



Appeal Decision

Site visit made on 11 February 2022

by **S Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 23rd March 2022

Appeal Ref: APP/K0235/W/21/3278994

The Walled Garden, Church End, Willington MK44 3PX

- 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 Mr James Gill of J.C.Gill Developments Ltd against the decision of Bedford Borough Council.
 - The application Ref 20/02892/OUT, dated 4 December 2020, was refused by notice dated 28 April 2021.
 - The development proposed is a single storey dwelling and all ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form with matters of appearance, layout, scale, access and landscaping reserved for subsequent determination. The submitted plan¹ provides an indication of how a single storey dwelling with detached garage and home office could be accommodated within the appeal site. An access from a private drive off Church End is also indicated, via an existing collapsed section of boundary wall. The submitted plans indicate what is possible on the site and I have had regard to the illustrative drawings in making my decision.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council made its decision. I have referred to the relevant paragraphs from the July 2021 version of the Framework where necessary in my decision. The Willington Neighbourhood Plan (WNP) was made on 2 March 2022 and now forms part of the development plan for the area. The parties have been given an opportunity to comment and I give it full weight in my decision.

Main Issues

4. The main issues are:
 - Whether the proposed development would be in a suitable location having regard to the development plan and national policy;
 - Whether the proposed development would preserve the setting of nearby Grade I listed buildings known as the Stables (ref. 1114191) and Dovecote (ref. 1004503) of former Manor House, and Grade II listed

¹ Drawing number 2014.PL.02

buildings known as Church of St Lawrence (ref. 1312387), Manor Farmhouse (1312403) and Garden Wall at Manor Farm (ref. 1114190); and

- The effects of the proposed development on features of archaeological interest that may be present on the site.

Reasons

Location

5. The appeal site comprises an area of vacant pasture land, previously a walled garden. It lies proximate to a range of five listed buildings associated with a former 16th century manorial estate. The next section considers the effects of the proposed development on the setting of these designated heritage assets in accordance with the duty set out at section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).
6. The appeal site is situated to the western edge of the village of Willington. Its built-up area is concentrated around Station Road, Chapel Lane and Church Road. As Church Road turns into Church End, the character of the village noticeably alters to a rural and sporadically developed environment. Here is where the Settlement Policy Area (SPA) limits of the village terminate. The site lies beyond the SPA limits as defined the Policies Map² and is therefore within the countryside.
7. Bedford Borough Local Plan 2020 (BBLP) Policy 7S sets out a number of instances in which development in the countryside would be appropriate. Both parties acknowledge that criteria i) to v) of the Policy are not met by the proposals and I have no reason to disagree. The remaining criteria of Policy 7S support development on an exceptional basis where the site is well-related to a defined SPA.
8. I acknowledge that the appeal site is within reasonable walking distance to the built up area of the village and future residents would be able to access its limited range of local services. However this factor alone fails to justify development of the site for housing. The representations submitted by interested parties and the Parish Council do not indicate support nor an identified community need for a dwelling here. In view of my findings in the next sections of this decision, it follows that the development would not contribute positively to the character of the settlement nor the countryside.
9. I find there to be little justification for the appellant's aspiration for a 'paragraph 80'³ dwelling. I do not consider the site to be isolated, given that it is situated nearby to a number of other buildings on the edge of the village. Furthermore, the proposals are in outline form with all matters reserved. As such, there are no specific details before me which would justify the proposals as the meeting the principles of exceptional design quality as set out within part e) of paragraph 80 of the Framework.

² Inset 37, Bedford Borough Allocations and Designations Local Plan 2013 (ADLP) and Policy W1; Appendix 1, Willington Neighbourhood Plan 2022 (WNP)

³ Paragraph 80 of the National Planning Policy Framework in relation to isolated homes in the countryside - formerly paragraph 79 in the 2019 version of the Framework

10. The Council can currently demonstrate a five year housing supply and there is no requirement for further residential development in the recently made WNP which provides for an allocation of 50 homes elsewhere in the village.
11. I find that the proposed development is in an unacceptable location for residential development given its failure to meet any of the criteria in BBLP Policy 7S. Furthermore, given its countryside location, the proposed development conflicts with the spatial strategy set out in BBLP Policies 3S and 4S, and the SPA boundary defined by Policy W1 and Appendix 1 of the WNP.

