
Appeal Decision

Site visit made on 26 June 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/Q3305/Y/19/3241205

Weston Town House, Weston Town, Evercreech, Shepton Mallet BA4 6PD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Mr L Richardson against the decision of Mendip District Council.
 - The application Ref 2019/1047/LBC, dated 23 April 2019, was refused by notice dated 18 September 2019.
 - The works proposed are described in the application form as the 'conversion of detached outbuilding to form an annex in the curtilage of the listed property Weston Town House.'
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Decision

1. The appeal is allowed and listed building consent is granted for the conversion of a detached outbuilding to form an annex in the curtilage of Weston Town House, Weston Town, Evercreech, Shepton Mallet BA4 6PD in accordance with the terms of the application Ref 2019/1047/LBC, dated 23 April 2019, subject to the conditions below.

Preliminary matters

Statutory context

2. The proposal relates to an outbuilding next to and within the same ownership as Grade II Listed 'Western Town House and Weston Wing' (sic.), list entry No 1238453 (hereafter referred to as the 'Listed Building'). An outbuilding at the appeal site is shown on the maps produced following the Tithe Act 1836, well before the date upon which a structure should be treated as part of a Listed Building by virtue of section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the '1990 Act'). I have therefore approached the appeal in the context of section 16(2) of the 1990 Act.
3. There is no indication that planning permission has been applied for in parallel to application Ref 2019/1047/LBC (the subject of this appeal). In the eventuality that planning permission is also required, that is a separate matter for the main parties to address.¹

¹ Noting that Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended makes provision in respect of buildings incidental to the enjoyment of a dwellinghouse. Section 55(2)(d) of the Town and Country Planning Act 1990 as amended also specifies that the use of any buildings within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment to the dwellinghouse as such does not involve development.

The current scheme

4. The proposal before me is shown on plan F1498/100B (the 'current scheme'). The current scheme supersedes earlier plan F1498/100A. There is, however, very little difference between the two iterations of the proposal; only an additional internal partition is proposed close to the western gable of the outbuilding related to the provision of bat shelters.
5. The current scheme therefore seeks to make provision for ecological mitigation in line with the supporting Bat Emergence/ Activity Survey of May 2019 (which followed the Protected Species Survey of March 2019). Accordingly, and as there has been the opportunity to comment on both the Bat Emergence/ Activity Survey and plan F1498/100B at appeal, no party would be prejudiced by my assessing the proposal on the basis of the current scheme.
6. In summary, and amongst other things, policy DP3 of the Mendip Local Plan Part 1 (adopted 15 December 2014, the 'LP') and paragraph 189 of the National Planning Policy Framework ('NPPF') set out how proposals affecting heritage assets should be supported by appropriate evidence. The principal evidence before me in that regard is a Statement of Significance ('SoS').² At appeal, however, the appellant submitted what is described as an 'amplification' to that document ('SoSA').³
7. The SoSA revisits certain assumptions made in the SoS. Notably the SoSA arrives at different conclusions regarding the origins of the outbuilding ceiling and now-removed fireplace. Although an appeal should not be used to evolve a proposal, not unreasonably the SoSA seeks to date with greater precision elements of the outbuilding in response to the Council's concerns regarding the loss of historic fabric. At my request the Council has commented on the SoSA. In that context, my having regard to the SoSA would be reasonable and fair.

Main issue

8. Against the background above, the main issue is whether or not the proposed works would preserve the outbuilding at Weston Town house, or any features of special architectural or historic interest which it possesses, as part of the Listed Building.

Reasons

Special interest and significance

9. The Listed Building is now occupied as two dwellings. Weston Town House faces towards the nearest road, named Weston Town. Weston Wing sits behind Weston Town House. The outbuilding is attached, beyond a parapet gable, to a modest modern garage associated with Weston Wing. The outbuilding falls behind the Listed Building, with access to it running off Weston Town beside the rear plot boundaries of Nos 1-3 Beech Way.

² Prepared by Context One Heritage & Archaeology, dated April 2019.

³ Similarly prepared by Context One Heritage & Archaeology, dated October 2019.

