



Appeal Decision

Hearing held on 05 March 2002

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date

23 APR 2002

Appeal Ref: APP/Y2620/A/01/1075834

The Rectory, Catfield, Great Yarmouth, Norfolk NR29 5DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Norwich Diocesan Board of Finance Ltd against the decision of North Norfolk District Council.
- The application (Ref. 01 20010101 PF), dated 21 January 2001, was refused by the Council by notice dated 25 April 2001.
- The application sought the removal of a condition attached to a planning permission (Ref.74/63), dated 15 March 1974, for erection of new domestic dwelling house and garage as parsonage house for the Rector of Catfield.
- The condition in dispute is No.1 which states that: the occupation of the dwelling shall be limited to an ecclesiastic and a dependant of such a person residing with him (but including a widow of such a person).
- The reason given for the condition was: In the interests of visual amenity and because this permission is granted in an area where the Local Planning Authority would not normally grant permission for new residential development and is granted in response to special local circumstances.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions in the terms set out in the Formal Decision below.

Procedural Matters

1. At the Hearing an application for costs was made by Norwich Diocesan Board of Finance Ltd against North Norfolk District Council. This application is the subject of a separate Decision.

Main Issue

2. I consider that the main issue in this case is whether the condition remains necessary and reasonable to meet the needs of the Church in the locality.

Planning Policy

3. The Development Plan for the area includes the Norfolk Structure Plan 1999, and the North Norfolk Local Plan adopted in 1998. There are no policies relevant to the removal of a condition such as that under consideration in this appeal. However both plans give high protection to the countryside with strict restraint on new development other than that essential for certain specified uses (Structure Plan policy H.8 and Local Plan policy 5). This follows the advice in Planning Policy Guidance Note 7 The Countryside - Environmental Quality and Economic and Social Development (PPG7) which states that the

countryside should be protected for its own sake, and that new house building, away from established settlements, should be strictly controlled.

Reasons

4. The appeal property is a two storey detached house and garage located near to Catfield church, about 0.5km south-west of the village of Catfield. During the 1970s it was decided that the original Rectory, on the other side of the church, was too large and costly to maintain, and so it was sold. An application was later made to build a new dwelling to house the Rector of Catfield. Outline planning permission was granted in 1972. This consent was subsequently revoked and a new outline permission for the current dwelling was granted following the gifting of a strip of land to the Church which enabled the access to be constructed to a different area of glebe land. Details were approved in 1974 subject to the occupancy condition which is now the subject of this appeal.
5. In 1999 a Pastoral Scheme was put forward to the Church Commissioners to merge 3 existing benefices into 2, with Catfield falling into the new benefice of Ludham, Potter Higham, Hickling and Catfield. The Scheme also provided for the disposal of the parsonage house at Catfield as the Rector of the new benefice would be housed in the Ludham parsonage. The culmination of the Church's statutory process under the Pastoral Measure 1983 (which included the consideration of objections from local parishioners) was an Order-in-Council being confirmed on 11 October 2000. This approved the new benefice arrangements and also passed the now surplus dwelling to the Norwich Diocesan Board of Finance (NDBF) for disposal. As a result of this procedure Catfield Rectory no longer has legal status as a parsonage house, and it has stood empty since the late 1990s. Leave to appeal against the Pastoral Scheme was denied after a review of the case by the Judicial Committee of the Privy Council which is made up of senior Law Lords.
6. As a result, the appellant maintains that the house is no longer required by the Church and there is no realistic expectation that this situation will change. The decision, which through the Pastoral Measure has the effect of an act of Parliament, has been made to dispose of the Catfield house. Some local residents contend that the house may, at some time in the future, be required again in relation to the church in Catfield, but that selling it would preclude such an option. This would lead to pressure for another dwelling to be built in a protected landscape where policies of restraint are normally strictly applied. Rather it should be rented, for instance to a clergyman, or used for other Church accommodation, thus meeting the requirements of the condition and safeguarding the possibility of future use.
7. Comparisons have been drawn with applications for the removal of agricultural occupancy conditions where it has to be demonstrated that a property is no longer needed for agricultural purposes to meet the demand within the wider locality so as to minimise the need for further new dwellings in the countryside. In such cases, PPG2 states that 'the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for a dwelling...in an area as a whole'. In my view this assessment has been carried out in the progressing of the Pastoral Scheme. I appreciate that it is possible that circumstances could change in the future, but I consider that it has been demonstrated that there is no realistic or foreseeable ecclesiastical need for this dwelling. In any event, it is evident from the description of the development and the supporting information at the time of the application, that the original house was intended for use with Catfield church.

As the appellant points out, it would have been illogical to grant planning permission for any other purpose, as this would have been allowing a dwelling in the countryside away from the use to which it related, contrary to the policies of rural restraint.

8. The alternative uses for Church purposes, such as accommodation for an assistant priest or sector minister (e.g. hospital or other chaplain), have been explored as part of the Pastoral Measure procedures, and found to be impracticable as the house is too far away from the centres of such work. While the house has not been formally marketed, approaches have also been made, since refusal of the application, to some other religious bodies in the area who have also indicated no current or foreseeable need for the dwelling. The appellant has referred to a similar appeal in Gloucestershire (T/APP/G1630/A/97/276806/P9), and as the Inspector in that appeal pointed out, the Church of England is the competent authority in deciding matters of ecclesiastical administration. It has been decided, through a formal procedure, which included consultation within the parish and the diocese, that this house is no longer required for Church purposes. While local parishioners are understandably disappointed with the outcome, the decision has nevertheless been taken by the Church authorities.
9. Although the Council clearly wished to see more extensive investigation of alternative occupation which could fulfil the condition, in my opinion the NDBF has demonstrated that this house is no longer required for the purpose for which it was intended, and that the condition has outlived its usefulness. Although parishioners have speculated that this is an example of asset stripping by the Church, the appellants argue that if this were the objective, it could have been achieved more easily by the sale of the unfettered Ludham house. Instead the dwelling has stood empty while the situation is resolved and because it is no longer needed. PPG2 advises that agricultural dwellings subject to occupancy conditions should not stand vacant where the condition has outlived its usefulness, and in my view the same approach should be applied in this case.
10. I conclude that the condition has outlived its usefulness and should now be removed.

Other Matters

11. There was discussion at the Hearing about the gifted land which enabled access the house to be built, and the Church's consequent legal or moral obligation to retain it under the terms of the conveyance. However although there is understandably strong local feeling on the subject, this is a matter for resolution between the parties concerned, and not a reason to withhold planning permission.

