



Appeal Decision

Site visit made on 8 July 2025

by R Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/W0530/W/24/3352926

14 Church Lane, Little Eversden, Cambridgeshire, CB23 1HQ

- 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 and Mrs Fieldhouse against the decision of South Cambridgeshire District Council.
 - The application Ref is 24/01816/FUL.
 - The development proposed is 4 x 11m below ground swimming pool with electric roller cover.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, including the setting of the Church of St Helen, a Grade II* listed building.

Reasons

3. The appeal site is formed by the rear residential amenity land of 14 Church Lane, a two storey live/work unit approved pursuant to LPA ref: 20/04627/FUL. A condition of that planning permission withdrew permitted development rights under Classes A, B, C, D, E and F¹. I observed patio and lawned areas to the immediate rear of the unit and to the east and adjacent to the northern boundary low raised beds for the growing of fruit and vegetables along with a modest timber shed.
4. There was also a variety of domestic paraphernalia on the land and adjacent to the northeastern boundary a significant hardstanding containing a sauna building and wooden spa tubs sited under a pergola structure. These structures are not shown on the existing plans provided by the appellant and are not referred to in the appellant's case. For the avoidance of doubt these do not form part of the appeal proposal before me but could be relevant in any consideration of the effects. Four surface level parking spaces along the northern boundary shown on the existing and proposed block plans² had not been created and also do not form part of the proposal before me.
5. Given the size and siting of the proposal and its roller cover housing projecting modestly above the ground, it would not cause material harm to the appearance of the host property, a contemporary live work building of a modern rural vernacular or the wider area. However, appearance is separate to any consideration of

¹ GPDO 2015 (As amended).

² Drawing no. 24PL100 and 24PL101.

character effects which is widely held to be the sum of all qualities which distinguish an area or put another way how a place feels.

6. The Council's reason for refusal also relates to the effect on the setting of the Church of St Helen³ (the church), and I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
7. The church is a rural parish church originating from the 14th century with a later tower and porch added in the early 15th century. The special interest of the building is the architectural, aesthetic, cultural, commemorative and historic value derived from the traditional forms and materials used and as a repository of past building traditions and technologies, including interesting internal features such as choir stalls from Queen's College, Cambridge and a crown post roof. The building is also a repository of important evidence relating to the religious and social life of the rural parish community.
8. The setting of a heritage asset is defined as the surroundings in which that heritage asset is experienced. The Planning Practice Guidance guides that the extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. The word 'experienced' has a broad meaning, which is capable of extending beyond the purely visual, and could include, but is not limited to, economic, social and historical relationships, and considerations of noise and smell.
9. Sited to the immediate north of the appeal site and separated from it by a low brick wall with intervening mature landscaping and trees behind it, I found the church yard an attractive and tranquil environment with seating allowing for the area to be used for quiet contemplation and reflection. The architectural significance of the church is also most readily appreciated from within the church yard and at close range including from the lane and its immediate surroundings. A number of mature trees around the churchyard, especially grouped to the east creates an important visual connection to the wooded countryside immediately beyond. Its setting therefore contributes to its significance, given the link it provides with the adjacent field pattern and the historic countryside landscape beyond.
10. Changes in the setting have occurred over time, from the demolition of agricultural silo structures and live/work residential development which have partly eroded that rural setting, but the open nature of the appeal site, as approved, still has a strong affinity with the countryside beyond providing a transition between that open countryside and the built form in the periphery of the village. The relatively tranquil, open and spacious nature of the site therefore makes a positive contribution to the character of the area and allows the asset to be experienced and appreciated within its context.
11. Although the pool itself would be below ground level and the roller cover housing would only extend above the surface by a modest amount, the garden appeared to be well used with entertaining spaces and other facilities such as the sauna and spa tubs. Whilst the residents may reasonably expect privacy in this area for their own enjoyment and I have been referred to the use of the pool being no more harmful than people playing in the location, in my experience a pool is likely to

³ List entry 1309238.

result in a greater degree of intensification of use and further domestication of the garden area. There could also be further noise from plant and machinery, although this could be dealt with by conditions.

12. This impact would be particularly experienced at weekends when a church is typically in more active use. Such likely additional noise, disturbance and activity would in such close proximity to the asset further erode the tranquillity of its setting and an appreciation of the church's significance. Even having regard to the altered setting from modern development, the proposal would cause some limited harm to the character of the area and would cause harm to the significance of a Grade II* listed building, from development within its setting.
13. Whilst I have been referred to the ability of the appellant to erect a freestanding pool no details are before me to assess its effects. Further, given the high quality of the existing facilities, I consider it highly unlikely that the appellant would seek to fill, empty and move a freestanding pool around the site. I therefore give such a consideration limited weight.
14. I have also had regard to the previous use and associated structures on the site but on the limited photographic evidence before me, previous agricultural structures would have been entirely characteristic of and commensurate with the peripheral rural edge of the village and the rural setting of the church. A large part of the site also remained free from significant development but ultimately I am unable to experience the former use of the land and any effects those structures may have had.
15. I have also considered advice from Historic England⁴ but the consultation response does not equate to no objections as the appellant contends, clearly stating advice was not being offered in this case and that *'this should not be interpreted as comment on the merits of the application'*. I have also been referred to a swimming pool at a Grade II listed property in Carlton but that appears to relate to listed building consent and the setting of each heritage asset is different and requires bespoke judgments to be made. I have also not been provided with the full details of that case so cannot be certain it is directly comparable and I have determined the appeal proposal on the evidence presented and the site-specific circumstances of this case. It does not therefore alter my view.
16. For these reasons, the proposal would cause limited harm to the character of the area and would fail to preserve the setting of a Grade II* listed building. This would fail to satisfy the requirements of the Act and would conflict with Policies HQ/1, NH/2 and NH/14 of the South Cambridgeshire Local Plan 2018 insofar as they seek, amongst other things, to ensure proposals preserve or enhance the character of the local rural area, historic assets and their setting and sustain and enhance the significance of heritage assets, including their settings, in accordance with national policy.
17. As a material consideration the National Planning Policy Framework (the Framework) advises that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting. Any such harm should have a clear and convincing justification. In Framework terms the harm would be less than substantial and toward the lower end of any scale but nevertheless of considerable importance and weight. In this case the weight is

⁴ Dated 28 June 2024.

amplified in proportion to the importance of the designated heritage asset, which is a Grade II* listed building.

18. Under such circumstances, the Framework advises that the harm should be weighed against the public benefits of the proposal. The provision of additional facilities for the appellant's family use and enjoyment is ultimately a private benefit that is not sufficient to outweigh the great weight I give to the harm that I have identified. As a result, the proposal would also conflict with the heritage objectives of the Framework.

Other Matters

19. Whilst I note the appellant's apparent frustrations as to the Council's handling and determination of the application, planning permission was refused and an appeal has been submitted with no application for costs. Such matters also have no bearing on the planning merits of the proposal before me and therefore do not alter my views.

Conclusion

20. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
21. Having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Aston

INSPECTOR