holmes House, Hambridge Road, Bishops Itchington, SOUTHAM, CV47 2SB

- 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 Rob Parker against the decision of Stratford-on-Avon District Council.
- The application Ref is 24/00143/FUL.
- The development proposed is Incorporation of 180 square metres of paddock into land associated with the residential use of Holmes House, and erection of a domestic swimming pool, surrounding patio and enclosing wall.

Appeal B Ref: APP/J3720/C/24/3357362

Holmes House, Hambridge Road, Bishops Itchington, SOUTHAM, CV47 2SB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Rob Parker against an enforcement notice issued by Stratford-on-Avon District Council.
- The notice was issued on 7 November 2024.
- The breach of planning control as alleged in the notice is described on the notice as:
Without planning permission, (a) the construction of an outdoor swimming pool with pump room and associated patio/hardstanding (in the approximate position edged in red on the Plan); and (b) the erection of walls forming a means of enclosure around the swimming pool (in the approximate alignment identified as 'V-W-X-Y-Z' on the Plan).
The above operational development is being used for domestic purposes associated with the dwelling known as Holmes House (located to the west of the Land) and also amounts to a material change of use of the land from former paddock (agricultural use) to domestic use.
- The requirements of the notice are to:
 - a) Demolish the outdoor swimming pool and pump room
 - b) Demolish the walls forming the means of enclosure around the swimming pool
 - c) Remove the area of patio/hardstanding around the swimming pool
 - d) Remove all the materials associated with requirements a) to c) above from the Land
 - e) Cease the use of the Land for domestic purposes and thereafter only use the land for agricultural purposes
- The period for compliance with the requirements is within 4 months from the date the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f), (g) of the Town and Country Planning Act 1990 (as amended).

Decision in Respect of Appeal A

1. The appeal is dismissed.

Decision in Respect of Appeal B

2. It is directed that the enforcement notice is varied by:

The deletion of the words “4 months” from section 6 (a), (b), (c), (d) and (e) and its substitution with the words “6 months” as the period for compliance.

Subject to that variation, the enforcement notice is upheld.

Preliminary Matters

3. Two appeals are before me, as set out in the banner heading above, one made against the refusal of planning permission (Appeal A) and the other against the service of an enforcement notice (Appeal B). Initially, Appeal B was made on grounds (a), (f) and (g) of s174(2) of the Town and Country Planning Act 1990 (the Act). However, the ground (a) appeal relates to the same development as that considered in relation to Appeal A and is therefore barred from consideration, having regard to s174(2A) of the Act. Accordingly, I shall consider the planning merits of the development under Appeal A before moving onto the remaining grounds (f) and (g) in relation to Appeal B.

APPEAL A:

Main Issues

4. The main issues in respect of Appeal A are the effect of the development on the character and appearance of the area, including the setting of Holmes House, a Grade II listed building and whether the development conforms to the development plan in respect of the extension of domestic residential use into the adjacent countryside.

Reasons

Character and Appearance of the Area and Setting of the Listed Building

5. The appeal site is located in a distinctly rural setting, adjacent to Hambridge Lane which winds through an attractive and gently undulating patchwork of fields. The farmstead is prominent at the brow of a hill, viewed from the road and adjacent right of way which passes to the south. The listing description identifies that the farmhouse is possibly of 17th century origin, with alterations in subsequent centuries which can readily be made out as the previously L-shaped plan form has been expanded and filled in.
6. Its significance stems from its age, historical evolution, rural association, including its association with the adjacent range of buildings and the materials and design, including red brick, laid to Flemish bond, dog tooth cornice, prominent chimney stacks and roof form. The bucolic context is clearly of significant importance to the setting of the building which is notably detached from surrounding settlements, thereby enhancing the status of the farm and its contribution to the rural landscape.
7. The effect of the development on the setting of Holmes House was considered, to an extent, in the previous appeal¹. At that stage, no plans were before the Inspector who subsequently made clear that he was considering the material change of use of the land as opposed to the operational development. Nonetheless, the development was retrospective and he was able to visualise the impact of the development and, in fact, made observations relating to the walls

¹ APP/J3720/W/23/3319808

and form of the pool, concluding that it crudely extended the garden, involving a harsh rectangular protrusion into the countryside which related poorly to the surrounding grass field.

8. I have taken account of the information now available, including the Heritage Statement but that does not lead me to a different conclusion from the previous Inspector. Historically it would appear that the farmhouse and associated buildings were all situated to the east of Hambridge Road and there is evidence of buildings in broadly the position of the current pool. Following a fire at the property a conscious effort to relocate the farm buildings to the other side of the road, set apart from the dwelling, appears to have been made, with the model Victorian range, set around the courtyard and adjacent cottages constructed at that time. The listed dwelling was also extended and added to in the Victorian period and early 20th century.
9. I do accept that led to a greater distinction between the residential element and associated farm buildings than may once have been the case. However, the farmhouse retains its informal, rustic, appearance, with irregular additions over the centuries, as opposed to a more formal design. Moreover, notwithstanding the relocation of the farm buildings, there remains a strong physical and visual connection, due to the limited separation across the quiet country lane. The farmstead still reads as a whole in a visual sense.
10. The sharp rectangular enclosure and the pool itself represents a decidedly modern incursion which doesn't reflect the informal pattern of the farmhouse and relates awkwardly to the existing garden which is located discreetly to the front. Whilst there may be historical evidence of farm buildings in a similar location the pool has none of the associated agricultural function and has an anomalous appearance in that context, as described by the previous Inspector. Whilst the walls may be predominantly of local stone, that contrasts with the brickwork of the farm and associated buildings and brings an air of formality which appears somewhat out of place.
11. Overall, the development represents a clear domestic expansion into adjacent countryside that fails to respect the character of the site and causes harm to the setting of the listed building. Although not prominent from the roadside, the development is visible from the adjacent right of way, appearing as an incongruous extension into the former paddock for similar reasons.
12. The harm arises not only on account of the buildings and means of enclosure but due to the formality of the pool itself which fails to reflect the agricultural origins of the building. Moreover, the harm to the setting of the listed building is not only experienced from public views from outside the site but from close quarters adjacent to the building. Accordingly, the harm to the setting of the building countryside could not be mitigated either through a split permission or through the use of conditions to secure planting within the paddock surrounding the pool.
13. Such planting may help to soften views from the adjacent right of way, thereby mitigating some of the visible impact from public vantage points. However, no scheme is before me and I have reservations as to whether a planting scheme could mitigate for the visual intrusion into the countryside without the planting itself becoming a discordant feature.

14. Having regard to paragraph 215 of the National Planning Policy Framework (the Framework) the proposal has led to less than substantial harm to the significance of the listed building. Nonetheless, any harm is a matter that attracts great weight, having regard to paragraph 212 of the Framework and the statutory duty to preserve listed buildings and their settings.
15. The appellant suggests that the pool could be used in future to provide swimming lessons for the local community and could be used by occupants of any holiday lets that may arise out of plans for the conversion of adjacent farm buildings. However, the latter does not yet have planning permission and there is no mechanism to secure the former. In any event, the development before me relates to domestic use and any use by members of the public would need to be small in scale in order to avoid a material change of use to commercial purposes, a use for which no permission exists. Consequently, I attach little weight to any potential suggested public benefit arising from future use of the pool. No other public benefits have been put forward to outweigh the harm identified.
16. Accordingly, the development has failed to preserve the setting of the listed building, contrary to the aims of chapter 16 of the Framework and policy CS.8 of the CS which seeks, amongst other things, to protect designated heritage assets. It also fails to maintain or enhance the rural character of the area, contrary to one of the strategic aims of policy AS.10 of the CS.

Location of the Development/ Compliance with the Development Plan

17. This matter can be dealt with briefly, given that the principle has been considered in the previous appeal and the policy circumstances have not altered since. Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (the CS) sets out the types of development (a to v) that will be supported in the countryside. The material change of use of agricultural land to residential use is not one of the listed exceptions and thus does not draw support from the policy.
18. Whilst developments other than those listed in sections (a) to (v) are not necessarily excluded, the policy requires such development to be fully justified and offer significant benefits to the local area. For the reasons set out above, I attach little or no weight to the potential future use of the pool by members of the public. In the absence of any other benefits the development does not conform to the aims of the development plan in respect of policy AS.10 of the CS.
19. The strategic purpose of policy AS.10 is to maintain and enhance the rural character of the district. The appellant questions whether a development, other than those listed at (a) to (v), would necessarily be in conflict with the policy if it caused no harm in that respect but did not bring any significant public benefits. However, that is not a question that arises in respect of the current appeal because I have found that the development does cause harm to the rural character of the area for the reasons set out above.
20. Policy CS20 of the CS sets out how the existing housing stock of the borough will be managed, with reference to extensions, modifications and changes of use. Whilst it does not explicitly exclude extensions or outbuildings within the countryside, beyond existing gardens, its stated purpose is to ensure that such development is of an appropriate scale and subservient to the original property, rather than to set a framework for consideration of development in the countryside. Thus, it does not over-ride or negate the effect of policy AS.10.

21. Overall, the expansion of the domestic residential use into adjacent countryside is contrary to the aims of policy AS.10 and in conflict with the locational strategy of the CS as a result.

Conclusion on Appeal A

22. For the reasons given above the development fails to conform to the relevant policies of the development plan and would cause harm to the setting of Holmes House. No public benefits or other considerations have been put forward that would outweigh that harm and Appeal A should be dismissed.

APPEAL B

The Appeal on Ground (f)

23. An appeal on this ground is made on the basis that lesser steps than those set out within the notice would be sufficient to remedy the breach of planning control or the injury to amenity as the case may be. It is clear that the purpose of the Council when serving the notice was to remedy the breach of control in its entirety as opposed to “under enforcing”. The required steps go no further than are required to achieve that aim.
24. In relation to Appeal A I have considered whether the harm could be mitigated through a partial grant of permission, permitting the pool but not the surrounding enclosure but that would not be sufficient to overcome the harm caused to the setting of the listed building and that appeal will be dismissed.
25. In the absence of any planning permission the steps required in the notice go no further than required to remedy the breach and no obvious alternatives are available. It follows that the appeal on ground (f) must fail.

The Appeal on Ground (g)

26. The appellant contends that the four month period given for compliance is short of what should reasonably be allowed and requests a period of six months. I am mindful of the need to ensure compliance with planning control in an expedient manner and the need to remove harmful development. However, balancing that against the practicalities of securing a contractor, which will no doubt have some lead in time, physically carrying out the work and removing the materials – not a minor task – a period of 6 months as suggested appears to strike a reasonable balance.
27. Accordingly, the appeal on ground (g) succeeds to that extent.

Conclusion on Appeal B

28. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Chris Preston

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/J3720/C/24/3357362	Mr Rob Parker
Appeal B	APP/J3720/W/24/3354791	Mr Rob Parker