Conditions

12. I have considered whether alternative or additional conditions would be necessary or reasonable in the light of the advice contained in Circular 11/95 The Use of Conditions in Planning Permissions. In view of the fact that the dwelling has now been there in excess of 20 years, I do not consider that further conditions are necessary or reasonable and I do not consider that an alternatively worded condition would be appropriate. There are no other conditions still subsisting which are capable of taking effect. It was evident at my site visit that the other only other condition attached to the 1974 planning permission (regarding the access gates to be set back prior to the occupation of the dwelling) has been implemented and so, in my view, it would not be necessary for this condition to be restated on any new permission.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I consider that the appeal should succeed and I shall exercise the powers transferred to me accordingly. I shall grant a new planning permission without the disputed condition and without the only other condition which has been implemented.

Formal Decision

14. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the retention of a domestic dwelling house and garage at The Rectory, Catfield, Great Yarmouth, Norfolk NR29 5DB in accordance with the application Ref: 01/20010101 PF dated 21 January 2001 without compliance with condition No 1 previously imposed on the planning permission Ref 74/63, dated 15 March 1974, and condition No.2 which has already been implemented.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
16. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.



INSPECTOR



Appeal Decision

Site visit made on 12 December 2001

by Denis F McCoy ARIBA FRTPI DipArch (Oxford)

an Inspector appointed by the Secretary of State for Transport,
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Date:

- 3 JAN 2002

Appeal: APP/G2245/A/01/1073644

The Rectory, High Street, Penshurst, Tonbridge, Kent TN11 8BN

- 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 Rochester Diocesan Society and Board of Finance against Sevenoaks District Council.
- The application (ref SE/01/00473/FUL) dated 16 February 2001 was refused by notice dated 11 June 2001.
- The development proposed is the erection of a new rectory.

Summary of Decision: the appeal is allowed and planning permission granted, subject to the conditions set out in the Formal Decision below.

Preliminary Points

1. Penshurst is an exceptionally interesting and picturesque village in the Kent Downs Area of Outstanding Natural Beauty. The sensitivity of the locality is further emphasised by having been defined in the development plan as a Special Landscape Area. The Metropolitan Green Belt washes over the settlement, most of which (including the appeal site) is designated a conservation area. The site is also within an area identified as being of archaeological potential.
2. The great mansion at Penshurst Place, the Church of St John the Baptist, and the Rectory can be described as the defining group of buildings at the village. The church tower, unlike Penshurst Place, can be seen from most viewpoints in and around the conservation area. These buildings and a complex group at the entrance to the churchyard, Leicester Square, lie north of one of the roads through the village. The latter group incorporates 16th century structures with 19th century restorations and additions. All of these buildings are listed as being of special architectural or historic interest and all - with the exception of the Rectory and its associated grounds - are within a Grade I Park and Garden of Historic Interest. The proposal is to add a further building to this very sensitive group, between the Rectory and the rest of the village lying south of the road and extending also down the High Street. This runs south-west from a junction at the corner of the appeal site most remote from the church.

Main Issue

3. I consider that there are two main issues in this appeal. The first is whether the proposal would be an inappropriate form of development in the

Green Belt - and if so whether there are very special circumstances which would justify allowing it nonetheless. The other is the impact which the scheme would have upon the setting of the various listed buildings and upon the character and appearance of the conservation area. These latter considerations are given particular significance by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Development Plan and other Planning Policies

4. Section 54A of the Act requires that this appeal is determined in accordance with the development plan unless there are material considerations which indicate that I should do otherwise. The plan in this instance comprises the Kent Structure Plan 1996 (the KSP) and the Sevenoaks District Local Plan, adopted in March 2000 (the SDLP). KSP policy MGB3 and SDLP policy GB2 reiterate the general presumption nationally against inappropriate development in the Green Belt. They state that new buildings other than for specified purposes not claimed to apply in this case are inappropriate. Certain villages are identified in which infilling is considered appropriate but Penshurst is not one of them. KSP policy ENV19 and SDLP policy EN18 aim among other things to protect the setting of listed buildings. KSP policy ENV17 provides that the primary policy towards conservation areas is to preserve or enhance their special character and appearance, with spaces, topography and vegetation identified as being important considerations. SDLP policy EN23 requires development within conservation areas to be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing their character or appearance. These are the policies on which the Council's decision is founded, and they accord closely with national policy set out in Planning Policy Guidance notes 2 and 15 (PPGs 2 and 15).
5. Reference is now made also to other PPGs and development plan policies. These include KSP policies ENV3 and ENV4 which, like SDLP policies EN6 and EN7, seek to conserve or enhance the appearance of the local landscape. KSP policy S9 relates to the importance of community facilities and services and RS5 includes provision for public or institutional uses among the exceptions to its general aim of preventing development in rural Kent. The SDLP seeks the retention of an acceptable level of rural services through policy PS10 and deals explicitly with development related to places of worship at policy PS11B. This states among other things that personage houses may be accepted at smaller settlements, though within the Green Belt local social need has to be demonstrated in the absence of suitable alternative locations or premises. Adoption of this latter policy followed representations made on behalf of the diocese, and was commended by the Inspector who held the Public Local Inquiry into the Plan.

Reasons

6. In essence it is argued that the Rectory, for reasons discussed below, can no longer provide a home for a rector of the combined joint benefice of Fordcombe and Penshurst. Canon Law, which is accepted by all concerned to be a material planning consideration in this case, requires the provision in every parish of a dwelling for the vicar or rector and it is to fulfill that duty in future that the appeal proposal has been put forward. In essence the appellants consider that the particular circumstances amount

- to very special circumstances and that their proposal accords with SDLP policy PS11B.
7. The Rectory is a striking building in the Queen Anne style which has been extended at least once and which may well incorporate much older fabric as the diocesan authorities believe. There are three storeys, the top one being dormer-lit attic accommodation, and it is by any standards a substantial dwelling evocative of the lifestyles of 18th century society. It is wholly disproportionate to what is now considered appropriate for a minister in the established church, as reflected by the design guidance for new parsonages published by the Church Commissioners. To live in such a home with its high ceilings and twice the floorspace now recommended, imposes unrealistic demands upon the modest stipend of an incumbent and a disproportionate financial burden upon the diocese, which is responsible for the repair, redecoration and modernisation of parsonage houses. At Penshurst an accumulated need for repairs and refurbishment are additional factors indicating the Rectory's unsuitability for their continued use and the responsible ecclesiastical authorities have determined that it is to be sold.
 8. There are many who, understandably, regret and oppose this decision though it is one made and implemented in many other instances throughout the country. The strength of local feeling is reflected by the parish having funded some of the more urgent repairs to the building which were necessary, generating an interest payment which is one factor leading to annual expenditure in this instance being well above that on the average parsonage in the diocese. If the works remaining necessary to put the whole property in a good state of repair were to be carried out the annual expenditure for the next five years would be about four times that average.
 9. The Council and others do not believe that a rectory need necessarily be detached, and do not accept that enough thought has been given to the possibility of altering and subdividing the present building. But bearing in mind its character, its listed status and the points made on the appellants' behalf about its internal arrangements I share their view about the impracticality of this option. Having been designed as a large family dwelling there are good reasons in listed building terms for its continuing as such and on the basis of all that I am told I do not doubt its unsuitability for continued use as a rectory.
 10. The local planning authority and several local residents argue that if that is so one should be provided by acquiring an existing house. Any extensions needed to provide the required accommodation would more likely be found acceptable than the erection of a new one. But the possibility of dealing with the problem in this way has been explored over a number of years. Local agents have been canvassed and a number of properties have been offered directly for consideration. Some bore no resemblance to the specified requirements, one was itself too large with an inappropriately extensive garden. Others which might initially have appeared suitable were either poorly laid out for the particular functions of a parsonage, or were on plots too small to accommodate an extension. None was as close to the church as the appeal proposal.
 11. Since Penshurst is not a large village I do not find the outcome of these investigations particularly surprising. Moreover despite what the Council

