



Appeal Decision

Site visit made on 1 August 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2017

Appeal Ref: APP/R3325/W/17/3169182

Land to the north east of Hazelgrove Lodge, Sparkford, Yeovil BA22 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Joy Kingman against the decision of South Somerset District Council.
 - The application Ref 16/03734/OUT, dated 18 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is to erect 2 dwellinghouses and form vehicular access thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development which refers to forming a vehicular access, the application is made in outline with all matters reserved for later approval. I have determined the appeal on this basis and take the 1:2500 location plan which is shown on 16087-1 as the only plan forming part of the application. The 1:1250 block plan, which is shown on the same drawing, is marked as a layout for illustrative purposes only.
3. A further drawing, No 16087-1A, was submitted to the Council prior to the application being determined. This drawing added to the illustrative layout drawing annotation relating to visibility splays at the indicated new access point. Drawing No 16087 – 1B was submitted to the Council after the application was determined and, the correspondence shows, with a view to a re-submission of the application. Drawing 16087 – 1B accompanies the appeal documentation and shows proposals which are referred to within the appellant's case. This latest drawing has not been the subject of full consultation. However, as all the layouts submitted are illustrative, I have taken them into account in my decision on this basis.
4. I have used the spelling "Hazelgrove" for the appeal site and existing dwelling as it appears on the application documentation. I use the spelling for Hazlegrove House as it is shown on the ordnance survey map and at the entrance to this building.

Main Issues

5. These are the effect of the proposed development upon the setting of the Grade II* listed arch and upon the registered historic park and garden associated with Hazlegrove House.

Reasons

Statutory and policy context.

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting.
7. The National Planning Policy Framework ("Framework") sets out that one of the core planning principles is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Section 12 of 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. The more important the asset, the greater the weight should be. Significance can be harmed through development with the setting of such an asset.
8. Setting is defined in the Framework as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolved. 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.
9. The appeal site lies to the south west of Sparkford. Sparkford is defined as a Rural Settlement to which Policy S22 of the South Somerset Local Plan adopted in March 2015 ("Local Plan") applies. This policy strictly controls and limits development. The Council cannot demonstrate a five year supply of land for housing. Relevant policies of the development plan relating to housing are therefore to be considered out of date. Paragraph 14 of the Framework indicates that in the context of sustainable development, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
10. Policy EQ3 of the Local Plan is specific to the historic environment and states heritage assets will be conserved and where appropriate enhanced for their historic significance and contribution to local distinctiveness, character and sense of place. Amongst other matters development proposals will be expected to safeguard these matters and make a positive contribution to character through high standards of design. Policy EQ2 of the Local Plan is a wide ranging and multi-criteria policy applying to general development. It includes the achievement of high quality design, promoting local distinctiveness, conserving and enhancing landscape character and respecting local context. I give these policies full weight.

Heritage assets.

11. The appeal site lies adjacent to and north east of Hazelgrove Lodge. Immediately to the south west of the lodge is an arch, listed Grade II* as "Triumphal Arch gateway to Hazlegrove House". The lodge and arch are in separate ownership from Hazlegrove House and are separated from Hazlegrove House by the dual carriageway of the A303. A roundabout a short distance to the southwest of the appeal site provides access to what is now the main approach to Hazlegrove House. The gardens and parkland of Hazlegrove House are included within the Register of Parks and Gardens, Grade II ("the RPAG"). The arch, Hazelgrove Lodge and the appeal site lie within the designated area of the RPAG
12. The evidence shows that English Heritage (now Historic England) re-assessed the designation of the RPAG as recently as November 2013 as part of the completion of a Register upgrade programme. The Advice Report from English Heritage on the review acknowledges that the southern part of the registered site has been eroded by the roundabout and re-routing of the A303. The report advises that Register site boundary maps are determined by the full extent of the historic garden, park and designed ornamental landscape and are independent of present patterns of ownership and management. Nonetheless, the site continued to meet the criteria for registration and the boundaries were not altered although the description of the RPAG was amended.
13. The reasons for designation of the RPAG are summarised in the formal description as it being an interesting and representative example of an C18 park, parts of which are of much earlier origin, and enough of the layout survives to reflect the original design. The historic development of the landscape has been relatively well documented. Despite the A303 cutting through the south east corner of the site, the site retains the majority of its historic landscape features and its overall character and historic boundaries survive well.
14. The detailed description of the RPAG includes reference to the lodge having been built in 1872 and the C17 entrance arch being re-erected. The listing description relating to the arch states it was originally built as a gateway into Low Ham Manor near Somerton as part of a late C17 mammoth project which was never completed. The position of the entrance to Hazlegrove House was altered at this time and remained the principal approach until the line of the drive was severed by the A303 in the late C20.
15. Historic England, as part of their comments on the development proposals, acknowledge that the relationship between the arch and Hazlegrove House has been severely compromised by the A303. They also acknowledge that the relationship between the arch and the house is from a date later than that of the house. The setting of the arch has been compromised by the A303 and the domestication of the immediate area. Nonetheless the arch retains a degree of isolation in the landscape and the arch was designed to be a visual marker to announce the perimeter of the estate and still signals that Hazlegrove House is a short distance away. The way in which the arch is read is heightened by the fact that it is not surrounded by the village.
16. From my assessment of the evidence and from what I saw during my site visit, I agree with the Historic England assessment of the significance of the arch which is reflected in its Grade II* status. Despite the presence of the

roundabout and related services to the south west of the site, the arch and lodge retain a relatively isolated presence in the landscape.

