



Appeal Decision

Hearing held on 19 November 2019

Site visit made on 19 November 2019

by David Prentis BA BPI MRTPI

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

Decision date: 3 December 2019

Appeal Ref: APP/W0530/W/19/3229828

The Milking Parlour, High Street, Fen Ditton, Cambridgeshire CB5 8ST

- 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 Michael Middleton against the decision of South Cambridgeshire District Council.
 - The application Ref S/4780/18/FL, dated 19 December 2018, was refused by notice dated 7 March 2019.
 - The development proposed is a ground and first floor extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the hearing an application for costs was made by Mr Michael Middleton against South Cambridgeshire District Council. This application is the subject of a separate decision.

Preliminary matters

3. The application was refused for 4 reasons. Reasons (1) and (2) were based on the premise that the Milking Parlour is a listed building, by virtue of being within the curtilage of the Grade II* listed Barn North West of Fen Ditton Hall. Reason (3) alleged harm to the conservation area and to the setting of an unspecified listed building. Reason (4) also alleged harm to the conservation area, as well as harm to the '*curtilage listed property*'. On 10 September 2019 the Council informed the appellant's solicitors that it

would be prepared to withdraw reasons (1) and (2) subject to some clarification of the wording of reasons (3) and (4) which is at least in part consequent on any withdrawal of reasons (1) and (2).

4. The Council's rewording of reasons (3) and (4), as set out in its hearing statement, sought to refer to listed buildings (plural) in reason (3). Reason (4) was amended to remove reference to the curtilage listed building and substitute reference to the Milking Parlour. In my view it was not open to the Council to seek to rewrite its reasons for refusal after the decision had been made. It was open to the Council to indicate that it would no longer defend reasons (1) and (2). Whilst the remaining reasons would need to be read in that context, I do not think they can be changed.

5. At the hearing, no party argued that the Milking Parlour is a listed building. The Council and the appellant agreed that it should be considered as a non-designated heritage asset, as that term is used in paragraph 197 of the National Planning Policy Framework (the Framework). I agree.
6. Notwithstanding the way the reasons for refusal were written, I have a duty to consider the effect of the proposal on the settings of any potentially affected listed buildings and on the character and appearance of the Fen Ditton Conservation Area¹. I have considered all the listed buildings identified in the evidence and the conservation area in the light of those duties.

Main Issue

7. The main issue is the effect of the proposal on the historic environment.

Reasons

Effect on the Milking Parlour

8. The Milking Parlour is part of the group of former farm buildings at Hall Farm, historically associated with the adjoining Ditton Hall. Prior to conversion it was a single storey building. The rear section (facing onto Ditton Meadows) had a flat roof and the front section (facing towards Ditton Hall) had a pitched roof. The building was converted to a dwelling under a planning permission granted in 1992. The scheme of conversion included a pitched roof over the rear section, a new pitched roof over the front section and a new central section of roof. The eaves were raised, no doubt to facilitate the provision of useable space within the roof.
9. Whilst the origins of the structure as a farm building are still obvious, this is mainly appreciable from the association with the rest of the Hall Farm group. Features such as dormer windows, raised eaves and the higher central section of roof have resulted in a rather domestic appearance. Nevertheless, the scale, form and materials are such that the building still sits comfortably within the farm group. In my view the heritage significance of the Milking Parlour is, in the main, derived from group value (discussed below). Analysed as an individual heritage asset, it has some evidential value due to retained fabric and some aesthetic value, particularly in views from Ditton Meadows.
10. The proposal would create a new gable feature facing towards Ditton Hall. This would result in the loss of some old fabric at ground floor level. However, the same area would be either lost or obscured through a consented proposal for a single storey extension in the same location. As the roof structure is modern, there would be no loss of historic fabric above eaves level. Aesthetically, there would be no change to views from Ditton Meadows as the extension would be on the other side of the building. The side facing Ditton Hall already has a rather domestic appearance.
11. The plans indicate the use of slate for the new section of roof. At the hearing, the appellant confirmed that this was an error. The intention would be to clad the new section of roof in pantiles, matching the rest of the building. This could be secured by a condition. The gable would be faced in weather boarding, matching other gables on the building.

¹ Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

12. My overall assessment is that the proposal would not result in harm to the significance of the Milking Parlour as a non-designated heritage asset.