say I consider that there are very strong reasons for any new Rectory being in Penshurst and not elsewhere in the two parishes. As was observed by the Local Plan Inspector the village already contains a high level of services and facilities, which it seems to me should be complemented by any new rectory. Moreover the church is closely associated with Penshurst Place, where the patron of the living resides. I attach little weight to the possibility of a house suitable for use as a rectory being found elsewhere in the two parishes and I am satisfied that in principle there are very special circumstances which would justify permitting the erection of one in Penshurst.

12. I turn next to the impact which the appeal proposal would have upon the setting of listed buildings, particularly that of the Rectory. It is sited at the edge of its grounds furthest from the rest of the village, close to the tower of the church. A pathway between them extends from the churchyard through parkland west of Penshurst Place to a roadside stile north of the village. The Rectory's most imposing elevation, the seven bay entrance front, faces south-east unto a forecourt separated from the rest of the grounds by a dense belt of shrubs and trees which extends to the roadside. The other elevations are architecturally understated, with only one window at both ground and first floor levels facing the principal generous garden areas to the south-west. These are laid out in quite a formal manner, on two levels enclosed from the rest of the grounds by an evergreen hedge. The topography assists in creating a marked sense of self-contained spaciousness close to the house, and only the roof of the village hall on the other side of the road is visible from here.
13. The grounds outside the formal hedges (Glebe land part of which I am told was once used as allotments) are quite neglected, and are enclosed by a further dense hedge on the roadside. The possibility of a piece of this area becoming a public space has been discussed inconclusively with the Civil Parish - but is something which need not be affected by the appeal proposal. The intention is for the new building to stand close to, indeed set slightly into, the belt of shrubs and trees extending from the corner of the Rectory to the road. It would not be visible from that house or its immediate surrounds, and as I saw nor would it have any material impact upon views from the parkland beyond towards the listed buildings. The new building would also be effectively screened from the view of those entering the village from the south-east, and would not so far as I could determine be visible from any point in conjunction with Leicester Square or with Penshurst Place.
14. The greater impact would be upon the setting of the church and the Rectory as seen from the village streets. A recent appraisal of the conservation area carried out for the Council notes the way in which the sense of enclosure experienced when entering the village from the south-east is lost in the vicinity of the junction with the High Street. This would be unaffected by the appeal proposal. The appraisal identifies several significant views, one up High Street towards the church being among those illustrated in the document. The picture confirms the primacy of the church tower rising above the trees, with the roof and chimneys of the Rectory performing a complementary role. In my judgement the setting of the two buildings as seen in this view would be unharmed by the presence of the new building, much of which would be hidden by the roadside hedge.

15. As one comes closer to the site the local topography is such that less of the upper parts of the Rectory are visible. Its grounds are above the level of the road, so that the yew boundary hedge grows on a bank and is generally well over two metres high. It is proposed to lower the ground level where the new house would be sited so that, though still above the level of the road, from most points only its roof and the upper part of the first floor would be visible. To the extent that that would be so I formed the judgment that by being seen in the context of a backdrop of coniferous and other trees the proposed building would be a complementary feature of the local scene, and not one which would detract from the setting of the church, the Rectory or any of the other associated listed buildings.
16. Nor do I consider the sense of openness which one experiences in the vicinity of the village hall and in front of the listed buildings nearer the proposed building would be diminished in any harmful way by its presence. Though it would be visible to varying degrees from those historic buildings I do not share the view that their village setting would in any way be harmed. Also it seems to me that the chosen siting is one which would minimise the landscape impact of the project, and its effect upon the openness of the Green Belt.
17. Moreover I attach considerable weight to the argument that it is desirable for the church's ministry to be progressed by a minister living close to the church in Penshurst. This is a situation which has prevailed for at least 300 years and very probably for several centuries more. For it not to continue would in my judgement detract very significantly from the character of the conservation area. This is a village whose special character and appearance derive from buildings dating variously from the mediaeval period to the present day. The detailed design of the one now proposed is in my judgement of very high quality, drawing in a sensitive way upon architectural devices seen elsewhere in the village. Indeed the Council have no criticisms of the design and English Heritage, though opposing the scheme in principle, have commented favourably upon it.
18. After reflection it does seem to me that the appeal proposal falls within the ambit of projects anticipated by SDLP policy PS11B, and I judge that it does not conflict with any of the criteria there. I am persuaded that erection of the building would leave the setting of the various listed buildings unharmed and would preserve an important characteristic of Penshurst Conservation Area. I do not accept that its appearance would suffer as many believe and I feel fortified in this judgement by the Local Plan Inspector's view that in a location such as the grounds of this Rectory the provision of a new one ought not to present a problem in principle. As PPG15 points out conservation cannot realistically take the form of preventing all new development; the emphasis will generally need to be on controlled and positive management of change and on balance I am drawn to the conclusion that this is such a case.

Other Matters

19. It is envisaged that a number of garages, very unobtrusive features, are to be cleared away in conjunction with the appeal scheme. This would leave the Rectory itself without a garage and it is argued that it will not be possible to satisfy the inevitable future desire for one without harming the setting of that listed building. My own view, having seen the

property and the existing planting at it and the potential for more than that this concern is over-apprehensive. I regard it as falling far short of the sort of concern which would justify refusing planning permission.

