



## Appeal Decisions

Site visit made on 21 January 2020

by **H Porter BA(Hons) MScDip IHBC**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

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### **Appeal A Ref: APP/R3325/W/19/3229397**

#### **Horsington House, Church Lane, Horsington, Templecombe BA8 0EG**

- 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 C Godson against the decision of South Somerset District Council.
  - The application Ref 18/02218/FUL, dated 15 July 2018, was refused by notice dated 14 March 2019.
  - The development proposed is erection of single dwelling together with associated landscaping works.
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### **Appeal B Ref: APP/R3325/W/19/3229456**

#### **Horsington House, Church Lane, Horsington, Templecombe BA8 0EG**

- 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 C Godson against the decision of South Somerset District Council.
  - The application Ref 18/02220/LBC, dated 15 July 2018, was refused by notice dated 14 March 2019.
  - The works proposed are erection of single dwelling together with associated landscaping works.
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## Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

## Background and Main Issues

2. The appeal proposals concern the walled garden in the grounds and curtilage of Horsington House, a Grade II listed building, and is covered by the same statutory protection. The appeal site is immediately adjacent to the churchyard associated with the Church of St John the Baptist (the Church), a Grade II\* listed building. The site is also situated just beyond the southern boundary of the Horsington Conservation Area (CA).
3. The main issues in both appeals are whether the proposed works and development would preserve the settings or any features of special architectural or historic interest which nearby Grade II and II\* listed buildings possess; and the effect the proposals would have on the character and appearance of the CA.

## Reasons

### *Significance of heritage assets*

4. Horsington House is a handsome 19<sup>th</sup> century three-storey house constructed on the site of an earlier manor house. The extant building is of Doulling stone ashlar under a slate roof and the former residence of the Dodington family. It has subsequently been in use as a girls' college, a children's home, a hotel, and is now subdivided into residential apartments.
5. The significance and special interest of Horsington House lie, in part, in its architectural execution, form and fabric, in a High Victorian Italianate style. Adding further historic interest are the building's origins as a mid-to-high-status country dwelling, visually and functionally ascendant within its large grounds and edge-of-village situation. The land and buildings forming its wider context certainly comprise its setting and make a valuable contribution to the significance of the asset.
6. The appeal site is typical of 19<sup>th</sup> century walled gardens: formed of high boundary walls creating a sheltered interior that, with the exception of ancillary garden and storage structures, is flat and undeveloped. Although the appeal site may not currently be particularly productive as a kitchen garden, its significance lies in its form, fabric and layout, which continue to reflect its intended purpose to support horticulture. Legibility of a functional, albeit now redundant, association between Horsington House and its wider estate, also remains. The appeal site certainly comprises part of the setting of Horsington House and adds to its integrity and significance as a country house with links to a wider agricultural landscape.
7. Situated at the end of Church Lane, the Church is bounded by the grounds of Horsington House, including the appeal site, and open fields beyond. In combination with its architecture, fabric and historic associations, legibility of the Church as a historic social and spiritual focal point within Horsington underpins its significance and special interest.
8. The undeveloped nature of the appeal site means that such links remain tangible and allow the Church to appear and function as the salient structure on approach to Horsington from the fields and public rights of way to the south. Moreover, the interconnecting gateway, shared boundary wall and various monuments to the Dodington Family, reveal both historic connection and physical associations with Horsington House.
9. Historic houses in substantial grounds, vernacular buildings, the Church, local stone boundary walls, water courses, and views out to the agrarian surroundings are all intrinsic parts of the character and appearance of the CA and underpin its significance as an historic, charming rural English village. While Horsington House and the appeal site lie just beyond the CA boundaries they are imbedded within the evolution of the village and its wider rural environs and are thus part of the setting that adds value and definition to its character and appearance of the CA as a whole.

### *The effect of the proposals*

10. The proposal is to construct a single-storey, two-bedroomed dwelling within the confines of the appeal site. The extant garages along the garden's north wall could be demolished and replaced with parking for the house, which would be

partially sunk and positioned away from the boundary walls. The remainder of the space would be re-landscaped, including with stepped and raised pathways and a water feature.