17. The lodge is not a listed building and has been subject to considerable extension in a style which is at variance with the original building. However, I consider that sufficient of the original building remains evident, in particular its distinctive roof form, for the building to have historic interest and to retain some of its architectural interest. The evidence indicates it was built at a similar time to the arch being brought to the site and the location of the lodge adds to the significance of the arch. The arch is a key feature in the landscape of the south eastern part of the RPAG and the lodge adds to this. Given the references to the lodge in the RPAG description, it is not unreasonable for the Council to regard Hazelgrove Lodge as an undesignated heritage asset.
18. The land around the lodge and between High Street and the A303 retains recognisable parkland characteristics including some mature trees, notwithstanding its current use for paddocks. The tree belt beyond the north east side of the appeal site forms a strong boundary to this edge of the designated RPAG.

The proposed development

19. The appeal site lies outside the immediate garden area of Hazelgrove Lodge. The illustrative layouts show a proposed new vehicular access roughly in the centre of the site and a dwelling set to either side of the access. The earlier two illustrative layouts show the existing access through the arched gateway would be permanently closed and access to Hazelgrove Lodge would be taken from the new access. The most recent illustrative layout shows the gated access via the arch would be retained and stables, garaging and other buildings would be removed from the area just inside the arch. The illustrative layout also shows that the tree avenue along the line of the drive would be reinstated, although I noted during my site visit that there were a number of existing trees already along this alignment. Whilst these matters relate to land outside the application site, they are on land within the appellant's control and therefore have the potential to be the subject of conditions.
20. The proposed dwellings would be readily apparent in approaches from the east and also from the High Street directly outside the site. The development would change to the way in which the arch and lodge are perceived within the landscape, removing their isolation. The introduction of a new access to serve the proposed dwellings, despite the ability to create this as a gap within a hedgerow, would undermine the role and status of the historic arch access. The proposed development would cause serious and lasting harm to the setting of the Grade II* listed arch and would diminish its significance. For similar reasons, the significance of the RPAG would also be harmed.
21. The appellant draws attention to various permissions granted for development of land between the edge of the RPAG and Sparkford. These are not yet completed. The evidence shows that one of the approved developments would reach the boundary of the designated RPAG. However, the protected tree belt within the south eastern edge of the RPAG provides a clear demarcation between the designated parkland and the proposed development. Furthermore the tree belt is sufficiently substantial to maintain a strong visual screen in views of the appeal site from the east. As such, the permitted development

does not create a precedent for the appeal proposal but underlines the importance of protecting the setting of the arch within the RPAG.

22. To the south west of the site, and adjacent to the A303 roundabout, are various services including a petrol filling station and food outlets. These are on the south side of the A359 High Street. The landscape belt associated with the A303 masks the parkland to either side of the dual carriageway, however, the belt also continues around the north east section of the roundabout. Consequently, despite the proximity of the service area to the appeal site, the section of the RPAG within which the appeal site is located is visually separate.
23. The proposals would fail to preserve the setting of the Grade II* arch and would harm the significance of the RPAG.

Other matters

24. Land largely outside the appeal site but within the control of the appellant is the subject of a tree preservation order. However, I acknowledge that any detailed layout could avoid harm to these trees. The visibility required for the proposed access is likely to require realignment of the boundary hedge alongside High Street. I am not provided with any information which suggests the hedgerow has intrinsic value as part of the historic parkland. Consequently, these matters have not been determining factors in my decision.
25. Whilst the appellant points to further changes planned for the A303 which may result in the roundabout and road to the south west of the site being realigned, I am not provided with any plans, nor any confirmation of firm timescales for change. Accordingly, this has not altered my findings on the main issues.

Overall Assessment

26. I have found the proposed development would fail to preserve the setting of the Grade II* arch and would diminish its significance as a designated heritage asset. The proposals would also diminish the significance of the RPAG because it would remove the isolated qualities of the arch, lodge and former historic entrance to Hazlegrave House. These are matters to which I give great weight.
27. In the context of paragraphs 133 and 134 of the Framework, the development proposal would lead to less than substantial harm to the significance of the designated heritage assets. However, heritage assets are irreplaceable and clear and convincing justification is needed where there would be harm to designated heritage assets.
28. There would be public benefits arising from the development. These include social and economic benefits commensurate with the provision of two dwellings within a District which cannot demonstrate an adequate supply of land for housing. The appeal site is in an accessible location in relation to facilities, services and employment opportunities. The removal of existing buildings from west of the arch and enhanced avenue planting would benefit the immediate setting of the arch but would not mitigate the harm from the proposed development. The public benefits taken as a whole are not sufficient to outweigh the lasting harm the development would cause to the significance of designated heritage assets. The proposals would therefore fail to meet the requirements of Framework in this regard and the presumption in favour of sustainable development set out in the fourth bullet point of Paragraph 14 of the Framework does not apply.

29. The proposals conflict with Local Plan Policy EQ3 as they would fail to conserve historic assets and their historic significance. The proposals would detract from rather than enhance their sense of place. The proposals would fail to conserve and enhance landscape character and would not respect local context and so would conflict with Policy EQ2. As the proposals seek outline planning permission compliance with other criteria within policy EQ2 cannot be assessed.

Conclusions

30. For the above reasons and having taken into account all matters raised, I conclude the appeal should be dismissed.

J E Tempest

INSPECTOR