
Appeal Decision

Site visit made on 23 September 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2019

Appeal Ref: APP/C1435/Y/18/3215525

Cullinghurst, Hartfield Road, Cowden TN8 7DZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr & Mrs M Cundey against Wealden District Council.
 - The application, Ref WD/2018/1770/LB, is dated 10 August 2018.
 - The works proposed are the partial removal of 20th century cat-slide roof covering, removal of 9No. common roof timbers; two storey extension in the same location, set in from and below the roof ridge and eave lines of the existing house; all alteration works are proposed to be well away from the most significant areas of historic built fabric.
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Decision

1. The appeal is dismissed, and listed building consent is refused for the partial removal of 20th century cat-slide roof covering, removal of 9No. common roof timbers; two storey extension in the same location, set in from and below the roof ridge and eave lines of the existing house; all alteration works are proposed to be well away from the most significant areas of historic built fabric.

Preliminary Matters

2. As the proposed works relate to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. An application for costs was made by Mr & Mrs M Cundey against Wealden District Council. This application is the subject of a separate decision.

Main Issue

4. The main issue is whether the proposed works would preserve the building, listed Grade II as Cullinghurst Farmhouse, and any features of special architectural or historic interest that it possesses.

Reasons

Special interest and significance

5. The listing description ascribes this building to the late C16 or early C17. It has evolved considerably from its C16 origins as a 2-bay, timber-framed house with a smoke bay, as researched by the appellants. However, its development retains high historical value, particularly the earlier western range which retains evidence of a smoke-bay and what may have been an open hall. The 2-storey, high-status, eastern range was added in around 1600, together with
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a chimney in the western range, removed mid C18 when a number of alterations were made, including the construction of the northern outshut to serve as a wash-room or scullery, the site of the proposed works. Extensions were added to the eastern range in the C19, and in the early C21 a southern extension was built.

6. In so far as it relates to this appeal, the northern outshut has historical significance as an example of a mid C18 service extension, marking the change of the western range from domestic to service function. Though its chimney was removed in the C20 and its external door replaced, it retains its historic walls, roof structure and some windows. Aside from the evidential value of these elements, its cat-slide roof sweeping down to the single-storey eaves and its lean-to form distinguishes it from the western range, the origin of the present building. While the original fabric of the C16 section is no longer visible from the ground, there is an aesthetic coherence in scale between the early development and the later alterations and extensions. The present balance of extensions to the building retains something of the scale of its humbler C16 origins.
7. The significance of the building is not limited to its historical, aesthetic and evidential dimensions. It stands between 2 large ponds, and beside a garage, in a rural setting, distinctive for the patchwork of fields enclosed by hedgerows or woodland, where the land returned a living to those working it.

Effect of the works

8. I recognise that the northern outshut has less historical significance than the western range, and that the retained ground floor side walls would continue to be visible. Nonetheless, it is a relatively early development. Its arrangement and materials have evidential and historical value. Its form and scale have special architectural and historic interest, much of which would be lost, which is acknowledged in the appellants' historic building assessment as a detrimental impact on the heritage significance of the historic building. I acknowledge that the C18 rafters would be incorporated into the new roof and exposed internally to suggest the former roof line. However, this would not mitigate the loss of the C18 outshut as a distinct and legible element in the historical development of the building, which is an important part of its significance.
9. I appreciate that the extension in the application the subject of this appeal is smaller than that previously refused consent by the Council. The design of this extension has been carefully modelled to diminish its impact on the building, retaining the outline of the outshut roof, including an eaves and ridge lower than the main section, and a footprint narrower than the outshut. Despite these design moves however, the incremental effect of adding another C21 extension, in this case to the C18 extension, itself an extension to the C16 core, as proposed here, would undermine the presently legible balance and architectural hierarchy between the different phases of development of the house, and the significance of its modest scale in the rural landscape.
10. I note the research which suggests that the western range may have been one bay longer to the south, however, this does not change the effect of the extension on the elements of the building which do survive, and whose significance would be undermined by this proposal. The works to alter the layout at first floor as part of the extension would be sensitive to the order of the house and its fabric. This element of the proposal would not harm the

significance of the building or its architectural and historic interest. I acknowledge the reference to a 2-storey extension to Tye Farm, a Grade II listed building, but without the details of its significance and the circumstances of those works I am unable to draw parallels to this case, which I have determined on its own merits.

Conclusion

11. I conclude that the removal of the northern outshut and its replacement would fail to preserve the special architectural and historic interest of the listed building, contrary to the clear expectations of the Act. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.
12. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of listed buildings. The works would provide a buffer to the weather and reduce heat loss, as well as providing more living space improving the comfort and convenience of the occupiers. While I understand the motivation behind the proposal, and recognise the environmental and social benefits, they would be of limited benefit to the public at large. Moreover, there is no substantive evidence that a more sensitive solution could not bring similar benefits, or that without the extension the residential use of the building would cease. In any event, the benefits do not outweigh the harm to the listed building nor the failure to meet the statutory expectations that the building be preserved, a consideration the courts have determined is a matter of considerable importance and weight.
13. In the absence of any public benefit to outweigh the harm identified above, I conclude that the works would fail to preserve the special historic and architectural interest of the Grade II listed building. It would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and development plan policies insofar as relevant. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR