



The Planning Inspectorate

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S.H.D.C. PLANNING DEPT. RECEIVED 18 DEC 1992	
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Date 11 6 DEC 92

Gentlemen

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS K BUTTERS
APPLICATION NO: H21/1079/91**

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the South Holland District Council to refuse an application for planning permission for the 'conversion and extension of existing outbuilding to residential use' on land at Greyfriars, Tydd Gote, Near Wisbech, Cambridgeshire. A second appeal against refusal of Listed Building Consent was withdrawn prior to the Hearing which I held on 26 November 1992.

2. Greyfriars, which is the home of Mr and Mrs Butters, is a grade II listed building standing in attractive landscaped grounds on the western fringe of Tydd Gote. The property lies outside the Planning Authority's informal 'village development boundary', but within the designated Conservation Area. Your clients now find the house and garden too large for their requirements and they propose to convert and extend an existing outbuilding to provide a dwelling for their own use. The main house, Greyfriars with most of the grounds, would then be sold.

3. From my inspection of the site and its surroundings and from the representations made, it seems to me that there are four main issues to be decided. These are firstly, whether the proposed development would represent a harmful extension of the built up limits of the village into the countryside, contrary to current planning policies; secondly, whether the character or appearance of the Conservation Area would be harmed; thirdly, whether the proposal would unduly detract from the setting of the listed building; and fourthly, whether the grant of permission in this case would lead to further pressure for development elsewhere which the Planning Authority would find difficult to resist.

4. The relevant development plan policies are found in the First Alteration to the Lincolnshire County Structure Plan which was approved in November 1991. In particular, Policy 5A (which allows



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decision or the extent of the additions and their impact, so it would be unwise to draw too close a parallel with the current appeal. However, it does tend to underline the vulnerability of this rural fringe to development pressures.

11. The proposed new dwelling would be about five times the size of the existing outbuilding, and in my view this is tantamount to the erection of a new bungalow. Although the outbuilding would be converted and incorporated into the new building, the scale of the proposal seems to me to go beyond the 're-use and adaption of rural buildings' which is encouraged in PPG7.

12. The existing outbuilding was used as a hairdressing salon for about four years following the grant of permission in 1985, and you make the point that the appeal proposal would merely substitute a residential use for a commercial use which could be reactivated at any time. This may be so, but any commercial use would be restricted by the modest size of the existing building. Its relatively secluded location make it likely to be suitable for only a limited range of commercial uses, and in my view, the creation of a separate residential property of the size proposed by the appellants, would have much more serious implications in terms of expanding the village structure to the west.

13. My conclusion on the first issue is that the appeal proposal would further consolidate the scattered development outside the village limits to the detriment of the predominantly rural character of the area. In my opinion, this represents a fundamental objection to the proposals which justifies the Council's decision to refuse permission. I am not in a position to decide whether the interim boundary of development is drawn too tightly. That is a matter for consideration during the preparation of the District Plan.

14. Turning to the second main issue, the draft Conservation Area policies adopted by the Planning Authority in January 1992 are couched in very general terms aimed at safeguarding the character and appearance of all the Conservation Areas collectively. There is no specific guidance on any special characteristics of the Tydd Gote Conservation Area which need to be protected. Policy 7 resists new development in areas which provide a unique landscape and townscape contribution to the visual character and amenity of the area, but the explanatory text implies that this refers to public open spaces.

15. In contrast to the more urban townscape fronting Station Road and West Street, the main contribution which the appeal site makes to the character and appearance of the Conservation Area is in its tall perimeter hedges and its trees. Even in winter, Greyfriars and its outbuildings are difficult to see from surrounding public roads and its attractive landscaped grounds can only be glimpsed through the gateway at the end of West Street. The open character of the site can only be sensed rather than seen.

16. The proposed dwelling would be no higher than the existing salon building and would be scarcely more obtrusive in spite of its much larger ground area. Parts of its roof would be visible from Hannath Road through the driveway entrance, but most of the building would be hidden behind the existing tall yew hedge. The

for new housing in and around smaller villages), Policy 6. (which resists housing which would create or extend ribbon or scattered development) and 7A (which limits housing in the countryside to that for farm and forestry workers) are especially pertinent. My attention has also been drawn to the advice in Planning Policy Notes (PPGs) 1, 3, 7, and 12 as well as Circular 8/87.

5. The Interim Boundary of Development for Tydd Gote was approved by the District Council in 1988 after a consultation period, though the extent of public participation is uncertain. I am aware of the advice in paragraph 3.20 of PPG12 as to the limited weight which should normally be given to informal policies. Nevertheless, this interim Village Statement and Boundary of Development are of fairly recent date and they represent the only local policy guidance available to me. In my judgement, they represent a material consideration in this appeal.

6. You contend that this informal policy has been overtaken by the more flexible settlement policy of the 1991 Structure Plan Alteration, which envisages a greater dispersal of new housing development into settlements throughout the county. I note that the Plan states that the amount of new development for individual villages is a matter for the District Councils, but advises them against drawing village development boundaries too tightly.

