
Appeal Decision

Site visit made on 4 March 2014

by Simon Hand MA

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

Decision date: 7 March 2014

Appeal Ref: APP/Q3305/A/13/2200812

Chatley Park, Norton St Philip, Bath, BA2 7NP

- 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 Tony Simons against the decision of Mendip District Council.
 - The application Ref 2012/2785, dated 5 November 2012, was refused by notice dated 20 June 2013.
 - The development proposed is erection of detached dwelling and outbuildings, construction of hedge bank and boundary walling and part demolition of existing dwelling to provide staff accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The recent publication of the National Planning Policy Guidance has no bearing on this decision.

Main Issues

3. The impact of the proposal on the countryside, on Chatley House and on the surrounding parkland.

Proposal and Policy Background

4. Chatley House is a grade II listed Italianate mansion set in historic parkland. A long entrance drive connects the house to the main road. At the junction with the main road is Chatley Lodge, a substantial house. The drive runs north-east for 80 or so metres with grassed fields on both sides to Chatley Park, a recently extended cottage. Opposite Chatley Park is a garage, a collection of tumbledown sheds and a large concrete block and timber barn. Behind these are the remains of the walled garden of Chatley House. About 180m further along is Chatley House itself, set within its own gardens, separated from the parkland by a ha-ha. The historic parkland, which is a local heritage asset, would seem to begin beyond Chatley Park and surround Chatley House.
5. The appellant owns Chatley Park, the walled garden, the two fields and the historic parkland, but not Chatley Lodge and its small garden or Chatley House and its more extensive garden. The proposal is to construct a large new dwelling at the western end of the walled garden. The walled garden itself would be restored and there would be more tree planting in the parkland, with

the large barn removed. Chatley Park would have its modern extensions removed to reduce it back to an estate cottage and would become staff accommodation for the new house. The entrance to the drive would be remodelled and an earthen bund constructed behind the hedgerow on the field to the eastern side of the entrance with planting on one side of the bund.

6. The local policy background to the proposal is the Mendip District Local Plan (2002). Policy S1 restricts development outside of development limits to that which benefits economic activity, enhances the environment and does not increase the need to the travel. EN26 prevents development that harms the setting of a listed building and Q1 requires design to relate satisfactorily to its surroundings, particularly its impact on the landscape. Although the Local Plan is out of date these policies are broadly consistent with the Framework. Paragraph 55 of the Framework states that isolated new homes should be avoided except in certain circumstances. The new house is not for a rural worker and the appellant accepts is not of exceptional quality or innovative design. The two remaining exceptions are as enabling development to secure the future of a heritage asset or to re-use redundant buildings and enhance the immediate setting. Paragraphs 132-134 deal with the impact of development on a heritage asset.

Reasons

Isolated house in the countryside?

7. The proposed new house would be very large, not a great deal smaller than Chatley House itself. It would certainly be considerably larger than Chatley Lodge or Chatley Park. The whole site slopes gently upwards from the road, with sweeping views to the east. The walled garden is marginally the highest point and the large house would be visible from the road and from many points within the parkland and fields around. I consider it is an isolated house as envisaged by paragraph 55. Although the barn would be removed and the walled garden, which is currently redundant, would be renovated and brought back into use, this is a relatively minor part of the overall scheme which is for a new dwelling. The redundant building exception in paragraph 55 does not therefore apply.
8. The appellant argues the proposed improvements to the walled garden, parkland and Chatley Park are all valuable positive aspects to weigh in the balance. The Council agrees these are all welcome, as do I, however there is no suggestion these are heritage assets that are under threat and so require enabling development to secure their future. The walled garden is currently disused, and becoming somewhat dilapidated. The surrounding walls are mostly not to their original height, and most of the garden looks like a scruffy field with a slightly taller than normal dry-stone wall around. It is definitely in need of restoration but is not included in the listing of Chatley House, nor is it part of the historic parkland. Its restoration would be an obvious benefit, but not such as to require a substantial house to be built within it so this exception does not apply either. The proposed development is thus contrary to paragraph 55 of the Framework and S1 of the Local Plan.

Harm to the setting of the listed building?

9. There is a reasonable distance between the proposed dwelling and Chatley House, but there would be some inter-visibility despite the screening of trees

around Chatley House. The direct impact on Chatley House would be limited but the greater harm would be to its setting. Much is made by the appellant of the restoration of the traditional hierarchy of entrance lodge, estate cottage (Chatley Park), estate farmhouse (new dwelling) and mansion (Chatley House). It did not seem to me the estate as a whole suffered because of this alleged lack of hierarchy. Indeed the current arrangement of lodge, cottage and mansion seems entirely typical and there is already an estate farm to the north of Chatley House. The new dwelling has been designed to a high standard and in a more traditional style than Chatley House so there is no direct competition in design terms, but the introduction of a substantial dwelling, so close to Chatley House would be bound to upset the existing natural hierarchy. A visitor to the site would be forgiven for assuming the new dwelling was the listed mansion until they drove past it to be surprised by another large house. In views from the road, both large houses would be visible. Far from restoring a traditional hierarchy I consider the proposal would introduce a competing and somewhat alien element.

10. The appellant, in his rebuttal statement asserts the new dwelling could be seen as a gardener's cottage, and gives several examples of large houses built within walled gardens at Shugborough and Ragley Park. I am not sure what this says about the overall design philosophy if the estate farmhouse can also be a gardener's cottage, but in any event I am not convinced the proposal could be considered to be a gardener's cottage within a traditional walled garden such as those at the two examples given. It would look exactly what it is, a large, independent dwelling with extensive outbuildings and parking, set within attractive formal gardens.
11. The proposed dwelling does not therefore relate satisfactorily to its surroundings or to the listed building. It is thus contrary to EN26 and Q1 of the Local Plan. In terms of the Framework, I consider this to be less than substantial harm to the heritage asset. Accordingly this harm needs to be weighed against the public benefits of the proposal bearing in mind the need to have special regard to the desirability of preserving the building or its setting.

The access and bund

12. The other two elements to the proposal are the revised access and the bund. The access is currently flanked by curved walls with Chatley Lodge in the eastern corner and a large tree in the western corner. The western wall then blends into a hedgerow which carries on up the road to the corner of the field where a wall takes over turning back to form the furthest corner of the field boundary. The eastern wall blends into a hedgerow that defines the boundary of the entire field. The proposal is to remove the western curved wall and replace it with railings and then replace the next stretch of hedgerow with a wall. There is nothing wrong with each of these elements individually, but the replacement of the curved wall by a railing followed by a wall, would look odd next to the curved eastern wall. There is currently a simple and pleasing symmetry to the access which would be lost and this relatively minor harm needs to be added into the balance.
13. The bund is proposed to be 1.8m tall and the appellant claims would be hidden by the 3m tall hedgerow. It would run for about 100m along the inner edge of the eastern field and would have planting on the inner edge to soften its aspect when viewed from the proposed and existing dwellings. On the site visit I saw

the hedgerow had been cut down recently so that even with the difference in the level of the land (lower on the bund-side) the bund would be taller than the hedgerow. That combined with a line of planting would create two obviously parallel boundaries which would also look odd. From the parkland and listed building there would be little or no impact, but from outside the site it would look unusual and somewhat incongruous. Again this relatively minor harm needs to be added into the balance.

The potential benefits

14. Chatley Park has been extended in recent times and does have a rather modern looking chimney, but the two new wings are not wholly unsympathetic. The building does not stand out as being obviously harmed by modern extensions. Restoring it to its original form would potentially be an improvement, but not significantly so. The proposed planting in the parkland would be of some value, but although many of the trees appeared to be old the parkland does not appear to be neglected so again the advantages would be small.
15. The walled garden is certainly in a poor state but the insertion of the large house, outbuildings and formal garden would not result in its restoration, but radically alter both its form and function. It would cease to be a walled garden with a relationship to the main house, but would become the domestic curtilage of another dwelling. There is thus little or no advantage in the proposed re-use to the historic value of the walled garden and although it would physically be restored it would also lose its identity as an independent walled garden
16. The removal of the barn would certainly open up the site. It is not a thing of great beauty, but it is simply a typical utilitarian agricultural building seen in the context of the cluster of outbuildings by Chatley Park. It does not look obviously out of place, but its removal would have some benefit to views of the listed building as one approaches along the drive.

Conclusions

17. None of these benefits add up to sufficient weight to outweigh the clear harm to local policy and the Framework caused by the construction of an isolated dwelling in the countryside nor to the harm caused to the setting of the listed building and the countryside in general caused by the proposed new dwelling. There is also the minor harm that would be caused by the access works and the new bund. Taken all together there are clear and substantial objections to the proposal and the appeal should be dismissed.

Simon Hand

Inspector

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