Effect on the Fen Ditton Conservation Area

13. The Fen Ditton Conservation Area Appraisal (adopted 2006) describes Fen Ditton as an essentially linear village which has a rural feel with grass verges, large trees and a bucolic riverside setting. The appraisal identifies the buildings of Hall Farm as a significant feature within the conservation area. It states that, although they were converted to residential use in the 1980s, they retain their agricultural character. I agree with this description of the character and appearance of the conservation area. All of these factors contribute to the significance of the conservation area, together with the presence of an assemblage of highly graded listed buildings including Fen Ditton Hall, the listed Barn and the Church of St Mary Virgin. The Council and the appellant agreed that the Milking Parlour makes a positive contribution to the character and appearance of the conservation area, although the appellant did not rate that contribution as highly as the Council did.
14. As noted above, the appeal scheme would have no impact on views from Ditton Meadows. As seen from Ditton Hall, and the area between Ditton Hall and Hall Farm, the ground floor of the Milking Parlour is largely obscured by a single storey building used as a garage. The appellant argued that this elevation makes no contribution to the conservation area. I do not share that view. I note that the roof is a modern feature which contains domestic dormer windows. Even so, the scale and linear form of the roof, the orientation of the ridge line (approximately north east/south west) and the consistent use of materials tie this building firmly into the Hall Farm group. The Milking Parlour therefore helps to maintain the legibility of the Hall Farm group as a whole.
15. Although the ground floor area of the extension would be relatively small, at first floor level the proposal would create a new wing perpendicular to the existing ridge. This would be a relatively large and prominent addition compared with the modest scale of the existing structure. It would create the impression of a two storey building whereas at present the appearance is of a single storey building with some accommodation in the roof. This would be out of keeping with the general scale and form of the Hall Farm group and would erode the legibility of the group as a whole.
16. Whilst there are other gables nearby, these are found at a lower level, (such as the flank elevation of the Old Dairy), or on the much larger South Barn. They are not comparable. I note that there is already planning permission for an extension to the Milking Parlour in the same location but that would be single storey and would not have the same effect.
17. I conclude that the proposal would not preserve the character or the appearance of the Fen Ditton Conservation Area. It would therefore conflict with South Cambridgeshire Local Plan Policy NH/14, which seeks to sustain the significance of heritage assets, and with Policy HQ/1 which (amongst other matters) seeks to conserve or enhance important historic assets.

Effect on the settings of listed buildings

18. The three listed buildings discussed in detail at the Inquiry were Fen Ditton Hall, the Barn and the Church of St Mary Virgin. All three are listed Grade II*

and are therefore assets of high significance. The individual significance of each asset has been described in the evidence and was not disputed.

19. The proposed gable would be visible in views across the front of Ditton Hall. Whilst it would be a relatively small element in such views, the change in the character and appearance of the Milking Parlour described above would be readily appreciable. Although there is no longer a functional link between Hall Farm and Ditton Hall, there is an important historic association between the two which contributes to the significance of Ditton Hall. Hall Farm is therefore an important part of the setting of Ditton Hall which contributes to the overall significance of the heritage asset. The appeal site contributes to the legibility of the Hall Farm group and therefore makes a positive (albeit modest) contribution to that setting. The proposal would erode the legibility of the Hall Farm group, as described above. That would in my view represent harm to the setting of Ditton Hall.
20. The proposal would be a relatively small element within the setting of Ditton Hall. Consequently, I consider that the degree of harm to the significance of the listed building would be less than substantial harm, in the terms of the Framework. Moreover, as the proposal would be a small element in an extensive setting, the degree of harm to the setting would be relatively minor. Even so, any harm to the setting of a designated heritage asset is a matter to which considerable importance should be attached.
21. Turning to the listed Barn, I saw that there is limited inter-visibility between the Barn and the appeal site due to intervening buildings. Whilst the Hall Farm group (as a whole) is a part of the setting of the Barn, the appeal site itself makes very little contribution to the significance of the listed building. I do not consider that the proposal would cause harm to the setting or the significance of the listed Barn.
22. Hall Farm, including the appeal site, is seen in views of the Church of St Mary Virgin from Ditton Meadows. Those views would not change. Hall Farm is indistinct in views from the churchyard, due to intervening structures and vegetation. I consider that the appeal scheme would have no material impact on the setting of the Church. At the hearing, no party suggested that any other designated heritage asset would be materially affected.
23. I conclude that the proposal would fail to preserve the setting of Fen Ditton Hall. It would conflict with South Cambridgeshire Local Plan Policy NH/14, which seeks to sustain the significance of heritage assets, and with Policy HQ/1 which (amongst other matters) seeks to conserve or enhance the settings of important historic assets.
24. The proposal would not harm the setting of the Barn North West of Fen Ditton Hall, nor the setting of the Church of St Mary Virgin.

Other matters

25. The Council considered that the assessments submitted with the application were inadequate. However, the Council did not suggest that there was insufficient information before the hearing for me to discharge my duties in relation to listed buildings and the conservation area.
26. No other important planning considerations were raised at the hearing. In particular, the appellant did not suggest that there would be any public benefits

that would flow from the proposal. No other development plan policies were identified as being of importance to this appeal.

Conclusions

27. The proposal would fail to preserve the character or the appearance of the Fen Ditton Conservation Area. Moreover, it would fail to preserve the setting of the Grade II* listed Fen Ditton Hall. The Framework requires harm to designated heritage assets to be balanced against the public benefits of the proposal. In this case no public benefits have been advanced so the proposal would be in conflict with the Framework.
28. The proposal would conflict with development plan policies relating to the historic environment. No other relevant policies have been identified. The proposal should therefore be regarded as being in conflict with the development plan as a whole. There are no material considerations that indicate a decision other than in accordance with the development plan so the appeal should be dismissed.

David Prentis

Inspector

APPEARANCES

FOR THE APPELLANT:

Zack Simons	of Counsel
Jason Clemons	Savills
Alice Jones	Savills
Michael Middleton	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Simon Aley	Solicitor
Celia Wignall	Conservation Officer
Katie Christodoulides	Principal Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

Council (1)	Approved plans of conversion
Council (2)	Photograph of Hall Farm from the gate to Ditton Hall
Appellant (1)	As existing plans (pre-conversion)
Appellant (2)	Email trail from November/December 2018