



Appeal Decision

Site visit made on 14 July 2020

by Simon Hand MA

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

Decision date: 17 July 2020

Appeal Ref: APP/J1860/F/19/3239040

**Land at The Stables, Hill Court Farm, Frogmarsh, Corse Lawn,
Gloucestershire, GL19 4PW**

- 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 Warren Martin against a listed building enforcement notice issued by Malvern Hills District Council.
 - The enforcement notice was issued on 10 September 2019.
 - The contravention of listed building control alleged in the notice is without listed building consent the execution of works to the roof of The Stables, within the curtilage of the Listed Building; the works comprising the installation of solar photovoltaic equipment to the east and west roof elevations.
 - The requirements of the notice are: 5.1 To remove the solar photovoltaic equipment and supporting structures from the east and west roof elevations as shown approximately edged in green on the attached plan, and hatched in green on the attached photographs accompanying the plan. 5.2 To remove the solar photovoltaic equipment, erected without Listed Building Consent or planning permission, from the land unless the solar equipment is otherwise incorporated into a stand—alone development approved under Listed Building Consent and planning permission. 5.3 To restore the east and west roof elevations to their condition before the breach took place, were necessary using replacement roof tiles that match the existing roof tiles.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1) (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld. 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.

The Appeal on Ground (h)

2. The appellant is only appealing on ground (h), that the time for compliance is too short. He therefore accepts, albeit reluctantly, that the solar panels should be removed. The panels sit on the roof of a single storey building in what was once the farmyard.
3. His argument is that conversion works are planned for some of the buildings in the farmyard and it would make sense to remove the panels at the same time as this would remove the need to erect scaffolding twice. The cost of the scaffolding for the removal of the panels alone is £2000.

4. As the Council points out there is no evidence for the figure of £2000, which does seem a lot, especially as the panels on are on a shallow pitched roof on a relatively small building. Indeed it is not clear that scaffolding would be required at all. Also, although planning (and presumably listed building) applications have been received they had not, at the time the Council wrote their statement, been decided. I have not been updated since then. In any event, there is no guarantee the works would begin immediately, it could be several years, even if the applications were uncontroversial and granted straight away.
5. The period of 3 months seems to me to be perfectly reasonable to remove a small number of panels from a low and easily accessible roof. The appeal on ground (h) fails.

Simon Hand

Inspector