
Appeal Decision

Site visit made on 30 January 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary

Decision date: 20 February 2018

Appeal A Ref: APP/C1625/W/17/3188682

**Brookthorpe Court, Stroud Road, Brookthorpe with Whaddon,
Gloucestershire GL4 0UJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs James Cooke against the decision of Stroud District Council.
 - The application Ref 17/0785/HHOLD, dated 5 April 2017, was refused by notice dated 6 June 2017.
 - The development proposed is the conversion of existing stable to form detached annex. Demolition of existing timber garage and erection of replacement garage.
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Appeal B Ref: APP/C1625/Y/17/3188689

**Brookthorpe Court, Stroud Road, Brookthorpe with Whaddon,
Gloucestershire GL4 0UJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs James Cooke against the decision of Stroud District Council.
 - The application Ref 17/0784/LBC, dated 5 April 2017, was refused by notice dated 6 June 2017.
 - The works proposed are described as the "conversion of existing stable to form detached annex. Demolition of existing timber garage and erection of replacement garage."
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Decision

1. Both appeals are dismissed.

Main Issue

2. The main issues are:
 - the effect of the proposal on the special architectural and historic interest of the group of listed buildings and their setting; and
 - if any harm would be caused, whether that harm would be outweighed by any public benefits.

Reasons

3. The appeal relates to two outbuildings at Brookthorpe Court, which is a Grade II* listed country house. The property, which dates from the late 16th Century, was extended in the 17th Century and altered around 1870. It is constructed in

coursed, squared, and random rubble limestone with a stone slate roof. The 19th Century alterations are in ashlar. The south elevation has 2 principal gables, one of which is half-timbered, the other is stone. The roof also includes three ridge-mounted chimneys and two parapet gabled roof dormers, which add to the interest of the building.

4. Close-by, to the south west, is the Church of St. Swithin's, which is also a Grade II* listed building dating from the 13th Century. It is constructed in random rubble limestone and ashlar with a stone slate roof and west tower.
5. The proposal relates in part to a stone stable building with a pitched roof of corrugated cement sheeting. It clearly forms one of the former farm buildings that surround the manor house and pre-dates 1948. Therefore, in accordance with Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it must be treated as part of the listed building. Immediately adjacent to it is a single storey timber garage with a corrugated sheet mono-pitched roof. I note that the Council's officer report states that it appears to have been built on the footprint of another former outbuilding dating from at least the end of the 19th Century. It is not suggested by either party that the timber garage pre-dates 1948 and based on my own observations I do not consider that it does. Accordingly, I have not treated it as part of the listed building and listed building consent is not required for its removal.
6. Whilst the group of buildings in and around Brookthorpe Court may have been altered over the last 20 years, I note that Historic England in its consultation response of 3 May 2017 states that they represent a *"significant group of buildings displaying the historic relationship and close connection between manor house and church. There are additional buildings, now converted to dwellings that form a courtyard to the north-west of Brookthorpe Court and represent what would have been an important historic manorial setting."* In my view this clearly and succinctly sets out the special historic interest of this group of heritage assets, where the significance of each of the buildings is enhanced by its role as part of a group.
7. Due to the lower roof form of the timber garage, the upper parts of Brookthorpe Court and St Swithin's Church are clearly visible from outside of the site, over the top of the building. Here, the dominance of Brookthorpe Court and St Swithin's is currently legible and allows for this clear historical relationship between the outbuildings and the manor setting to be experienced and appreciated.
8. However, the proposals seek to demolish the timber garage and extend the historic outbuilding. The extension would have a higher ridge height than the existing stable building and its front elevation would sit forward of the same. It would therefore appear as a bulky addition to the existing stable building which would fail to achieve a subservient relationship with the same. In my judgement it would be seen as an unduly dominant feature within the group of listed buildings and from the adjacent access road, even if there are a number of buildings in the overall grouping with a comparable height.
9. Its size would also largely obscure views of Brookthorpe House and St Swithin's Church from outside of the site. Whilst the appellants place more importance on the views from the A4173, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Nevertheless, the proposal

would obscure views from parts of the A4173 and the footpath adjacent to the front of Saddlers Cottage, in addition to the adjacent access road.

