

19/17/0008

MR P GIBBS

Construction of Ha-Ha, reconfiguration of driveway and repositioning of fencing at Hatch Court, Frost Street, Hatch Beauchamp

Location: HATCH COURT, FROST STREET, HATCH BEAUCHAMP,
TAUNTON, TA3 6AA

Grid Reference: 321625.124461

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Location Plan

(A3) DrNo 105/2 Drive as Proposed

(A3) DrNo 105/4 Rev. A Deer Park as Proposed

(A3) DrNo 105/5 Proposed Ha-Ha

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

The reinstated fencing along the semi-elliptical line south of the swimming pool indicated on DrNo 105/4 Rev. A shall use the original railings retained on site, including those capable of restoration. The remainder shall be exact copies of the traditional estate fencing found elsewhere on the site.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 and to protect the historic environment in accordance with policy CP8 of the Taunton

Deane Core Strategy.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with policy ENV4 of the SADMP, policy CP8 of the Taunton Deane Core Strategy, and the relevant guidance in Section 12 of the National Planning Policy Framework.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

The application proposes the construction of a fence to the south of Hatch Court, a ha-ha running north to south to the east of Hatch Court and the realignment of the vehicular access from the west within the grounds of a Grade I listed building and a Grade II listed historic park. The park and garden is listed as being of Special Historic Interest. Amended plans have been received showing the repositioning of the fence back to the original 1880's alignment to the south of the building, following a semi-elliptical line beyond the swimming pool and the reinstatement of iron railings along the fence line.

Site Description

The site lies in an area of open countryside on the outskirts of the village of Hatch Beauchamp. Parklands surround the Grade I listed building including a deer park.

Relevant Planning History

19/07/0015 - Single room garden building - Approved - 1 February 2008

Consultation Responses

HATCH BEAUCHAMP PARISH COUNCIL - No comments on the plans

HERITAGE - The proposal has been the subject of negotiation with Historic England who are supporting the proposal. I am happy to defer to them and support their recommendation of approval.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations to make

LANDSCAPE - No landscape objections to the repositioning of the drive. I agree that it would not harm the significance of the designated landscape of this registered park and garden.

The proposed ha-ha will be in keeping with the parkland. However care must be taken during its construction not to damage roots of the cedar tree.

HISTORIC ENGLAND - Amendments to this application now includes "iron railings reinstated to 1880's curved line around the edge of the garden to the front of the house".

As stated in our previous letter, Hatch Court is Grade I building and set within a Grade II Registered Park & Garden. Our primary/statutory remit relates to the setting of the Grade I house, but clearly any development around the house will impact on the significance of the Grade II Registered Park & Garden.

No details have been provided of the proposed iron railings, nor has any evidence been submitted as part of the application to suggest that there were railings in this location nor their detailed design. If such evidence were to be provided we would not object to the principle of their reinstatement.

We have not objected to the other elements of the proposal (the realignment of the drive and the creation of a ha-ha) on the basis that they do not, in our view, harm the significance of the designed landscape. Your own landscape officer is of the same view. We understand that the Gardens Trust, as the statutory consultee for registered parks and gardens (including Grade II landscapes) considers that there is an impact. Obviously it is up to the Council to take a balanced view of the proposals, in line with guidance in the *National Planning Policy Framework* (2012) and elsewhere. In addition to the detailed *List Entry Description* of the Hatch Court Registered Park & Garden, we have become aware that a *Historical Analysis of the Landscape at Hatch Court*, by Jonathan Lovie, was submitted as part of a previous application on this site (19/2006/025). This does not appear to be available on line, but reference to it may assist your authority in determination of this planning application.

Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application.

THE GARDENS TRUST - Object to the proposal as it would result in substantial, permanent detrimental change to this Grade II registered landscape and setting of a Grade I listed building. In particular the ha-ha would cause significant harm to the fabric and character of the designated designed landscape.

Many thanks for sending the Gardens Trust the amendment to this application. I have read the Public Benefit statement and looked at Mr Gibbs's architect's revised drawing. The Gardens Trust is glad to see that they have noted some of our comments and welcomes the reinstatement of the semi-elliptical fencing along its original line, which was taken down without consent. Removal of this fencing from the curtilage of a Grade I building, mentioned specifically in the listing, is, as you are obviously aware, an offence which would otherwise have had to be dealt with by an enforcement notice. The line of the replacement fencing shown in Drawing 105/4A seems broader and shallower than the line indicated on the 1820 estate plan (see attached FYI). We would like confirmation that the reinstated fencing will follow exactly the original line of the fence that has recently been taken down. The GT understands that at least some of the original railings still exist, stored in a nearby barn. We would also ask for confirmation that the replacement fencing will include any original railings capable of restoration, and that the remainder will be exact copies of the originals. The original fence by itself will not be deer proof, so the GT would advise that as per Julian Gibbs' letter to Phillip Gibbs, the reinstated fencing goes directly above a newly constructed haha which follows the line of the semi-elliptical fencing. The GT would also recommend that an archaeological watching brief be put in as a condition of any consent, if given, when excavating for the construction of the curved section of haha. The archaeologists could also look out for evidence of the alleged mid-eighteenth century Prowse haha in any excavation.