Setting of Listed Buildings

12. The appeal site lies adjacent to a range of five well-preserved listed buildings dating from a former medieval manorial estate, which has a well-documented association with Sir John Gostwick. Gostwick was previously a prominent member of the household of Cardinal Thomas Wolsley, and had connections with King Henry VIII who knighted Gostwick in 1540. The importance of Goswick and his manorial estate is illustrated by the accommodation of King Henry VIII and his entourage at Gostwick's manor on his visit to Willington in 1541. Subsequent ownership by the Dukes of Marlborough and Bedford in the late 1700s are also important associative connections.
13. The mid-16th century stables and the dovecote are both designated as Grade I listed as well as being scheduled monuments of national importance. Constructed from stone, with impressive stepped gables, they stand alone in a simple grassed lawn setting and are in the current care of the National Trust. The stables and dovecote are of exceptional interest due to their rarity and are heritage assets of the highest significance.
14. The grade II listed St Lawrence's Church also dates from the mid-16th century with 19th century alterations. Its tower fronts west, directly facing the appeal site and Manor Farmhouse beyond. As well as having very fine architectural merit its direct connections to the Gostwick estate demonstrate strong historic and aesthetic values. Its continuing value to the local community⁴ also contributes greatly to its significance.
15. The grade II listed Manor Farmhouse and garden walls (some of which lie within and bound the appeal site) date from the 17th and 18th centuries with a range of later alterations. Remnants of older structures are also present within both structures, notably the remains of fireplaces within the garden walls which the evidence indicates are likely to form part of the earlier and larger medieval manor house.
16. All five of the heritage assets benefit from their tranquil and largely undeveloped setting, which the appeal site greatly contributes to. The site is centrally located to the former manorial estate. Due to its open and undeveloped nature it enables clear views between all of the listed buildings. Notably, the openness demonstrates the relationship between Manor Farmhouse and the church. The appreciation of the surrounding listed walls, which provide evidence of walling techniques over a 200 year plus period of time, is also enhanced by the undeveloped nature of the appeal site.
17. Direct views of the stables, the dovecote, the Manor Farmhouse and the church are possible from within and around the appeal site. The dominance and

⁴ St Lawrence Church Parochial Church Council consultation response

distinct appearance of the scheduled stables and dovecote in particular is enhanced by the open grassed setting around these buildings. Taken together, there is a strong and positive inter-visibility between all five heritage assets together with the appeal site, and I am left in no doubt that the contribution of the appeal site to the significance of all five heritage assets is a positive one, and that any development on the appeal site would directly affect their setting and detract from their considerable historic importance.

18. The proposals are in outline form. The illustrative plans suggest a single storey, flat roofed dwelling located central to the appeal site. An access drive is indicatively shown across the open grassed area between the stables and converted barns to the rear of Manor Farmhouse, and the existing collapsed section of boundary wall would be a logical location for the vehicular access into the site. By virtue of the lack of detail in the proposals I am unable make conclusions regarding the detailed design, scale and siting of the proposed dwelling and its potential relationship with the surrounding heritage assets. Consequently I am unable to establish any varying degrees of harm to significance as indicated by the Council.
19. Overall, based on the evidence before me, I find that a dwelling of the proportions indicated could not be assimilated into its highly sensitive historic environment without harm to the significance of all five designated heritage assets. This is as a consequence of their considerable importance as a group of historic buildings within a largely undeveloped setting that preserves the associative, evidential and cultural importance of these structures. I acknowledge that conditions could limit the scale and siting of the dwelling at reserved matters stage, but such conditions would not be sufficient to overcome my concerns, especially given the capacity of the proposal to harm heritage assets of the highest significance.
20. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should have a clear and convincing justification. Given my findings above, I consider the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
21. The appellant is of the opinion that the proposal would be beneficial because it would enable sympathetic repairs to be carried out to the grade II listed boundary walls. However there are no listed building consent proposals before me for repair works nor details of treatment of any openings in the wall for access. Having considered the reports⁵ and my observations on site I find that a relatively small proportion of the wall (the collapsed section) is in poor condition and in urgent need of rebuilding and repair. The submitted reports confirm that the walls which adjoin the church and Manor Farmhouse do not show any significant signs of overall instability and are in generally good condition given their age. In the absence of any costings and detailed proposals I am unconvinced that the erection of a dwelling is the only method of securing

⁵ Walled Garden Inspection, Scott White & Hookins (5 April 2019) and section 5 of the Heritage Desk-Based Assessment, Cotswold Archaeology (August 2017)

the long term conservation of the walls. Consequently, the evidence fails to satisfactorily address the Historic England guidance⁶, and the argument that the proposals would constitute enabling development is unpersuasive.