Conditions

20. The Council have recommended that if permission is granted eight conditions in addition to the usual one limiting its life should be imposed. Having considered these mindful of advice given in Circular 11/95 they all seem to me justified by the sensitivity of the site and I shall adopt them with some minor rewording. The Council also recommend that an agreement under section 106 of the Town and Country Planning Act 1990 should be entered into to ensure that the new dwelling be kept available as a rectory. Though the appellants would be agreeable to this no agreement has been prepared. They would also be agreeable to an appropriate condition with the same aim, as was done at an appeal in Romsey, Hampshire, to which I have been referred. Given all the particular circumstances of this case I consider I should do likewise. I also consider I should, as the County Council suggest, require an archaeological watching brief. The form set out in the Circular however seems to me preferable to the wording which they propose.

Conclusion

21. For the reasons given above and having regard to all other matters raised I conclude that the appeal should succeed and I shall exercise the powers transferred to me accordingly.

Formal Decision

22. The appeal is allowed and planning permission granted for the erection of a new rectory at High Street, Penshurst, Tonbridge, Kent TN11 8BN in accordance with the terms of the application No SE/01/00473/FUL dated 16 February 2001, and the plans submitted therewith, subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- (2) No development shall take place until details of the:
 - existing levels of the land;
 - any proposed slab levels and any changes in levelshave been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- (3) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the Rectory and garage hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
- (4) No works shall take place until all door and window details, at a scale of not less than 1:10, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

- (5) No development shall be carried out on the land until full details of soft and hard landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - details of materials used to surface driveways and paths,
 - planting plans (identifying existing planting, plants to be retained and new planting),
 - written specifications (including cultivation and other operations associated with plant and grass establishment),
 - schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and
 - a programme of implementation.
- (6) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him to observe the excavations and record items of interest and finds.
- (7) Within 12 months of the implementation of this permission, or in accordance with the approved programme of implementation, the soft landscape works shall be carried out in accordance with the approved details.
- (8) If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.
- (9) No extension or external alterations shall be carried out to the buildings hereby approved, despite the provisions of any Development Order.
- (10) No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.
- (11) The occupation of the rectory hereby permitted shall be limited to the incumbent of the joint benefice of Penshurst and Fordcombe or a dependant of the incumbent residing with him or her.

Information

23. Attention is drawn to the fact that an applicant for any approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
24. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990. Attention is drawn to the provisions of section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area. Attention is also

drawn to the provisions of section 7 of the Planning (Listed Buildings & Conservation Areas) Act 1990 which requires consent to be obtained for works for the demolition, alteration or extension of a listed building which would affect its character as a building of special architectural or historic interest.

25. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.
26. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within six weeks from its date.



INSPECTOR



Appeal Decision

Hearing held on 26 March 2002

by **Richard W Thomas BA DipArch RIBA IHBC**

an Inspector appointed by the Secretary of State for
Transport, Local Government and the Regions

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Date **11 APR 2002**

Appeal Ref: APP/R3325/A/01/1076761

Land at The Vicarage, Curry Rivel

- 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 the Diocese of Bath and Wells against the decision of South Somerset District Council.
- The application (Ref. 01/00948/FUL), dated 4 April 2001, was refused by notice dated 29 June 2001.
- The development proposed is a new vicarage dwelling.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Main Issues

1. I consider that the main issues in this case are the impact of the proposed development upon (a) the character and appearance of the area and (b) upon the setting of the listed buildings.

Planning Policy

2. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan Review (2000) and the Langport and Somerton Local Plan (1993). Structure Plan Policy STR6 seeks to protect the rural character of the plan area by focussing new development on settlements. It states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster the need to travel. Local Plan Policy P3 has similar objectives, but acknowledges that there will be cases of exceptional local need where development outside the development limits of settlements may be permitted, and where applicants can show that no demonstrable harm will be caused. Policy ST3 of the emerging South Somerset Local Plan Deposit Draft (1998) carries forward the thrust of these adopted policies.
3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. This duty is largely reflected in Structure Plan Policy 9 and in Policy EH5 of the emerging Local Plan. Local Plan Policy A3 and amended Policy EH14 of the emerging Local Plan seek to ensure that proper provision is made for the excavation and recording of sites in areas of high archaeological importance, including the historic core of Curry Rivel.
4. Planning Policy Guidance Note 7 *The Countryside-Environmental Quality and Economic and Social Development* 1997 (PPG7) contains guidance on development in rural areas. It states in paragraph 3.21 that minor extensions to groups of houses may be acceptable, though much would depend on the character of the surroundings and the number of such groups in the area.

Reasons

Impact upon the character and appearance of the surrounding area

5. The appeal site forms part of the garden of The Vicarage, and is outside the development limits of Curry Rivel as indicated in the Local Plan. It is separated from the surrounding countryside by a graveyard along its northern boundary and by 'Highbury' to the north-east. It lies beyond the north end of the green, a rectangular open space dominated by St Andrews's Church, and defined by the visual enclosure created by Manor Farm, The Vicarage and The Cottage, and by the other houses and lengthy stone walls that surround it. The appeal site is visible from the green, from where the substantial yew hedge forming the front boundary of the site closes off the view to the north, reinforcing the sense of enclosure of the green. However, I saw that as one proceeds northward towards the site, either through the churchyard or along the road, a considerable gap opens up between The Vicarage and the yew hedge, allowing views eastwards towards the houses in Parsonage Place and beyond. To my mind, this visual break significantly weakens the sense of enclosure evident within the green, yet does not convey any sense of entering the open countryside, due to the suburban vista beyond. In my view, the proposed house would assist in closing off this view and thus reinforce the sense of enclosure at the northern end of the green and heighten the contrast between the settlement and the open countryside beyond the cemetery. As a result, I consider that the proposed house would not cause any significant harm to the character and appearance of the open countryside. To my mind, it would be an acceptable minor extension to the group of houses along the east side of the green, and be in accordance with the guidance in paragraph 3.21 of PPG7.
6. The Appellant acknowledges that the proposed development would not conform with development plan policies that seek to protect the countryside from harm through the use of development boundaries. However, it is argued that the need for a new vicarage in Curry Rivel represents a special circumstance that would justify an exception to these policies. Both parties accept that Canon Law, under which, amongst other things, the bishop of the diocese is charged with providing accommodation for incumbents obliged to live within their parishes, is a material consideration in this case.
7. The incumbent of the benefice of Curry Rivel is responsible for three rural parishes, of which St Andrew's is the largest, and where the largest proportion of services are held. I heard that Curry Rivel was the most suitable location for a vicarage to serve the three parishes, and would remain so even if the benefice became part of the Langport team ministry. I also heard that in addition to ministering to the needs of the church congregation, the vicar also provides a wider service to the community at large, irrespective of their membership of the Church of England. Besides supporting the Church of England primary school, the church also provides various rites of passage, such as baptisms, weddings and funerals for the inhabitants of Curry Rivel, while the vicar also affords a local and informal contact for members of the community at times of personal need. In view of the uncontested social benefits of the presence of the vicar to the community at large, I consider that an exceptional case of local need would exist to justify the siting of a vicarage outside the development limits, were no suitable alternative accommodation available elsewhere within the village.
8. The existing Victorian vicarage was considered unsuitable for continued occupation by incumbents due to its uneconomic size and state of repair, and was also considered unsuitable for subdivision. It was therefore sold on the open market and a search undertaken for a suitable replacement house within 10 minutes walk to St Andrew's Church. The

Church Commissioners' requirements for parsonages are set out in *Parsonages - A Design Guide* 1998, which contains detailed advice on the location and design of new accommodation. I heard that the Diocesan Surveyor had assessed 8 properties within Curry Rivel against these requirements, but had failed to find a four-bedroom house either with, or capable of alteration to provide a study and cloakroom separated from the family accommodation, and which would not incur long-term maintenance liabilities.

