
Appeal Decision

Site visit made on 4 July 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 4 August 2017

Appeal Ref: APP/W0530/W/17/3171897

The Old Bakery, Church Street, Litlington, Cambridgeshire SG8 0RD

- 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 Mr T Kerchiss against the decision of South Cambridgeshire District Council.
 - The application Ref S/0475/16/FL, dated 18 February 2016, was refused by notice dated 14 September 2016.
 - The development proposed is the demolition of existing building and erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr T Kerchiss against South Cambridgeshire District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The Council are satisfied that, taken in isolation, the replacement dwelling would preserve the character and appearance of the Litlington Conservation Area (LCA). Both parties are agreed that the only matter for consideration is the demolition of the building on the site and whether its loss would preserve or enhance the character and appearance of the LCA. As such, I have determined the appeal on that basis.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the LCA.

Reasons

5. The appeal site is located within the LCA and was originally constructed as a dwelling around the mid-19th century. Since that date it has been used as a bakery, a screen print premises and latterly as offices. The building currently has a residential use following the approval of a change of use in 2013.
6. The building itself is described as a traditional two storey double fronted property which is of a clay and batt construction. The property has been covered in a modern concrete render with an asbestos slate roof. The building

had various extensions and alterations as a result of its uses and the site contains an area of hardstanding to the rear where another building used to stand. However, at the time of my visit only the building the subject of this appeal remained on the site with all other buildings and extensions demolished, except for a single storey extension to the rear.

7. The LCA covers most of the historic centre of the village and important open spaces. The area contains a variety of styles and size of dwellings and other buildings which are more closely knit towards the centre of the village. The appeal site lies adjacent to more modern, spacious development of dwellings along Church Street. The building on the site sits forward of neighbouring properties and is prominent along this particular part of Church Street. This is reinforced by open spaces opposite and to the rear of the site which gives the area a more open character than that at the centre of the village.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.
9. Paragraph 131 of the National Planning Policy Framework (the Framework) states the need to take account of the desirability of sustaining and enhancing the significance of heritage assets. The LCA is a designated heritage asset and paragraph 132 of the Framework states that great weight should be given to the asset's conservation.
10. I note the Heritage Assessment, updated as part of the appeal submissions, where the contribution of the building to the significance of the LCA is questioned. However, while I consider the building to be demolished is not outstanding it nonetheless has character associated with its simple form and scale. While I acknowledge that the building is quite plain, it does reflect elements of the LCA in relation to age, style and materials and I consider it to contribute positively to the character and appearance of the LCA. The building itself is a non-designated heritage asset as identified by the Council.
11. Therefore, as a result of its positive contribution, the demolition of the building would result in harm to the LCA. Paragraph 135 of the Framework tells us that, "In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
12. The Planning Practice Guidance (PPG) tells us that "whether a proposal causes substantial harm will be a judgment for the decision taker. However, substantial harm is a high test, so it may not arise in many cases"¹. The PPG continues by stating that, "If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area"²."
13. The building is not listed and I do not consider it to be integral to the LCA. Consequently, its loss would amount to less than substantial harm. The Framework requires at Paragraph 134 that where a development proposal would lead to less than substantial harm to the significance of a designated

¹ Paragraph 017 Reference ID: 18a-017-20140306

² Paragraph 018 Reference ID: 18a-018-20140306

heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

14. The justification for the demolition of the building results from three condition surveys which the appellant argues demonstrates that the building has deteriorated beyond economical repair. The appellant maintains that the only solution open to him would be to demolish the building and erect a new dwelling. However, the surveys relate to the approximate costs required for the repair of the building. The appellant has failed to undertake an evaluation of the actual income the building may generate either through its letting or sale following its repair and conversion. Therefore, as the appellant has only detailed the costs of repair and not the income that may be derived from the building, he has not demonstrated unequivocally that its repair is unviable and as such I can only attach limited weight to this evidence.
15. The appellant makes it clear in his statement that the appeal centres on the value of the building in question. While I note some local support for the removal of the building in its current state, limited evidence has been provided to demonstrate that there would be a public benefit from allowing the building to be demolished which would outweigh the great weight that the Framework requires to be given to the conservation of heritage assets.
16. I therefore conclude that the development would fail to preserve or enhance the LCA. The development is therefore contrary to paragraphs 134 and 135 of the Framework. Policy CH/5 of the South Cambridgeshire District Council Development Plan Document 2007 and Supplementary Planning Document (Development Affecting Conservation Areas) 2009 pre-date the Framework and refer to applications being determined in accordance with national policies at that time. The Framework now sets out the Government's planning policy for England and how these are expected to be applied and is a material consideration in decisions on planning applications.

Other Matters

17. The appellant has drawn my attention to The Grove, Abington Road, Litlington that is currently being redeveloped for 2 houses following the demolition of the existing house. The appellant considers this development to be more prominent and important than the appeal building and a comparable development. However, the building that has been demolished was not a non-designated heritage asset and was not within the LCA.
18. The appellant also refers to other "comparable" decisions within Litlington. I have limited information before me regarding how the decision was reached on these sites, other than the decision to allow the demolition of an existing factory which was close to the site. However, I do not find these developments to be so similar as to have a bearing on the decision before me. In any event, I have considered the appeal based solely on the individual merits of the case.
19. I have also been provided with an appeal decision³ which allowed the demolition of a cottage and its replacement with 3 cottages. This decision was made some years before the introduction of the Framework which sets out the Government's current planning policies. Moreover, the development is not directly comparable as the building was not within a Conservation Area and not

³ T/APP/V0510/A/00/1041471

subject to any special protection. Consequently, it does not alter my findings on the issue above.

Conclusion

20. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR