



Appeal Decision

Site visit made on 21 July 2025

by **P Eggleton BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/R1038/W/25/3363993

Woodthorpe Hall, Fanshaw Gate Lane, Holmesfield, Derbyshire S18 7WA

- 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 T Shepley against the decision of North East Derbyshire District Council.
 - The application reference is 24/00461/FL.
 - The development proposed is a gazebo.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve the setting of the Grade II listed Woodthorpe Hall; and preserve or enhance the character or appearance of the conservation area.

Reasons

3. The proposal is to retain the detached gazebo within the garden of Woodthorpe Hall which is a Grade II listed building. The site also lies within the Woodthorpe Hall & Fanshawe Gate Conservation Area which has a well preserved, historic rural character which includes the three dispersed settlements/farmsteads of Woodthorpe, Fanshawe Gate and Owler Lee. The property is a seventeenth century manor house that has survived with only limited alterations and renovations to its original structure. The surrounding gardens are based on a Backhouse of York design and they are of interest as a near complete example of an early twentieth century planned garden, designed to enhance the surrounds of the original building. They are considered to be a non-designated heritage asset of regional heritage significance.
4. The original proposal was to retain the existing timber gazebo which has a felt roof. Revised plans have been submitted which include stone cladding to the pillars and an artificial stone roof. As the revisions were not part of the application, it would not be appropriate to accept them as part of this appeal as they represent the development of the proposal through the appeal process which inevitably prevents appropriate revised consultation and can prejudice third party interests.
5. The structure is publicly visible, particularly from the adjacent public footpath. It appears as a rather incongruous addition set against the backdrop of this historic house. Although of a simple design with materials that appear recessive from a

distance, it appears as an entirely uncharacteristic new feature. The design does ensure that it is viewed as a new and distinct building from the historic form and materials of the Hall. However, its close proximity and scale, ensure that it does detract from the setting of the listed building and from the character of the property overall. It results in harm to the character and appearance of the immediate area when viewed from the footpath and it fails to preserve or enhance the character or appearance of the conservation area.

6. Although not experienced from the public domain, the size and position of the structure ensures that it dominates the Loggia Garden and detracts from the simple and open form of the loggia itself, which is attached to the main house. It is also apparent when passing through the lychgate from where views of the most distinctive elevation of the house are experienced. The structure, although set down and beyond the hedging of the formal garden area, detracts from this experience of the Hall.
7. As it fails to preserve or enhance the character or appearance of the conservation area, it is contrary to policy SDC5(1) of the Local Plan 2021 which requires developments in conservation areas to preserve or enhance the character or appearance of the area. As it detracts from the setting of the listed property, it is contrary to policy SDC6(1). As the position, design and materials of the structure are at odds with this historic setting, it is also contrary to the design aspirations of policy SDC12. It also detracts from the character of the non-designated historic garden.
8. I am mindful of the legislative duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 as revised, to 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; and to the desirability of preserving or enhancing the character or appearance of the conservation area. I have also had regard to the National Planning Policy Framework which is clear that any harm to a heritage asset, such as a conservation area and a listed building, should be weighed against the public benefits of the proposal. The harm to the conservation area and the setting of the listed building would be less than substantial.
9. I disagree with the council with regard to public benefits. There would be public benefits from the continued use of the property for weddings and other events. These allow the public, albeit in a private capacity, to enjoy the surrounds of this historic building. Similarly, such ventures require the upkeep of the Hall and gardens, and the income generated, although a private benefit, contributes to the upkeep which is a public benefit. The maintenance of heritage assets is a clear public benefit in this regard. The economic benefits are public benefits with regard to employment and spending within the local economy. I am not persuaded however that these public benefits, in so far as they can be attributed to this additional structure, are sufficient to outweigh the harm that results to the designated heritage assets. Nor do the benefits satisfy the Framework balance with regard to the non-designated asset, the historic garden.
10. I am mindful that the site of the building has been selected as it replaced a former structure and its close proximity to the Hall offers improved functionality. However, I am not satisfied that the location chosen represents the best site for a new structure; or that the materials and design represent the most appropriate choices in this particular context. I am similarly not satisfied that the revised proposal, that

would give the structure a greater presence and a more permanent appearance, would assist in this regard. As I am not persuaded that this is the most suitable location for new development or the most appropriate design, this results in further conflict with elements of the policies referenced above.

11. In conclusion, as the public benefits of the proposal are not sufficient to outweigh the harm to the heritage assets and as the other matters in favour of the proposal do not outweigh the concerns overall, I dismiss the appeal.

Peter Eggleton

INSPECTOR