9. The *Design Guide* sets out the optimum requirements for new parsonages, and recognises that there needs to be a degree of flexibility in assessing existing houses against the requirements. However, I am satisfied from what I have read and heard that reasonable efforts have been made to find and assess any potentially suitable properties that have come on the market, and that none have proved suitable for immediate use or for conversion. I am therefore persuaded that the proposed development would be the only realistic method of providing suitable accommodation in a small village with a limited housing stock and a defined settlement boundary. Its close proximity to the church would also have additional benefits, in my view, as the incumbent would be more readily located by members of the general public, and would also be able to maintain a higher level of supervision of the grade I listed church to deter further vandalism. I am therefore satisfied that the proposed development constitutes an exceptional case that outweighs the policy objection to siting the proposed vicarage outside the development boundary, and that it would not cause demonstrable harm, for the reasons I have given above. I conclude that the proposed development would satisfy the objectives of Structure Plan Policy STR6, Local Plan Policy P3 and Policy ST3 of the emerging Local Plan.

The Setting of the Listed Buildings

10. The appeal site is sited to the north of The Vicarage, opposite the churchyard containing St Andrew's Church, a Grade I listed building, and the Grade II listed Parish Room. To my mind the siting of the proposed house at the edge of the churchyard would not appear inappropriate in the context of the other buildings grouped around the churchyard and green, for the reasons I have given above. The proposed house would be modestly scaled and would respect the design of its neighbours and share similar facing materials. In addition, it would be set somewhat lower than the road and would be partially obscured by the mature yew hedge. As a result, I consider that it would have a limited impact upon the surrounding area but, by increasing the sense of enclosure around the green and churchyard, it would enhance the setting of the Parish Room and St Andrew's Church. I conclude that the proposed house would satisfy the objectives of Structure Plan Policy 9 and Policy EH5 of the emerging Local Plan.

Other Matters

11. I have noted the suggestion that the proposed development would create an additional traffic hazard at a narrow part of the road. However, the highway authority has raised no objection to the proposed access and, from my inspection of the site and its access onto what I saw to be a relatively lightly trafficked road, I see no reason to disagree with that view.

Conditions

12. In considering the Council's suggested conditions, I have had regard to the advice in Circular 11/95. The Council suggested that the period for the commencement of the development should be 12 months, in order to ensure that the benefits of the proposed vicarage are realised as soon as practicable. While I consider that this period is unreasonably short, I do not consider that any planning purpose would be gained by any other reduction in the standard five-year period and will attach the standard condition.
13. In the interests of highway safety, I shall attach conditions requiring the surfacing of the first part the access with a suitably bound material and, in order to allow the retention of the existing boundary wall and hedge as far as practicable, the provision of a vision splay in accordance with details to be submitted and approved by the local planning authority. However, I consider that matters of foul and surface water drainage can be satisfactorily dealt with under other legislation and have therefore not attached the Council's suggested conditions.
14. In order to ensure that the appearance of the proposed dwelling does not detract from its surroundings or from the setting of the listed buildings, I shall attach conditions requiring the submission and approval of details and samples of external facing materials, details of joinery, rainwater goods, doors and windows, and external finishes. I shall also attach conditions requiring the submission and approval of details of the boundary treatment, site landscaping and the proposed levels of the dwelling.
15. In order to ensure that adequate opportunity is afforded for the investigation of items of archaeological or historic interest, I shall attach a condition requiring the implementation of an approved programme of archaeological investigation.
16. Because of the proximity of the neighbouring former Vicarage, I shall attach a condition removing the permitted development rights to insert windows or other openings in the southern elevation, to protect the privacy of neighbouring occupiers.
17. I consider that the proposed development is only acceptable in policy terms because of the exceptional need that it addresses, and I shall therefore attach a condition restricting the occupation of the dwelling to the incumbent of the parish to ensure that the house remains available to meet that need.

Conclusions

18. The proposed house would lie outside the development limits of the village. However, in my view, there are special circumstances in this case that outweigh the policy objections to the proposed development, and which are unlikely to be repeated elsewhere. For the reasons given above and having regard to all other matters raised, I consider that the appeal should succeed.

Formal Decision

19. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of new vicarage dwelling at Land at The Vicarage, Curry Rivel in accordance with the terms of the application Ref. 01/00948/FUL, dated 4 April 2001, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) The dwelling hereby approved shall not be occupied until the first 10m of the proposed access measured from the edge of the adjoining carriageway has been consolidated and surfaced with a bound material, in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 3) The development hereby approved shall not be commenced until a vision splay to the proposed access has been provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 4) No development shall take place until details and samples of the materials to be used in the construction of the external wall and roof surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a panel of natural stonework indicating colour, texture, coursing and bonding has been provided on site and approved in writing by the local planning authority. The approved panel shall be retained on site for the duration of the construction of the development. Development shall be carried out in accordance with the approved sample.
- 6) No development shall take place until details of the material and external finish to be used for all windows, doors, boarding and openings of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of all eaves, fascia boards, guttering, downpipes and other rainwater goods of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of all the windows of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include details of any changes proposed in existing ground levels, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 11) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment

shall be completed before the dwelling hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

- 12) No development shall take place until there has been submitted to and approved in writing by the local planning authority details of the internal ground floor levels of the building to be erected on the site. Development shall be carried out in accordance with the approved details.
- 13) 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.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows, dormer windows or openings other than those expressly authorised by this permission shall be constructed on the south elevation.
- 15) The occupation of the dwelling shall be limited to the incumbent of the Parish of Curry Rivel and spouse, or a dependent of the incumbent residing with him or her.

Information

20. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
21. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
22. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
23. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.