I was surprised to see that Julian Gibbs' letter (mentioned above) on behalf of the Gardens Trust (which I forwarded to you and am attaching again) does not appear on the website as part of the official responses to the application. As the GT's expert representative who recently visited the site on our behalf, his comments are extremely important when your officers come to determine the application. We do not support, and continue to object to, a haha running at right angles to the house as detailed in drawing 105/4A for all the reasons outlined in earlier correspondence. A haha aligned with the reinstated original fencing would fulfil Mr Philip Gibbs' requirement to keep the deer from the garden. The GT would accept a short section of the haha as per drawing 105.4A marked with a zig-zag line on the attached annotated version of this drawing. We would also respectfully suggest that the new deer fencing does not cut across the middle of the deer park but is threaded through the trees around the edge of the parkland (see attached annotated drawing) to the south and east of the house so that the deer can again graze a park which approximates to the original layout as per Julian Gibbs' suggestion :

" This solution would of course entail erecting a high deer fence along the church drive and the short stretch of your drive. To do so, I suggest you do not alter the existing park rails but erect the deer fences parallel to them, about 10 yds further in to the park (to east and south). I am certain they would be hardly seen if carefully threaded through the trees, which as you pointed out need thinning anyway. The fences could be further disguised by judicious planting of thickets of thorn and holly".

With regard to the alterations to the drive, if the suggestions with regard to the fencing and haha are taken on board, the GT would be prepared to accept the relatively minor alteration to the drive. Adoption of GT's fencing/haha recommendations would remove our current objection to the proposed changes.

Representations Received

None

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
CP8 - Environment,
ENV4 - Archaeology,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

The proposal does not attract an infrastructure levy.

Determining issues and considerations

The main issues to consider are the impacts on the Grade I listed Hatch Court and the Grade II listed historic parkland. Policy DM1 sets out the general requirements for development and policy CP8 relates to the Environment and sets out the criteria for development.

The alignment of the fence to its original position and the reinstatement of the railings along the alignment is considered to be acceptable to Historic England and to the Gardens Trust. Where possible the original railings (apparently currently stored on site), restored where necessary, should be used and the remainder should be exact copies of the original. The Gardens Trust welcomes the reinstatement of

the semi-elliptical fencing along its original line.

The realignment of the driveway will allow the approach from the south-west to better reveal the western elevation of the house. Historic England considers the alteration to be modest and would not in their view harm the significance of the designed landscape. The Gardens Trust considers the realignment to be a minor alteration.

The construction of the ha-ha is considered to be a pragmatic solution, employing an authentic landscape device to retain the deer to the park to the east, whilst allowing unimpeded views from the house to the south, east and west. The proposal is supported by Historic England. However the Gardens Trust objects to the ha-ha which they consider to be fundamentally misguided and harmful to the integrity of this nationally significant landscape. The Gardens Trust has suggested what they consider to be a more appropriate alignment for the ha-ha, to follow the alignment of the semi-elliptical fence.

Policy CP8 requires the conservation and enhancement of the natural and historic environment and the Council will not permit development proposals that would harm these interests.

It is considered that the point of difference of opinion between Historic England and The Gardens Trust relates to the location of the ha-ha. The location and construction of the ha-ha approximately 190m in length will allow for the removal of an inappropriate 2m high wire fence located in close proximity to the house and intrusive in the landscape. The ha-ha will be located approximately 40m to the east of the house and a height of 1.2m with estate railings fixed along the top. The railings will connect with existing railings enclosing the park and garden. The ha-ha is to be constructed in rough faced Bath stone with intermittent quoins along its length and at each end. The top of the wall will be finished with a capping of Portland stone.

Whilst the site does not fall within the area identified as a County Archeological site, it is very close to the location of the ha-ha and therefore it would be appropriate for the developers to provide for an adequate programme of works.

It is considered that the scale of the development is in keeping with the existing development on the site. The construction of the ha-ha would allow open views from the house. There would be limited visibility of the ha-ha from outside the site. The reinstatement of the fence and railings to its original alignment is considered acceptable. Finally the slight change of alignment of the access road is not considered to be a significant change.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission. The proposal would not affect the setting of the listed building or cause significant harm to the natural and historic environment. While the view of the Garden Trust is noted, in view of the Landscape Officer and Historic England comments it is considered that the appearance and character of the landscape and building would not be unacceptably harmed by the development. The application is considered acceptable and approval is recommended.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Denise Grandfield