
Appeal Decision

Site visit made on 11 April 2017

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 22 May 2017

Appeal Ref: APP/Z2260/F/16/3144971

Sarre Windmill, Canterbury Road, Sarre, Birchington CT7 0JU

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr R Hill against a listed building enforcement notice issued by Thanet District Council.
 - The enforcement notice was issued on 19 January 2016.
 - The contravention of listed building control alleged in the notice is without listed building consent the installation of one internal upvc door and one external upvc door.
 - The requirement of the notice is to remove both the internal and external upvc doors.
 - The period for compliance with the requirements is 1 month.
 - The appeal is made on the grounds set out in section 39(1)(e),(h) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The listed building enforcement notice is to be corrected by
 - (a) In the allegation, deletion of 'and one external upvc door'.
 - (b) In the requirement, deletion of the requirement and substitution with 'Remove the internal door'.
 - (c) Subject to these corrections the appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Application for costs

2. An application for costs was made by Mr Hill against Thanet District Council. The application is the subject of a separate decision.

Procedural Matters

3. A door was in place prior to the new door being added. The enforcement notice does not allege the removal of the old external door or require it to be replaced. Removal of the current door would leave the building open, whereas prior to the work there was a door in place necessary for protection. As it stands the enforcement notice would not grant listed building consent for the building to be without a door as removal is not part of the allegation, but the consequence could be that a door would not be replaced and could require further enforcement action to get it replaced, which could take considerable time and leave the building vulnerable and exposed.

4. I acknowledge that the previous door may not have been an original door, but listed building enforcement can only require replacement of what was in place at the time of listing or subsequently authorised and it is necessary that a listed building is protected from the weather.
5. Removal of the current external door from the listed building without would in normal circumstances inevitably affect the character of the building, and be regarded as work in contravention of the Planning (Listed Building and Conservation Areas) Act.
6. Also, the primary purpose of the Act is to provide a framework within which listed buildings, their settings or any features of special architectural or historic interest are preserved from harmful alterations or demolition. The removal of the external door without replacement would clearly be in direct conflict with that purpose. Even if the current door itself is harmful, the lack of any external door would be more harmful because of the inevitable impact it would have on the character of the building and protection of the building.
7. The consequence of this enforcement notice could effectively lead the appellant to leave the building's elevation without an external door. This would be harmful to the character of the building and potentially its fabric, and having special regard to the desirability of preserving the architectural and historic interest of the listed building, I consider it would be unacceptable.
8. For all of these reasons, the absence of allegation and any requirement to replace the previous door is, in my judgement, unacceptable and natural justice would prevent adding a suitable requirement, or similar, as it would make the notice significantly more onerous.
9. I have some sympathy for the council as I acknowledge that the upvc door as constructed is neither sympathetic to, nor preserves, the character of the listed building.
10. However, it would be a reasonably straightforward matter for the council to issue another notice adding the removal to the allegation and a provision requiring reinstatement of an external door similar to that removed. I shall therefore remove the allegation and requirement relating to the external upvc door from this notice.

Ground (e) inner upvc door

11. Sarre Mill is a grade II listed windmill. The listing description indicates it was constructed around 1820 for John Holman of Canterbury and was later increased in height. It is a Smock Mill with Gambrell roof on an octagonal plan base, of timber framed construction with weather boarding on a tarred brick base. The boarded doors to the north and south are identified along with flights of wooden stairs. To my mind the significance and architectural and historic interest of the mill relates to its history, industrial archaeology and characteristic form. Materials used in construction and detailing of the elements of the building are a very important aspect of the character and appearance of the building.
12. The upvc internal door is set immediately inside an older pair of wooden doors and removal would not have the effect as set out for the external upvc door if removed without replacement and I shall consider it in relation to the allegation made and grounds of appeal.

13. If the outer doors were to be maintained in a closed position, the inner upvc door would not be seen externally, but as soon as they were opened the inner upvc door would be a prominent feature at a main entrance to the windmill. The unexpected view of the door and the totally unsympathetic material would cause great harm to the significance and architectural and historic interest of the building. It is not only the design and materials used in the door that are harmful, but also the location of the upvc door in close proximity to the outer doors. These are very close to the external doors and the relationship is poor and this adds significantly to the harm of the inner upvc door. The door would also have a similar harmful effect when viewed from within the building. I conclude that in terms of the National Planning Policy Framework the door causes 'less than substantial harm' and public benefits should be considered.
14. I appreciate that the appellant wishes to improve security, thermal insulation and vermin control and that these are important matters. However, I do not consider that they are such public benefits that they would overcome the harm to the listed building caused by the inner upvc door. I also consider that these matters might be addressed by considering the detailing of the outer wooden doors and that it cannot automatically be assumed that an inner door is required. I have also taken into account the intention to open the Mill to the public when works are complete, but this adds little weight as there would be little benefit in harming the building to allow it to be opened to the public. The works do not preserve the significance and architectural and historic interest of the listed building and the appeal fails on ground (e).

Ground (i)

15. The appellant puts that the inner door is to prevent damp inside the mill and suggests that listed building consent should be granted for the inner door with the detailing subject of conditions. I do not accept that this is a reasonable course of action. New doors will have to be carefully considered and I cannot say at this stage that something acceptable would be produced. That is for the appellant to demonstrate. The building is of an industrial character and while it is necessary to ensure its continued use, the loss of that character through inappropriate detailing would be unacceptable. The removal of the inner door would restore the character of the building to its former state. The appeal on ground (i) fails.

Ground (h)

16. Removal of the door is a reasonably straightforward matter and can be achieved within 1 month. The appellant suggests that time should be allowed to make an application for an alternative arrangement for the inner door. The outer doors form a reasonable barrier. While the inner door may improve security and thermal insulation etc, I am not satisfied that it is essential to have the inner door or that the listed building or its occupiers would be unacceptably harmed by only having the current external doors. Given the unacceptable harm that the upvc door causes to the character of the listed building, I conclude that it is not reasonable or necessary to allow additional time for any applications to be made.
17. I have taken into consideration that the building has in the past been open to the public and that future opening is intended, once consent and repairs have been concluded to the sails of the mill. However, this does not alter my

conclusion that removal of the door is necessary to preserve the significance and architectural and historic interest of the listed building.

Graham Dudley

Inspector