INSPECTOR



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Our reference
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Date 22 MAY 86. 32971/P2
39197/P2
39280/P2

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEALS BY THE INCUMBENT OF THE BENEFICE OF ROMSEY

APPLICATION NOS:- (i) TVS 4464/1; (ii) TVS 4464; (iii) TVS 4464/3; (iv) TVS 4464/2

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeals. These appeals are against the decisions of the Test Valley Borough Council to refuse planning permission for a new vicarage in part of existing vicarage garden, The Vicarage, Romsey, Hampshire, as respectively Schemes A, B, D and C. I held an inquiry into the appeals on 27 and 28 February 1986. In the course of the inquiry it was agreed by you and the Council that the interests of either party would not be prejudiced if these appeals were determined on the basis of the applications continuing to be for full planning permission but with all matters except means of access being reserved for subsequent approval. I am accordingly determining the appeals on that basis.

2. From my inspection of the sites and their surroundings and from the representations made at the inquiry, I consider that the main issue in this case is whether a new dwelling would serve to preserve or enhance the character of the Conservation Area and, if it would not, whether there are sufficiently exceptional circumstances to justify allowing any of these appeals.

3. There are 4 appeal sites. They all effectively lie within the plot of The Vicarage at Romsey. The site to which Scheme A relates is about 0.21 ha in extent and incorporates the westernmost and southernmost sections of the plot. The site to which Scheme C relates is likewise about 0.21 ha in extent and differs from the other site mainly in having a longer south-eastern boundary. The site to which Scheme B relates is about 0.15 ha in extent and incorporates the southernmost section of the plot. The site to which Scheme D relates is likewise about 0.15 ha in extent and differs from the other site mainly in not having an irregular eastern boundary. The south-westernmost section of the plot is common to all 4 sites.

4. The plot of The Vicarage lies on the western side of Church Lane and is about 0.5 ha in extent. The land falls to the west and to the south. The westernmost section of the plot is for the most part open and is screened by vegetation from the formal grounds; it was not being applied to any readily-recognisable use at the time of my inspection. The southernmost section, as distinct from the westernmost section, is laid out as the continuation of a lawn and is interspersed with trees which include a walnut, a sycamore, 2 horse-chestnuts and a poplar. In addition the canopies of a Wellingtonia and of a cut-leaf beech partially overhang the southern-

most section of the plot. The Vicarage itself is within the easternmost and most elevated section of the plot. It is a large detached dwelling of self-conscious asymmetrical Gothic design and dates from 1855. At the time of my inspection the building appeared to be structurally sound. Most of the ground and first floors are in use for the accommodation of the vicar, but the second floor was unoccupied at the time of my inspection. The overall net floor area, excluding the cellar, is about 495 m² (5,324 sq ft). Ceilings on the ground and first floors are generally about 3.2 m high with window-heads just below the ceiling-level. The drawing-room is on the first floor, and there is little in the way of distinction between private and general circulation areas.

5. The sites are near the town-centre of Romsey and are in a part of the town that is dominated by the great and massive Abbey Church. The west end of the church lies just to the east of the sites and is separated from the southernmost section of the plot of The Vicarage successively by a road and by an open space of triangular shape. This triangular space contains an oak-tree and is otherwise laid out as a lawn; the boundary between the triangular space and the easternmost section of the plot coincides with a difference in level, The Vicarage itself being appreciatively higher. Other nearby buildings are a primary school that lies to the north of The Vicarage, a church hall that dates from 1966 and is to the south-east of the triangular space and a large detached dwelling that is known as 'Abbey Meads', dates from 1930, is orientated to the west and to the east and is on the opposite side of the road from the church hall. A churchyard lies to the north of the Abbey Church, and The Vicarage, the school and some recent dwellings are among the buildings by which it is enclosed on the western, northern and eastern sides. At my inspection I noted that the surroundings of the sites are characterised by a diversity of designs and by a wide range of building materials. I also noted that there is a school playing-field directly to the west of the plot of The Vicarage and that to the south of the playing-field are 9 detached dwellings served by the road, Little Meads.

6. The plans submitted with the applications show how a new vicarage could be accommodated. According to Scheme A, the vicarage would occupy a position near the centre of the westernmost section of the plot, and a driveway would cross the triangular space towards its southern corner. According to Scheme B, the vicarage would be just to the west of the triangular space, and the alignment of the driveway would remain the same. According to Scheme D, the position of the vicarage would generally correspond to that of Scheme B, but the driveway would cross the triangular space by abutting its northern boundary. The gap between the vicarage and 'Abbey Meads' would then be about 25 m wide. According to Scheme C, the position of the vicarage would generally correspond to that of Scheme A, and the alignment of the driveway would be the same as that for Scheme D. The plans submitted with the applications show how the vicarage could be of one of 2 designs. According to Schemes A and B, the arrangement would be somewhat rambling and asymmetrical, with a 2-storey block flanked by single-storey wings. According to Schemes C and D, a more compact and less intricate arrangement would be achieved, and there would be only one single-storey wing. The same hand-made roof tiles and machine-made bricks are specified for both designs.

7. Certain facts were not disputed between you and the Council. Those included the following:

1. The plot of The Vicarage, with the exception of the westernmost section, lies within the Romsey Conservation Area (Plan F/2). The Conservation Area, in its original form, was designated in 1970. The policy document relating to the Conservation Area (Document 5/6) identifies the trees on the sites as being of visual importance and identifies the triangular space as an open space to be retained. Policy (iv) of the document indicates that new buildings must either

be unobtrusive or must set a high standard of design and make a positive contribution to the appearance of the area.

2. On the advice of the Historic Buildings Council, the Secretary of State for the Environment has accepted that the Romsey Conservation Area is outstanding.
3. The only building near the sites that is listed as of special architectural or historic interest is the Abbey Church. It is listed Grade A.
4. Despite the reason that appears on each of the 4 decision notices, none of the trees on the sites is the subject of a Tree Preservation Order.
5. The sites lie within the area to which the South Hampshire Structure Plan, approved in 1977, applies. The policies of the Structure Plan lay emphasis on the retention of the character of Conservation Areas and are designed to ensure the compatibility of any new development in sensitive locations (Document 5/4).
6. The sites lie within the area to which the Romsey Town Centre Local Plan, adopted in 1983, applies. The Plan admits of the possibility that new housing may be acceptable but seeks to prevent the destruction of character by inappropriate new development. Policy D1 indicates that a high standard of design and layout will be required for new development, and Policy D4 states that the retention of existing trees will be encouraged (Document 5/5).
7. The sycamore-tree within the southernmost section of the plot is a poor specimen, is interfering with the growth of the oak and is not worthy of retention.
8. It would be possible for a new vicarage to be within the southernmost section of the plot so that the survival of the Wellingtonia, the cut-leaf beech and the walnut was not directly affected. However, the design and the position of the vicarage would then have to be different from what was proposed in either Scheme B or Scheme D. The 2 chestnuts and the sycamore could be the only trees that had to be felled.
9. It was possible that remains of a Saxon town lay within the sites. The Diocese of Winchester were willing for archaeological excavations to take place and had offered a maximum grant of £300 towards the cost (Document 3/9).
8. For the Council it was accepted that they were not opposed to either of the designs proposed, and it was agreed that the disposal of the existing vicarage was a matter over which the local planning authority had no control. The Council had not found it necessary to distinguish between the 4 planning applications when determining them and when giving the reasons for refusal. All were contrary to the Council's policies. Nevertheless there were varying degrees of unacceptability. The Scheme that was most undesirable was B. A dwelling just to the west of the triangular space would be unduly obtrusive and would be poorly related to the existing vicarage. The loss of the 2 chestnuts would be regrettable, and the new dwelling would be so overshadowed by trees that pressures to fell, lop or top the Wellingtonia, cut-leaf beech and walnut might be difficult to resist. Scheme D was preferable to Scheme B only insofar as the driveway would inflict less visual damage. With Scheme A the new dwelling would be less obtrusive, there would be a better relationship to the existing vicarage and the problem of overshadowing by trees would not arise. On the other hand the driveway would be almost as damaging as that of Scheme B. Scheme C, by combining the characteristics of A and D, was the one that was least undesirable.

