
Appeal Decision

Site visit made on 3 January 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th January 2017

Appeal Ref: APP/B1740/Y/16/3157648

**Foxglove Cottage, 114 Ashley Common Road, New Milton, Hampshire
BH25 5AS**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs S Sillick against the decision of New Forest District Council.
 - The application Ref 16/10448, dated 31 March 2016, was refused by notice dated 26 May 2016.
 - The works proposed are the demolition of an out shut (outbuilding).
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Decision

1. The appeal is dismissed and listed building consent is refused.

Main Issue

2. The main issue is the effect of the loss of the out shut on the special interest of the Grade II listed building.

Reasons

3. I am required by statute to have special regard to the desirability of preserving this Grade II listed building or its setting or any features of special architectural or historic interest which it possesses¹.
4. The listing description includes the out shut and it seems likely that the original house and this outbuilding, which are both constructed of cob, were built around the same time in the eighteenth or nineteenth century although not necessarily contemporaneously. The appellants state that historic local maps date the cottage to sometime before 1868 and the out shut was constructed some 30 years later but no historic maps have been supplied, and in any case this does not indicate anything different to the listing description.
5. Such cob buildings were typical of the local vernacular at that time and these buildings would have occupied a forest edge position bordering common land. Indeed they remain at the edge of New Milton's built-up area. I consider, as the Council suggests, that the out shut was likely to have been used as a former storage shed associated with commoning and agricultural activity by the inhabitants of the cottage in the past, whether or not it was built at the same time as the cottage.

¹ S16(2) Planning (Listed Buildings and Conservation Areas) Act 1990

6. The visual connection between this building and the house has been severed by the intervening thatched double garage. But the common age and cob materials of both structures is an important historic element of the listed building's significance for the above reasons.
7. The appellants argue, based on the evidence of their structural engineer², that the building is beyond repair, is in danger of collapse and possesses little of historic value. I disagree with the latter assertion for the above reason.
8. The building's roof and supporting timbers are propped up internally with wooden supports but there is no evidence that it is in danger of collapsing. The Council's Conservation Officer agrees that the out shut is in a poor state of repair, as set out by the structural engineer.
9. The engineer notes that the bond between the internal cobb wall and the rear wall has been lost; there are three other significant gaps or cracks in the lateral walls; part of the front wall is 125mm out of plumb; the west wall has been patched with concrete; the rear wall is very soft due to splash back from the lane; the east end of the building is covered in ivy, the removal of which would destroy the cob walls; and the timber boarding and roof timbers are rotten.
10. But it is unclear how his opinion that the building is beyond repair has been arrived at. There is no mention in his letter as to whether and why the cob walls cannot be repaired with cob, including that part of the rear wall occupied by the rotten timber infill. Equally there is no mention as to why the rotten roof timbers and roof cannot be replaced.
11. The appellant's agent suggests in her letter of 16 May 2016 that the re-building works necessary would all but amount to a new building. I do not agree; even if the removal of the ivy meant that those sections of the building needed new cob walls, I was able to ascertain that enough of the existing cob structure would be able to be retained to categorise the works as repairs, albeit substantial ones, rather than a new building.
12. She also states that an informal opinion was sought from a cob specialist who corroborated her assessment that the building was beyond repair. But no evidence has been provided from this specialist.
13. I was able to see that the appellants have made what looks like fairly recent attempts to cut the ivy at the base of the walls. But I agree with the Council that more than one application of strong weed killer may be needed to kill the ivy and only when it has died will it be possible to easily remove it and assess the extent of its damage to the cob structure.
14. I can understand the appellants' desire to remove a building which is currently unusable, the repair of which could be expensive. But for the above reasons, given the lack of any substantial evidence, I cannot agree that this listed building is beyond repair.
15. I note that Nos 110 and 114 were listed as a group and that No 110 was demolished in 2002 to make way for the erection of the two newish detached houses next door. But that only highlights the importance of retaining the out shut, because it is the last remnant, apart from No 114 itself, of the historic forest edge development in this area.

² Letter from Rq5, 4 February 2016

16. Since the out shut is mentioned in the listing description it is part of the listed building. Its demolition would fail to preserve the listed building and would diminish its significance. This would be contrary to Section 12 of the National Planning Policy Framework (NPPF).
17. Because it is a subsidiary structure to the main house its demolition would lead to less than substantial harm as set out in NPPF paragraph 134. But the demolition of this outbuilding would have no public benefits. Although it is in a relatively poor state of repair it is only readily viewed from standing or walking next to it on Woodside Lane and it does not pose a danger to members of the public because it is not in a state of imminent collapse. There are no public benefits with which to outweigh the harm to the significance of the listed building.
18. Although there is no requirement for listed building applications to comply with the development plan, it would also be contrary to Policy CS3 of the Core Strategy for the New Forest outside the National Park and to Policy DM1 of the Local Plan Part 2: Site and Development Management Plan because these policies reflect the NPPF and the statutory test.
19. For the reasons given above I conclude that the appeal should fail.

Nick Fagan

INSPECTOR