11. Fundamentally, the introduction of a dwelling, parking and associated landscaped garden would introduce a domestic formality and urbanisation onto the appeal site. Whilst the dwelling would be dug into the ground to minimise its visibility, this would not mitigate its atypical domestic impact. Whatever structures are within the walled garden, these are not of the scale or comparable degree of solidity and permanence as the proposed dwelling. Even if over 90% of the remainder of the site were left open, the proposal would nonetheless weaken legibility of the garden's historic planform, the physical narrative of its original purpose, thereby harming its significance.
12. Even though the proposal would not be clearly visible from Horsington House, it would introduce a sense of domestic dependence, very much distinct from the listed building and wider estate grounds; it would function and appear as a dwelling in its own right, and the enduring functional connection between the appeal site and Horsington House and its associated kitchen garden would be lost. The new dwelling would weaken the historic hierarchy that exists between Horsington House as the principal structure and its grounds and ancillary environs. Whilst I do not share the concerns regarding highway safety, the proposed driveway leading to the separate parking area would emphasise an incremental fragmentation of the Horsington House estate into separate ownership.
13. Even with a low-profile and green roof, the proposed dwelling would be visible above the high boundary walls. In drawing a distinction between visibility and setting, the proposal would tangibly erode legibility of the Church's location at the extremity of the settlement, diminish appreciation of the Church and blur the distinction of the settlement edge and the role that Horsington House and the Church play in defining it. Overall, the proposed development would be anomalous to the setting of the Church, Horsington House, and the CA. Diminishing in a small way appreciation of their significance, there would be harm to each as heritage assets.
14. Though, in terms of the National Planning Policy Framework, Revised February 2019, the harm to the assets would in each instance be less than substantial, paragraphs 194 and 196 still require clear and convincing justification and need to be weighed against the public benefits of the proposal.
15. There would be benefits in providing a single open-market dwelling in a District-wide context where there is an under-supply of housing land. That dwelling would contribute to the choice of homes in the District and be reasonably well-located to support services and facilities within Horsington. There would be economic benefits, mostly during the construction phase. Even cumulatively, however, the sum of benefits associated with just one dwelling would be modest.
16. Landscaping or ecological improvements are in large part mitigation for the development. Although it is purported that the proposal would ensure the listed kitchen garden walls are repaired and retained, there is no tangible evidence that establishes a well-defined programme of repairs to the listed walls, which, in my opinion, appeared to be in reasonably sound condition. There is nothing to suggest that the proposals would be the minimum necessary to secure

enhancements such as tidying the site or its ongoing conservation of the asset. These aspects therefore carry very little weight in favour of the proposals.

17. I have considered carefully the support from Historic England and the Council's officers on the basis of the quality of the design. I agree that the proposed dwelling would be of high architectural quality, using sympathetic materials, low-rise and the results of a well-considered design process. That said, the effect of the proposed development on the visual, functional and historic aspects of the appeal site and its significance are not one and the same. The design is not what is causing the harm and so no amount of adjustments to the design or to minimising visibility would fully avoid the harm.
18. Less than substantial harm to a heritage asset does not equate to less than substantial planning objection when the statutory duty has not been met. There would be material harm to the significance of Horsington House and the Church; which would fail to preserve or enhance the character of appearance of the CA. This leads me to conclude, in the circumstances of this case, that the public benefits do not outweigh the harm or satisfy the overarching statutory duties in respect of listed buildings nor the considerable importance and weight that even less than substantial harm to designated heritage assets carries.
19. The proposal therefore runs contrary to the clear expectations under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Conflict arises with policy EQ3 of the South Somerset Local Plan (2006 – 2028), insofar as it seeks to safeguard and enhance the significance of heritage assets. The proposal would also fail to accord with the historic environment policies within the Framework.

#### *Other matters*

20. It is not a matter in dispute that the Council cannot demonstrate a 5 year supply of housing land. However, the policies most important for determining the appeal are those relating to the historic environment, which are not out of date. Moreover, in applying paragraph 11 d (i) of the Framework, the application of policies within the Framework that protect areas or assets of particular importance provides a clear for refusing the development proposed.
21. The appellant has argued that the proposed works do not require listed building consent in their own right, however, I have determined the appeals on the basis that planning permission and listed building consent were applied for.

#### **Conclusion**

22. For the reasons given above, and having considered all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

*H Porter*

INSPECTOR