9. For the Council it was further said that the sites and their surroundings were to be regarded as an extremely important area and that all 4 proposals would lead to significant erosion of character. The development was not capable of being satisfactorily integrated, and the shapes and sizes of the sites were such that the dwelling would give the impression of being squeezed in. The occupiers of both the proposed dwelling and those existing would suffer infringement of privacy and other forms of loss of amenity. The special needs of the incumbent of the benefice of Romsey were not sufficiently exceptional to justify allowing the appeals. If, however, a different view was taken and if any of the appeals was allowed conditions ought to be imposed. The Council were not entirely satisfied that the whole of the triangular space was in the ownership or otherwise under the control of the appellant, and under those circumstances it would be appropriate to require the development within the triangular space to be undertaken first. There ought to be provision for archaeological excavation, certain permitted development rights ought to be removed and, if the needs of the incumbent of the benefice of Romsey were held to be the overriding consideration, occupancy ought to be restricted.

10. For the Romsey and District Society it was said that the need for a new vicarage near the Abbey Church was understood and that the position of the dwelling, as proposed in Schemes B and D, was to be preferred. What gave the Society particular concern was the design of the dwelling. The location was so extremely sensitive that only a very high standard was going to be good enough. The fact that the same design was being suggested for 2 quite different positions was evidence how little thought had been given to the specific requirements. The design of Schemes A and B was mediocre, awkward and dull; the design of Schemes C and D was totally out of context, excessively rectilinear and poorly-proportioned. Both designs suffered from being bland and unimaginative. The proposals represented an opportunity to erect a building that would be worthy of its setting and would at once be identifiable as a vicarage. The opportunity was not being taken as it ought to be.

11. For 3 local residents it was said that they opposed the erection of a new vicarage. They considered that the existing vicarage was capable of adaptation and were concerned at the loss of amenity that would be suffered by themselves and others. The triangular space ought to remain intact, and the felling of trees was to be deplored.

12. For your client it was said that the existing vicarage was quite unsuitable for continued use as the residence and place of work of the incumbent of the benefice of Romsey. The publication, 'Today's Parsonage: A Place for Living and Working', indicated how far The Vicarage failed to meet what the Church Commissioners saw as the essential requirements. Both the building and the plot were far too large. The layout of The Vicarage was inconvenient, ceilings were too high, costs of heating and furnishing were beyond an incumbent's modest means, and sub-division into 2 residential units was undesirable and impracticable. It was most important for any new vicarage to be near the Abbey Church, and because no existing dwelling that was near enough and otherwise potentially suitable could be found the Diocese of Winchester had been obliged to proceed with plans for the erection of a new vicarage within the plot of the existing one. That was the context of need against which each of your client's appeals ought to be judged.

13. For your client it was further said that, although all 4 appeals were before me, the Scheme that commended itself most to the Parochial Church Council and others was D. That was because less harm would be inflicted to the triangular space and more particularly because the new vicarage would then be readily seen and the expense of constructing and maintaining a long driveway would be avoided. It was acknowledged that a dwelling in the southernmost section of the plot would be nearer the existing vicarage and nearer 'Abbey Meads', but it would still be far enough from either of

those dwellings. In any event those who lived in the existing vicarage would be faced with the situation that a new vicarage had been or was about to be erected. The visual impact of a dwelling on the southernmost section of the plot would not be so detrimental as to be unacceptable. All the more important trees would be retained, and the efficient and effective deployment of the Church of England's resources ought to be seen as one way of preserving and enhancing the character of a Conservation Area. The appeals ought all to be allowed. The conditions suggested by the Council were generally acceptable. However, the sites were large enough to absorb slight enlargement of the dwelling, and therefore removal of certain permitted development rights would not be justified.

14. In my consideration of this case I attach importance to protecting the physical fabric of a Conservation Area and fully share the views of the Council and others that the sites of all 4 proposals are in varying degrees most sensitive locations. It seems to me that the immediate area is still very attractive and that the attractiveness is particularly derived from the monumental scale of the Abbey Church and from the natural beauty of trees and open space. I am greatly concerned that the character of this part of the Conservation Area shall not be eroded, and I consider that any dwelling within the plot of the existing vicarage is going to inflict some harm. The penetration of vehicles across and beyond the triangular space is not in the interests of conservation. The felling of even the 2 chestnuts is to be regretted. The Vicarage and 'Abbey Meads' respond to the scale of the Abbey Church, and there is almost bound to be visual conflict, not to mention loss of residential amenity, if a third detached building is somehow interposed. The first conclusion I reach is that a new dwelling would not serve to preserve or enhance the character of the Conservation Area.

15. I now direct my attention to the exceptional circumstances, and the one I single out is the need that the proposed dwelling is intended to satisfy. It is in the public interest that most institutions shall operate efficiently and effectively, but it seems to me particularly desirable that a church which exists as a witness of faith and to promote social responsibility shall be enabled to do so. I therefore regard a church as deserving of sympathetic consideration, but in the case of the Church of England at Romsey the consideration ought to be more than just sympathetic. That is because the atmosphere and beauty of the Conservation Area at Romsey owes so much to the Abbey Church and what it stands for, and I think it right that the institution which has the duty of looking after the Abbey Church and of maintaining the services there shall not be unduly impeded by the exercise of policies of restraint, however well-founded those policies may be. Having inspected the existing vicarage and having heard the evidence presented at the inquiry, I am convinced that the Church of England's capacity to operate efficiently and effectively at Romsey is dependent upon the erection of a new vicarage within the plot of the existing one. No other solution is practicable or goes far enough to meet the exacting requirements. At the same time I am concerned that any harm inflicted by the erection of a new vicarage shall be as little as possible. It seems to me that either Scheme D or Scheme C is acceptable and would conform to the Council's policies. The dwelling of Scheme D could be of a high standard of design, whilst that of Scheme C would be unobtrusive. On the other hand the driveways of Schemes A and B have alignments that are unacceptably brutal. The second conclusion I reach is that there are sufficiently exceptional circumstances to justify allowing the appeals relating to Schemes D and C.