22. The provision of an additional dwelling would make a modest contribution to boosting housing supply, but this would have limited public benefits in view of the current supply of housing land both in the village and the Borough. Any contribution to supporting the local economy during the construction phase and spending by future residents on services in the village would also be minor in scale. Whilst such benefits count in favour of the proposal, I give them limited weight against the less than substantial harm to heritage assets which I have identified.
23. The proposed development would fail to preserve the special historic interest of the range of adjacent Grade I and Grade II listed buildings, thus failing to satisfy the requirements of the s. 66(1) of the 1990 Act and paragraph 199 of the Framework. The proposals would not accord with BBLP Policy 41S (iv) in leading to less than substantial harm to the significance of designated heritage assets and there are no public benefits which would outweigh the harm. I also find conflict with BBLP Policies 28S, 29 and 30 which seek for development proposals to contribute positively to the area's character and identity, respect local context and successfully integrate with the historic environment.

Archaeology

24. The appeal site lies within an area of archaeological interest, largely related to the 16th century manorial estate held by Sir John Gostwick, remnants of which survive as set out above. The stables and dovecote are scheduled monuments, and consequently they are of national importance. In addition to the known features directly relating to the manorial estate, the appellant's evidence⁷ refers to earlier archaeological activity in the wider area of the River Great Ouse valley, as well as previous archaeological investigations on neighbouring land. Given the propensity of archaeological activity in the locality, there is a high likelihood that any currently unknown buried archaeological remains would be of significance.
25. The evidence before me indicates that there is a strong possibility of the survival of further remains relating to the previously much larger medieval manor house and its ancillary structures (such as kitchens, stores or barns) below the appeal site. The remains of fireplaces set within the kitchen garden walls and a building shown on Russell's Estate Map of 1779 provide an enticing indication of the larger extent of the former manorial structures.
26. The geophysical survey⁸ did not find anomalies that would be synonymous with the remains of the manor house. However a range of other archaeological anomalies are indicated which may relate to former garden features, a road and walling. I am also mindful of the limitations to geophysical surveys in being unable to detect all types of buried remains.
27. In view of the known uses of the appeal site as grazing pasture and an orchard garden, and the lack of building activity, it is likely that any deposits within the appeal site would have remained relatively undisturbed. Given that the dwelling

⁶ Historic England Good Practice Advice in Planning Note 4: Enabling Development and Heritage Assets

⁷ Heritage Desk-Based Assessment, Cotswold Archaeology (August 2017)

⁸ Geophysical Survey, November 2017 WYAS Archaeological Services for Cotswold Archaeology

would require intrusive below-ground works to enable its construction, there is a risk that important archaeological remains would be encountered and any adverse impacts are likely to be permanent and irreversible in nature. It is not currently possible to establish the full significance of any archaeological remains which may survive on the basis of the evidence before me. As such, I concur with the Council that a pre-determination archaeological trial trench investigation is necessary in order to fully assess the location, nature and significance of any remains which may be found.

28. The presence of non-designated archaeological remains need not prevent development when considered in isolation. However I would not be content to leave such further investigations to a condition, given the known significance of surrounding heritage assets some of which are of national importance.
29. Without further investigation, the proposed development has the potential to result in harm to presently unknown archaeological features. It therefore conflicts with BBLP Policy 41S, specifically parts v a) , vii and viii which relate to proposals affecting non-designated heritage assets of archaeological interest and paragraphs 194 and 203 of the Framework.

Other Matters

30. Part of the site, shown on the indicative plans as an access drive, would be located within designated village open space/ local green space⁹. ADLP Policy AD40 sets out that development will not be permitted on such land unless it can be demonstrated that the reasons for designation are not compromised, or that other material considerations outweigh the need to retain the village open space as undeveloped. The reasons for the designation of the open space¹⁰ include its value to the community, and identity to the settlement including reflection of past history.
31. I acknowledge that the Council consider that this matter alone would not warrant rejection of the proposals. However I concur with the comments from the National Trust, Willington Parish Council and neighbouring residents on this aspect of the proposed development. The 'landlocked' nature of the site and existing collapsed section of wall suggest that this is logically the only location for a vehicular access, but there are limited details of hard and soft landscaping and boundary features before me. Any such features are likely to intrude into the currently open grassed area and have the potential to result in harm to the setting of the adjacent stables, a grade I listed and a scheduled monument of exceptional significance, and this adds to my overall concerns.
32. I have had regard to the other matters raised by interested parties in objection to the proposals. As I am dismissing the appeal on the main issues for the reasons given above, I have not addressed these matters further.

Conclusion

33. For the reasons given above I conclude that the appeal should be dismissed.

Susan Hunt

INSPECTOR

⁹ Inset 37, ADLP and Policy W2 & Appendix 1, WNP

¹⁰ Appendix 4, Bedford Borough Council statement of case