10. I accept that longer distant views along the A4173 would not be materially affected, nevertheless, from the areas I have identified the proposal would impinge on the setting of the listed buildings and the ability to appreciate these heritage assets and their historical associations with the outbuilding. I note the appellants' view that the magnitude of the cumulative impacts would be low adverse, but in my judgement this understates the harm as the development would erode to a clearly discernible extent the significance of the heritage assets.
11. The Council acknowledge that planning permission and listed building consent was given in 2011 for the demolition of the timber garage and the erection of an almost identical extension. The Council highlight that the applications were made prior to the publication of 'The Setting of Heritage Assets: English Heritage Guidance (2011)' and as such without the benefit of clear direction as to the importance of 'setting'. Following the publication of the guidance, and the subsequent revisions, the Council consider the setting of the adjacent heritage assets is now deemed to have greater weight in the consideration of the applications. It has now considered the proposals not only in relation to the former farm building, but also with specific reference to the setting of the group of listed buildings. The Council also refer to a different end use for which the appellants have not demonstrated a need for the increased height. In my judgement, as Historic England (previously English Heritage) is the Government's advisor on the historic environment, its published guidance is an important material consideration and represents a material change in circumstances which reasonably justifies the change in the Council's position.
12. I accept that the garage structure and conservatory at Brookthorpe Farm Cottage are not structures which positively contribute to the special character of this group. However, this in itself does not justify the further harm which would arise from the appeal proposals.
13. I therefore conclude that the proposal would fail to preserve the special architectural and historic interest and significance of the designated heritage assets and their setting, contrary to the expectations of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of which is a consideration the Courts have determined as a matter of considerable importance and weight. Moreover, it would fail to accord with the expectations of Section 12 of the National Planning Policy Framework (the Framework) which anticipates great weight being afforded to the conservation of designated heritage assets. For the same reasons the proposals would also conflict with Policy ES10 of the Stroud District Local Plan.
14. Reference is also made in the Council's reasons for refusal to conflict with the guidance from the Historic Environment Good Practice Advice in Planning, Note 2 – Managing Significance in Decision Taking in the Historic Environment, and to the Historic Environment Good Practice Advice in Planning: Note 3. However, I have not been provided with a copy of these documents. Nevertheless, the above conflicts are sufficient to warrant withholding planning permission and listed building consent.

Other matters

15. I have been provided with a copy of a Section 106 Obligation intended to ensure an incidental use of the building. However, this relates to the 2011 approvals. As such, I have been unable to take it into account for the proposals currently before me. In any case, having regard to my conclusions on the main issues, it is not necessary for me to consider this matter further.

Public benefits

16. In accord with paragraphs 133 and 134 of the Framework, it is for the decision maker, having identified harm to designated heritage assets, to consider the magnitude of that harm. In this case I conclude that the proposal would lead to less than substantial harm. In such circumstances the Framework requires that any identified harm is weighed against the public benefits of the proposal.
17. I acknowledge that the proposal provides opportunity to improve the stable building which appears in a relatively poor state of repair. However, I have no evidence to demonstrate that its medium to long term future depends on the approval of the appeal proposals or that the same improvements could not be achieved as part of a scheme which does not result in harm I have described. This therefore limits the weight I have attached to this benefit.
18. Whilst I agree that the existing timber garage is not especially attractive and may be in need of repair. In my view, by reason of its height and use of materials, it is relatively recessive and, as noted, allows for key views over its roof towards the Brookthorpe Court and the Church. Therefore, its replacement with the appeal proposal would not, for the reasons I have explained, amount to a benefit in favour of the proposal.
19. I have noted the support from Brookthorpe with Whaddon Parish Council but find that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets.

Conclusion

20. For the reasons explained, and having considered all matters raised, I conclude that both appeals should fail.

Richard S Jones

INSPECTOR