7. South Holland District Council feel that the scope for further growth in Tydd Gote is limited and have drawn their development boundary line around the denser core of the village, excluding the more open grounds of Greyfriars on its western fringe. In my view there is a noticeable change in the character between the closer grouped buildings around West Street and the spacious grounds of the appeal site and I see no reason to disagree with the boundary as presently drawn.

8. Hannath Road, which runs along the southern side of the appeal site, forms the boundary between Lincolnshire and Cambridgeshire. The Development Boundary within the neighbouring Fenland District Council extends westwards to a point opposite the middle of the Greyfriars property. However, the Fenland District Development Boundary encloses a ribbon of housing development of very different character from the tall leafy hedge bordering the appeal site and I can see no justification for extending the Development Boundary on the South Holland side to include the appeal site on grounds of 'rounding off'.

9. Although the appeal site lies outside the village limits, it plainly does not lie in open countryside. Nevertheless, the openness of the site and its many trees blend in well with the rural surroundings. There are several other scattered dwellings and groups of buildings on the western fringe of Tydd Gote, including the cluster at Old Eaudike and a recent bungalow further down Hannath Road. In my view, the proposed dwelling would consolidate this scattered development and further erode the rural character of the area, contrary to the spirit of Structure Plan Policy 6A.

10. I note your reference to a recent permission granted to convert and extend two barns at Old Eaudike for residential use. I have no way of knowing the circumstances which led to that

roof of the proposed bungalow would also be seen from the public roadway to the north-west of Old Eaudike, though this view is presently dominated by the intrusive presence of caravans in the intervening paddock. I consider that neither the loss of the elm and fir trees, nor the erection of the proposed dwelling would have a significant impact on the Conservation Area, whose character and appearance would be preserved.

17. In my opinion, the setting of the listed building forms an integral part of its special interest. Although Greyfriars and its curtilage have plainly changed and developed over the years, its present character is that of a distinguished residence set in spacious grounds. The outbuilding is seen as being ancillary to the main house and the land on which it stands forms part of the present grounds.

18. The proposed development would significantly reduce the garden area associated with the listed building and, although the formal garden and lawns would remain with the main house, its spacious setting would inevitably be eroded. The proposed dwelling, though designed with some care to remain subordinate in height and scale, would clearly be seen as a separate dwelling in moderately close proximity. The garden trees would soften, but not hide the presence of the new development which would detract from the setting of the listed building, especially when viewed from the north and east within the grounds.

19. The Planning Authority feel that the proposed development, if built, could be argued as a precedent by others. Although, as you point out, each application is considered on its own merits, I share the Council's concern that further consolidation of the scattered development on this western fringe of the village could make it more difficult to defend the Interim Boundary of Development. As I have already stated, if this boundary is to be altered, it should be redrawn as part of the development plan process and not as a result of ad hoc planning permissions.

20. In reaching my conclusions, I have taken into account all of the other matters raised, including your clients' understandable wish to provide a more manageable home for themselves. However, none of these matters outweighs the factors which have led me to my decision.

21. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

M.I. Montague-Smith

M I MONTAGUE-SMITH BArch MCD RIBA MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr M L Page	MRTPI	-	Associate partner of D H Barford & Co, Chartered Surveyors, 17 Church Street, St Neots, Cambridgeshire.
Mr C A Frost		-	Principal of Frost & Co, Designers
Mr K Butters		-	The Appellant, Greyfriars, Tydd Gote, near Wisbech, Cambs.
Mrs K Butters		-	The Appellant, Greyfriars, Tydd Gote, near Wisbech, Cambs.

FOR THE PLANNING AUTHORITY

Mr J Blacklock		-	Senior Planning Assistant, South Holland District Council
	MRTPI		

DOCUMENTS

Document 1 - List of persons present at the Hearing.

Document 2 - Letter of notification dated 28 September 1992
sent by the District Council.

Document 3 - Conservation Areas Policy Framework.

PLANS

Plan A - Application Plan - 1:250 scale site plan.

Plan B - Application Plans bundle:

- 1:2500 scale OS base (site outlined in red);
- 1:100 scale plan & elevations (existing salon)
- 1:100 scale plan of (proposed);
- 1:100 scale N & S elevations (proposed);
- 1:100 scale E & W elevations (proposed);
- 1:100 scale sections (proposed);
- axonometric view.



Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H21/1079/91

Received: 08-NOV-91 Type: FULL

Name: Mr & Mrs K Butters
Greyfriars
Tydd Gote
Nr. Wisbech
Cambs PE13 5QE

Agent: Frost & Co Ltd
The Old Forge
Tempsford
Sandy
Beds SG19 2AG

Description: Conversion & extension of existing outbuilding to residential use

Location : Greyfriars Tydd Gote
Nr. Wisbech Cambs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

- 1 The site is within the Tydd Gote Conservation Area and within the grounds of a substantial Grade II Listed Building and has been excluded from the interim boundary of development for the village. This reflects the view of the Local Planning Authority that in order to protect and enhance the character of the Conservation Area and the setting of the Listed Building, which this Local Planning Authority has a statutory duty to consider, this area should remain undeveloped. Also, the permitting of this proposal could lead to further applications within the garden which would then be difficult to resist.

Director of Planning and Building Control Services
27-FEB-92 H21/1079/91

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

