

WARWICKSHIRE GARDENS TRUST

From the conservation Secretary
Christine Hodgetts
14 Emscote Road
Warwick
CV34 4PP

Alan Mayes
Conservation Officer
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa

8 September 2008

Dear Alan

Greys Mallory

Thank you for consulting us about Greys Mallory.

This property is an excellent example of a house and garden created as a single entity by a notable architect. It is a comparatively early surviving example from the work of Percy Morley Horder, which undoubtedly formed the inspiration for the commission of Mallory Court nearby (Grade II Registered garden by English Heritage). Although not now as elaborately gardened as may have been the case in the Edwardian period, the structure of the garden remains intact and in good condition, and it is important that it be afforded the protection which is afforded by inclusion on the Local List.

We therefore very much support your proposal

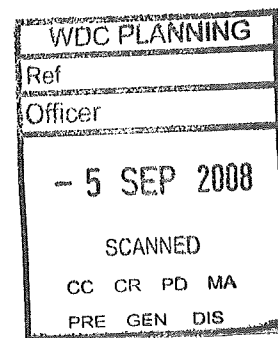
Yours sincerely

Christine Hodgetts





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4 September 2008

J Archer
Head of Planning and Engineering
Environmental Directorate
Warwick District Council
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Royal Leamington Spa
CV32 5QH

Dear Mr Archer

PROPOSAL TO INCLUDE THE GROUNDS OF GREYS MALLORY HOUSE WITHIN THE LOCAL LIST OF PARKS AND GARDENS

Further to Mr Mayes letter of 11 August 2008 informing the land owner of the Council's intention to include Greys Mallory in the Local List the following objection is made.

The proposal is clearly a desperate attempt to shore up the Council's case for objecting to minor agricultural operations at the farm despite the views expressed by three Planning Inspectors as to the affect of such development on the setting of the listed building. Such an approach seriously devalues Local Plan Policy DAP1 and diminishes all other parks and gardens on the list which can if Greys Mallory is included be compared to this local and the comments of Inspectors regarding it.

In the previous appeal the Inspector Mr Joyce only turned down a claim for costs in respect of the Council raising the effect on the setting of the listed building despite the previous Inspector, Mr Eagles, discounting this as an issue because more historic references had been dug. It would seem that having raised the effect on the setting of the listed building yet again the Council need some justification to avoid paying costs and the attempt to include the site in the Local List is the excuse the Council are trying.

No new evidence has been discovered by Mr Mayes, the historic references have not improved the appearance of the site and nothing has changed in this respect since the last inquiry. While Mr Mayes describes the historic background to the estate he does not evaluate the grounds in respect of their existing context. That is he has no regard to the lawful developments on the estate and its current function.

As you are aware Mr Mayes's predecessor as Head of Design and Conservation at Warwick District Council commented on the possible impact of the existing barn on the setting of the listed building his comments are set out below,



"From a conservation point of view I have no objection to a new agricultural building.

My main concern is the proposed size and number of roof lights – but it is for agricultural use so perhaps other issues come into play?

Again, I presume that the use of PVC coated sheet cladding (green) is an appropriate material for use on agricultural building. From the location plan, it would appear to be far enough away from Greys Mallory house to not impinge upon important sight lines etc.

The proposed agricultural barn is certainly a large structure. The issue is however I feel more one of policy rather than conservation 'per se'"

In respect of the earlier enforcement appeal, in respect of the agricultural barn currently on site the Inspector stated,

"The estate comprises Greys Mallory, a large country house which is listed Grade II, its gardens and grounds, three lodges fronting Banbury Road, grassland, woodland and a group of agricultural buildings. These agricultural buildings are located on the North side of the estate, are known as Spinney Farm, and have a separate access to Banbury Road. These buildings comprise brick pig sties and a corrugated metal clad store (the site of the farrowing house) which are of some age and the building the subject of the enforcement notice (the existing main barn). Because these buildings are separated from the listed building by the woodland, it is agreed that the building the subject of the notice does not affect its setting".