16. If it were not for the exceptional circumstances I would not be allowing any of these appeals. The satisfaction of need has been a prime consideration, and I am therefore imposing a condition restricting occupancy. A second condition is designed to ensure that archaeological evidence is not destroyed without record. A third condition gives the local planning authority control over all matters except means of

access. The inclusion of a reference to phasing will enable the Council to require the development within the triangular space to be undertaken first. Because the appeals relating to Schemes D and C are being allowed, it will be for the developer to decide which permission is to be implemented. Because outline planning permission is not being granted, the approval of reserved matters will be secured through a process of agreement with the Council. I expect that the Council, when considering details, will be content with nothing less than a very high standard of design. If Scheme D is pursued, visual impact will be especially important, and I urge the Council not to be frightened of a design that is adventurous and makes a positive contribution. I agree with the Romsey and District Society that the designs proposed are not worthy of these very sensitive locations and anticipate that more earnest thought will now be given to the architectural response. I do not impose a condition removing permitted development rights because such a condition would not, in my view, be either reasonable or necessary. I share the Council's concern about the effect upon trees. It will be for the Council to seek a form of development that respects the trees and at the same time affords the occupiers of the new vicarage a reasonable sense of openness. I have taken into account the relationship of the dwelling to 'Abbey Meads' and other properties. That and all the other matters raised at the inquiry are not, however, of sufficient substance to outweigh the considerations that have led me to my decisions.

17. For the above reasons and in exercise of powers transferred to me, I hereby dismiss the appeals in respect of applications Nos TVS 4464/1 and TVS 4464 and allow the appeals in respect of applications Nos TVS 4464/3 and TVS 4464/2 and grant planning permission for a new vicarage in part of existing vicarage garden, The Vicarage, Romsey, Hampshire, in accordance with the terms of the applications dated 29 May 1985 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. the details of the development, including the siting, design and external appearance of the vicarage, the landscaping and the phasing, shall be in accordance with a scheme to be agreed with the local planning authority;
3. the occupation of the vicarage shall be limited to the incumbent of the benefice of Romsey or a dependant of the incumbent residing with him or her;
4. the developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him or her to observe the excavations and record items of interest and finds.

18. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of these permissions has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

19. The developer's attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

20. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 23 of the Town and Country Planning Act 1971. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and

Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

I am Gentlemen
Your obedient Servant

Robert Sherlock.

ROBERT SHERLOCK BA DipTP MRTPI FSA
Inspector

ENC

APPEARANCES

FOR THE APPELLANT

Mr Robert Wickham MA MPhil ARICS MRTPI

- Partner in the Firm of Howard Sharp & Partners, Chartered Surveyors and Planning Consultants, 125 High Street, Sevenoaks, Kent.

He called:

Mr G J Phillips

- Secretary of the Diocese of Winchester.

The Reverend N Crawford-Jones

- Vicar of Romsey.

Mr M G Hewin MA ARICS

- Surveyor to the Diocese of Winchester.

**Mr H D Spencely MBE MA RIBA MRTPI
DipArch DipTP**

- Partner in the Firm of Wyvern Partnership, Architects and Quantity Surveyors, 10 Long Street, Devizes.

Mr D J Brent FARBA MIHort

- Area Manager for Southern Tree Surgeons Limited.

Mrs J D Hargreaves

- Churchwarden of Romsey.

FOR THE PLANNING AUTHORITY

Mr K H Harrold

- Assistant Solicitor, Test Valley Borough Council.

He called:

Mr F Joyce CertArb

- Arboricultural Assistant, County Surveyor's Department, Hampshire County Council.

Mr J W Robinson BA

- Principal Planning Officer, (Development Control/South), Test Valley Borough Council.

INTERESTED PERSONS

Mr N A L Beasley DipArch RIBA

- representing the Romsey and District Society.

**Dr P G Dale MB BS DRCOG
MemBAPsychopharm**

- of 'Abbey Meads', Romsey.

INTERESTED PERSONS (cont'd)

Lieut-Col C R Collier DSC

- of No 23 The Abbey, Romsey.

Mr R E Waters

- of No 8 Little Meads, also
representing the Romsey and
District Society.

DOCUMENTS

Document 1/1-2 - List of persons present at the inquiry:

1. 27 February 1986.
2. 28 February 1986.

" 2/1-2 - 1. Notification of inquiry, 4 February 1986.
2. List of those notified.

" 3/1-11 - Letters from:

1. C W Chapman, Mrs G M Chapman and Mr E M Reeves, 11 February 1986.
2. M R Chapman, 25 February 1986.
3. Lieut-Col C R and Mrs E Collier, 9 February 1986.
4. N Kennedy, 13 February 1986.
5. Mr R C and Mrs N C Player, 7 February 1986.
6. J H Sampson, 14 February 1986.
7. J Smetham, 19 February 1986.
8. J M Taylor, 17 February 1986.
9. Chairman, Test Valley Archaeological Committee, 24 February 1986, and enclosure.
10. R E and K M Waters, 10 February 1986.
11. Martha Wellington, 7 February 1986.

" 4/1-24 - Produced on behalf of appellant:

1. 'Today's Parsonage: A Place for Living and Working', published by Church Commissioners August 1982.
2. Romsey Town Centre Local Plan, adopted 6 July 1983, with proposed amendment to Shopping Policy S2.
3. Decision letter relating to appeal No A/79/8061.
4. Decision letter relating to appeal No A/77/10310.
5. Decision letter relating to appeals Nos A/74/7030 and 7031 and A/73/3786 and 5293.
6. Decision letter relating to appeals Nos A/80/6470 and 10064.
7. Decision notice relating to application, subject of appeal No A/80/6470, and plan submitted with application.
8. Calculations of nett internal floor areas, based on Plan E/1.
9. Showing distribution of nett internal floor areas between 2 proposed units, based on Plan E/1.
10. Letter from Borough Secretary and Solicitor to Secretary of the Diocese, 11 March 1985, and enclosed report submitted to Southern Area Planning Sub-Committee and minutes of meeting 4 December 1984.
11. Letter from County Divisional Surveyor to Secretary of the Diocese, 25 March 1985.
12. Letter from Chief Environmental Health Officer to Secretary of the Diocese, 29 March 1985.