



Appeal Decisions

Site visit made on 2 December 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

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

Decision date: 24th January 2020

Appeal A: APP/K2610/W/19/3226739

Weston Hall, Weston Hall Road, Weston Longville, Norwich NR9 5JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (TCPA) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr A Serruys (Weston Hall Estate Ltd) against the decision of Broadland District Council.
 - The application Ref 20182039, dated 13 December 2018, was refused by notice dated 1 February 2019.
 - The application sought the Conversion of Existing Barn into 1 No Dwelling (including Demolition Works); Demolition of Existing Bungalow; Hardstanding; Outbuildings (including Sports Hall, Swimming Pool, Greenhouses, Workshops & Aircraft Hanger) and Erection of 7 No Dwellings without complying with a condition attached to permission Ref 20171035, dated 27 February 2018.
 - The Condition in dispute is No 4 which states that: Prior to the construction of the 7 new dwellings hereby approved, the demolition of the bungalow, sports hall, gym, bowling alley, swimming pool, greenhouses, workshops, aircraft hangar and areas of hardstanding shall take place. All resulting debris which is not to be used within the development of the site shall be removed from site prior to the occupation of the 7 new dwellings hereby approved.
 - The reason given for the condition is: To ensure the site is developed in an orderly and proper manner.
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Appeal B: APP/K2610/Y/19/3226741

Weston Hall, Weston Hall Road, Weston Longville, Norwich NR9 5JG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr A Serruys (Weston Hall Estate Ltd) against the decision of Broadland District Council.
 - The application Ref 20182036, dated 13 December 2018, was refused by notice dated 1 February 2019.
 - The works proposed are the Conversion of Existing Barn into 1 No Dwelling (including Demolition Works), Demolition and removal of Hardstanding, Outbuildings (including Sports Hall, Swimming Pool, Greenhouses, Workshops & Aircraft Hanger) & Erection of 7 No Dwellings (Listed Building) (Revised Plan).
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Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Preliminary Matters – Both Appeals

3. This decision deals with a planning appeal under S78 of the TCPA (Appeal A) and a listed building consent appeal under S20 of the PLBCA (Appeal B). Whilst both appeals are to be considered under these separate processes, to avoid repetition and for the avoidance of doubt, I have dealt with both decisions within this single letter.
4. The original planning application and listed building consent application were made on a single application form and the description of the proposals is thus the same for both. These descriptions have also been carried through to this variation of condition planning application and listed building consent application which are the subject of these appeals. Planning permission is not required for internal alterations for the conversion of the barn and therefore 'internal alterations' has been omitted from the decision on Appeal A. The Demolition and removal of hardstanding, outbuildings (except for the curtilage listed stable block) and erection of seven dwellings would not require Listed Building Consent and therefore is omitted from the decision on Appeal B.

Main Issue – Both Appeals

5. The main issue is whether Condition No.4 of Planning Permission Ref 20171035 is necessary and reasonable; and in both appeals, whether the proposals preserve the setting of listed buildings within the greater Weston Hall Estate or any features of special architectural or historic interest which the buildings possess.

Reasons – Both Appeals

Legal and Policy Context

6. Sections 16 (2) and 66 of the PLCBA prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, including its setting.
7. In terms of the development plan, Policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich, and South Norfolk 2011 (amended 2014) (JCS) require protection of heritage assets and their setting and all development to be designed to the highest possible standards. The Broadland District Council Development Management Development Plan Document (DPD) 2015 Policy GC1 seeks that sustainable development principles are adhered to and that any effects would significantly and demonstrably outweigh the benefits, and DPD Policy GC4 seeks that adequate regard is given to the environment, character and appearance of an area.
8. According to paragraph 193 of the National Planning Policy Framework (the Framework), great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to 'less than substantial harm,' the harm should be weighed against the public benefits of the proposal.

Site Description

9. The subject of the greater appeal site under consideration in this appeal is a bungalow that was constructed in 1971 as a result of a building that was limited by condition for the use as an agricultural worker's dwelling associated with the greater estate. The bungalow then gained a Certificate of Lawful Development and Use as a residential occupied dwelling in 2011. The bungalow is of typical design for its time with brick construction and a concrete tiled hipped roof with uPVC windows.
10. The bungalow lies along the main driveway after the drive forks where one side leads to Weston Hall (Grade II), and the other leads to worker's dwellings and the agricultural area of the estate. The bungalow is positioned in front of a sixteenth century thatched barn (Grade II) and an e-shaped stable block that dates from the nineteenth century and is considered by both parties to be curtilage listed. There are a number of other buildings within the grounds of the estate; some of a modern construction such as a bowling alley, sports hall, garages and an aircraft hanger; and some historic such as an early/mid nineteenth century garden house/folly (Grade II).