The Inspector, Mr Eagles, decision on the second appeal in respect of retaining the existing barn at a reduced height, states,

"The appeal site lies on the boundary of the holding in a conspicuous location which is clearly visible from a number of positions outside the holding particularly from Banbury Road, the Warwick by-pass and their island junction with Europa Way. It adjoins the lawful section of the present building and is situated close to a number of other buildings used in connection with the rearing of pigs. I agree with the conclusions of the previous Inspector in the earlier enforcement appeal (APP/T3725/C/04/1150504) that because these buildings and the appeal site are separated from Greys Mallory country house by a substantial area of woodland, the building subject of this appeal would not affect the setting of the Grade II listed building."

In respect of the third appeal, which considered the existing fattening pens in the woodland, the farrowing house and the caravan the Inspector, Mr Joyce, Stated,

“Turning to the effect of the developments on the setting of a Listed Building, I am mindful of the fact that the two other Inspectors who have dealt with appeals relating to the large agricultural barn have found that, notwithstanding other objections to that building, there was no effect upon the setting of the Listed Building at Greys Mallory. Indeed, there was either agreement from the Council on that point, or no case was made, in each of those appeals. The Council has, however, put forward evidence in relation to the current cases, as a consequence of further research into the origins of Greys Mallory, and its design concept. From this it seems likely that the estate was laid out with regard to the sheltering effect of Half Moon Plantation, as the main house was sited to the south of this woodland. Additionally, the inclusion of land to the north and west of the Plantation allowed the construction of more functional buildings within the overall estate beyond the immediate visual envelope of the house. These buildings included not only the 1908 farm building and a pump house now being used as a chicken house, but also the metal building that once occupied the site of the pig farrowing house. However, whilst these buildings, and the more recent structures and caravan clearly lie within the curtilage of Greys Mallory Estate, I do not consider that such a location inevitably leads to a conclusion that anything built within that curtilage must affect the setting of a Listed Building that also lies within the estate.

In this case, there are no views between any of the appeal developments and Greys Mallory house, largely because of the screening afforded by the intervening Plantation, but also because of the rising nature of the land. Moreover, in public views of the various properties there are no situations where both house and appeal development can be seen in the same visual perspective. Additionally, the three developments are all seen in the context of the adjoining agricultural barn and the small 1908 farm building with a backdrop of the substantial plantation on the rising ground.

My conclusion on this issue is that, in respect of Appeals A [fattening pens in woodland] and C [caravan], the developments cause no material harm to either the character or the appearance of the surrounding area, neither do they have any material impact upon the setting of Greys Mallory Listed Building. With regard to Appeal B [farrowing house], however, whilst again I find no material impact upon the setting of the Listed Building, I consider that the pig farrowing house materially harms the character and appearance of the surrounding area, contrary to the relevant policies of the Development Plan.”

In respect of the affect on landscape, Mr Joyce, stated,

"In terms of effect upon the surrounding area, I do not consider that the pig fattening pens and associated roadways have any material impact. Whilst they are set close to the western edge of the plantation they are nevertheless screened by trees on that side of the woodland, even in winter, and this screening could be supplemented were planning permission to be given for their retention. Further screening from the viewpoints to the north-west is also provided by the Edwardian farm building, and the sow and gilt housing recently approved by the Council. In addition their restricted height and functional design are appropriate to their immediate surroundings and aid in their inconspicuousness.

With regard to the residential caravan, this is not visible in public views from the surrounding area as it is screened by both the large agricultural barn and the coniferous vegetation planted along the north-western boundary of the appeal site. The western part of the barn does not, of course, have planning permission and is the subject of an extant enforcement notice which requires its removal. However, even if that were to take place, the caravan would not be seen in any significant view because of the boundary hedging, which is up to 4m in height. Whilst that hedging is not indigenous, the Council has no control over whether it would remain or not, save other than in the context of landscaping conditions in the event of planning permission being granted for either the pig farrowing house or the pig fattening buildings.

My conclusion on this issue is that, in respect of Appeals A and C, the developments cause no material harm to either the character or the appearance of the surrounding area."

Again Mr Mayes pays no regard to the findings of these Inspectors findings.

Including the grounds within the local list is a shoddy attempt to shore up the Council's justification for refusing minor agricultural developments on the farm which diminishes the value of the list and reduces the relevance of the policy.

The land owner would want to address the committee on the 15 October to make further representations.

Yours sincerely



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cc Martin Holton, Spinney Farm