Planning Background

11. Planning Permission¹ and Listed Building Consent² was given for the erection of seven dwellings, the demolition of buildings, and conversion of an outbuilding in order to provide a source of income for the owners to continue the enhancement and preservation of the Grade II Listed Weston Hall.
12. The focus of both appeals concerns a bungalow constructed in the 1970s within the grounds of the main Weston Hall and a number of ancillary buildings associated with the Weston Hall estate.
13. The Council found harm to the listed building in both applications. However, the demolition of buildings including the bungalow was utilised within the balancing exercise for both decisions as part of the public benefit to justify the harm caused to the listed buildings and their setting by the proposed development and works. Whilst one appeal may be a variation of condition and the other a full consideration of the merits of the scheme relating to the works to the listed buildings, they both lead to one consideration that revolves around the same issue. This relates to the balancing exercise undertaken as a result of harm caused by the proposed development and works; and whether this harm caused is clearly outweighed by the public benefits of the proposal which requires to be reassessed with the omission of the demolition of the bungalow.

Significance

14. Evidence submitted with the appeal shows that the origins of the Weston Hall estate derives from a manorial country estate from the sixteenth century, with the main surviving building from that time being a thatched threshing barn located to the rear of the bungalow. From the eighteenth and nineteenth centuries, evidence of rebuilding of the main hall, the construction of a more formalised walled garden, landscaped parkland, and agricultural barns illustrates the formalisation of the estate and the association with the operation and running of Weston Hall. Elements such as the agricultural dwellings,

¹ Broadland Council Ref: 20171035, dated 27 February 2018

² Broadland Council Ref: 20171083, dated 27 February 2018

housing for workers and walled gardens illustrate the production and growing of food, and the leisure pursuits and status of residents is indicated with extensive areas of parkland in line with the various fashions over its lifetime.

15. The group of listed historic buildings which make up the estate individually have significance in terms of their quality in materials and craftsmanship, and the relationship and historic association to their former form and function and their occupants as part of a manorial estate. There is also group value in that the buildings represent a good collection of historic buildings which allows an understanding of the ways the greater Weston Hall Estate functioned with its various agricultural operations and relationships between the land and associated buildings where some areas are more formalised than others.
16. Whilst the functions of the buildings within the estate today have changed from agricultural operations, they are still intrinsically linked to the main Weston Hall and the greater estate. There is also an inherent historic relationship to how the buildings, parkland and spaces are experienced which reinforces the group value of these historic buildings, their rural location, relationships, historic identity and setting.

Effect on Listed Buildings

17. The later components of the estate such as the bungalow, aircraft hanger and sports hall illustrate the evolution of the site and diversion from agricultural operations and the changing focus of the estate during the twentieth century. However, these later buildings do cause a distraction and an anomaly to the experience of the historic estate and the listed buildings and detract from the significance of the estate and its historic legibility, setting and tangible and intangible relationships.
18. The assessment in the Council's Officer Reports acknowledges that the proposed scheme would cause 'less than substantial' harm. My own assessment is that the harm caused to the setting and the physical nature of the works and development includes the erection of seven new dwellings; the demolition of a curtilage listed barn; and some harm to the fabric of the listed barn building by the conversion of the building into a residential dwelling. As such I have no reason to dispute the level of harm to which I give great weight to, in accordance with the PLBCA and the Framework.
19. Paragraph 196 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. I turn to this assessment now, below.

Public Benefits

20. The benefits of the proposal include the erection of seven dwellings on the basis that they represent the development of deliverable small sites, the socio-economic contribution to services and facilities of nearby settlements, and short term employment opportunities in the construction and demolition of buildings.
21. I note commentary regarding the removal of unauthorised works to the listed Weston Hall; these cannot be considered benefits as the works should not have occurred without consent in the first place. I have also given some beneficial weighting to the reinstatement of the footprint of the demolished barn in the landscaping which aims to present a form of interpretation to mitigate for this

loss. I also note previous consideration with regards to benefits obtained by the erection of dwellings which aim to fund restoration of the Hall, and the comments regarding the retention of a readily available dwelling and a reduction in the demolition works undertaken.

22. There are also public benefits in the removal of the twentieth century buildings which do not assist with the legibility of the historic estate and cause harm to the setting of the listed buildings. However, in terms of the retention of the bungalow, despite improvements to the façade and removal of elements such as a conservatory which was constructed without consent; the bungalow is very poorly related to the existing historic buildings. Consequently, the building is detrimental to the legibility, significance and setting of the listed buildings, individually and as part of a group as the historic estate overall.
23. The benefit of the demolition of the modern structures within the site would therefore be reduced, should the bungalow be retained, as it is detrimental to the historic association and legibility of the barn buildings and the greater estate.
24. Whilst I appreciate that the bungalow was seen to be appropriate within the setting of a listed building in 1971, a considerable time has passed with changes to statute, development plan policy, case law and guidance which has considerably changed how a historic asset is assessed and appreciated. As such, in this instance a decision taken almost 50 years ago to approve the bungalow is not analogous to the considerations and emphasis placed on the historic environment utilising today's policy.
25. Taking the above together, the overall public benefits secured as part of the consented schemes would be reduced by the retention of the bungalow. In my view, the public benefits would no longer clearly outweigh the less than substantial harm caused to the heritage assets.

Conclusions – Appeal A

26. I therefore conclude that the works fail to preserve the special architectural and historic interest of the listed buildings at the Weston Hall Estate. This would conflict with Policies 1 and 2 of the JCS and DPD Policies GC1 and GC4 and the Framework.
27. On this basis, Condition No.4 on Planning Permission 20171035 which seeks to secure the demolition of the bungalow alongside other structures is reasonable, enforceable, relevant to planning, and necessary.

Conclusions – Appeal B

28. As above, without the retention of the bungalow, the proposed works would not clearly outweigh the harm caused as a result of the demolition of a curtilage listed building, and the proposed works, meaning that the Listed Building Consent would not be granted.

Other Matters – Both Appeals

29. The appellant's final comments include commentary with regards to the demolition of a habitable dwelling as being unreasonable as the building could house a family, which implies an interference with an occupant's human rights

under Article 8 of the European Convention on Human Rights or Human Rights, as incorporated by the Human Rights Act 1998.

30. However, I note that the building is empty, and according to the Council has not been in habitable use for some time, meaning that the demolition, whilst resulting in the reduction of one dwelling, would not lead to the eviction of a family. Having regard to the legitimate and well-established planning policy aims to give special regard to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, including its setting, in this case I consider that greater weight attaches to the public interest. Dismissal of these appeals is therefore necessary and proportionate, and it would not in my view result in a violation of the human rights of any occupants of the bungalow.
31. I note discussion in the appellant's SoC regarding a similar approval on the appeal site for 4 dwellings³. In these cases, the Council did not seek the demolition of the bungalow in a condition, and so the appellant believes this means that the demolition of the bungalow was not necessary for these approvals and that the same interpretation should be applied to the subject site. Whilst I have not been presented with the officer reports for either of these cases, I note the descriptions of decision notices 20140374 and 20140387 includes the 'demolition of existing bungalow.' I am therefore not convinced that the demolition of the bungalow was not a factor which was afforded weight within the decision. Despite this, a development of 7 dwellings in this case is not analogous to the harm caused by 4 dwellings which appears to be restricted to a much smaller portion of the site. In either case, the historic applications from 2014 are not analogous to this decision and I therefore afford them little weight.
32. I note discussion with regards to how the Council has assessed the application in that they have gone back to the initial balancing exercise to determine whether the scheme was appropriate, which would enable the variation of the condition and approval of Listed Building Consent. The appellant seeks that only the effect of the demolition of the bungalow is assessed and that the acceptability of the greater scheme is no longer relevant. I disagree with this latter approach, as it is essential to understand the role of the bungalow in the original balancing exercise in order to determine the appropriateness of the proposal. The Council's approach in this matter is reasonable and fully justified.

Overall Conclusion – Both Appeals

33. For the reasons given above, and having considered all other matters raised, both appeals are dismissed.

J Somers

INSPECTOR

³ Council Planning Ref: 20140374, 20140387, 20140490, 20140491