10. The appeal site is at a south-westerly reach of Evercreech, a 'primary village' as defined via LP Core Policy 1, close to the line of the former Somerset and Dorset Railway. In this location the plot of the Listed Building denotes the limits of the Evercreech Conservation Area ('CA').⁴ The CA extends only a short distance further westwards to encompass a handful of buildings along Pecking Mill Road. I understand that properties along Beech Way, which arc around the Listed Building and are universally detached bungalows or chalet bungalows of understated design, were constructed at some point during the 1970s.
11. The list entry indicates that the Listed Building traces its origins to the seventeenth century, albeit with later alterations. By consequence, Weston Town House and Weston Wing appear principally polite rather than vernacular architecture. That is particularly the case of the façade of the former, which features coursed squared rubblestone, freestone dressings, and both mullioned and sash windows. Imposing ashlar gate piers with ball finials demarcating the plot of the Listed Building are also Grade II Listed (list entry No 1059183).
12. As set out in the SoS, pursuant to the Tithe Act 1836, the appeal site is described in the respective Tithe Apportionment as associated with 'House Garden Barton and Buildings'. By 1896 the site is marked as part of 'Westontown Farm'. In that context, and consistent with the agricultural history of the Village, the outbuilding likely originated to accommodate livestock and for storage associated with a formerly more extensive holding. There are similar outbuildings around properties along Pecking Mill Road within the CA, close to fields beyond.
13. The western element of the outbuilding contains remnants of livestock stalls, historic tie rings, and a drainage gully set in a brick floor. Those features attest to a former agricultural use and, in all likelihood, to later improvements to the space to provide for stabling. As shown on mapping from around 1930, the appeal site is shown as part of 'Westontown House', indicating that the Listed Building had become principally residential by that time.
14. That change to a principally domestic use is also reflected in the fabric of the outbuilding. Notably a brick partition wall, which is not tied in to external walls, has been created, separating stabling from other internal space. It is also alluded to by peeling paint showing a sky blue colour; an aesthetic finish. Several redundant narrow-gauge metal pipes run at high level inside the outbuilding, which likely served as conduits for oil lighting. There is also a scar left by consequence of the removal of an internal fireplace, which would have sat against a further brick partition (now partially demolished).
15. The SoS and SoSA advance different dates for different elements of the outbuilding. Broadly, the former indicates that domestic alterations are principally related to the creation of accommodation for domestic staff around the turn of the twentieth century. The latter suggests that they instead date from around the mid twentieth century. Establishing a precise dating of

⁴ Section 72(1) of the 1990 Act places a duty upon me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

different elements of a building is inherently complex, notably in this instance as the outbuilding has been incrementally modified over time.

16. Where the ceiling has failed, for example, sections of riven laths are present (indicative of an earlier method of construction). However round-headed rather than cut-clasp nails are used to affix laths to joists and there is also a section of plaster with a scratched or keyed finish, features suggestive of more recent interventions. Joists are machine sawn, purlins are not. Notwithstanding observations in the SoSA regarding the finished quality of exposed 20-hole bricks by the former fireplace, bricks of that design have been in production since the late nineteenth century.
17. Externally the outbuilding has also been modified over time. The historic maps referenced above show a lengthier structure than now exists. As is evident from the rough western elevation where a parapet gable is absent, the outbuilding has been crudely truncated. In all likelihood that occurred in association with the construction of properties to the west; the plot of No 3 Beech Way extends to the outbuilding.
18. Nevertheless, externally the outbuilding retains an historic vernacular character; walls are constructed of local rubblestone, windows and doors have segmental arches above. However window units are simple modern additions. A substantial metal garage door has also been inserted at some point. As internally, externally the outbuilding is somewhat dilapidated.
19. In my view architectural or historic interest does not rest solely in the original nature of a building, nor in those elements which can be precisely dated. Alterations may honestly reflect the passage of time and changing circumstances. In that context, insofar as it relates to this appeal, I find that the special interest of the outbuilding is primarily by virtue of its surviving historic materials and architectural details, along with their value in reflecting the layered history to the Listed Building and evolution of Evercreech.

The proposal

20. Simply, the proposal is for alterations to the outbuilding to better enable its use as an ancillary studio workspace to Weston Town House. Externally the roof would be repaired, pantiles re-used or replaced 'like-for-like',⁵ with four rooflights inserted in the roof slope facing toward No 4 Beech Way. Walls would be repointed and made good, as necessary. New timber-framed window and door units would be inserted, including in place of the existing garage door. Precise details in respect of the proposed works are limited; external elevations on plan F1498/100B are at 1/100 scale. Nevertheless, in respect of window design and rainwater goods, the appellant has agreed to conditions requiring detailed specifications.⁶

⁵ Appellant statement of case, paragraph 3.3.

⁶ Appellant statement of case, paragraphs 6.11-6.12, notwithstanding that existing windows and rainwater goods appear to be relatively modern alterations.

21. Internally proposed works are more intricate. The ceiling would be removed throughout. The supporting Design and Access Statement ('DAS') and plan F1498/100B draw a distinction between the proposed works insofar as they relate to the eastern and western element of the building. Those elements are astride the existing partition wall referenced in paragraph 14 above.
22. In the eastern section no replacement ceiling would be installed, thereby exposing the vaulted timber structure of the outbuilding. A new low ceiling would be created at the western element of the building. That would enable a storage level to be created above, accessed via a right-angled staircase set centrally within the outbuilding. The staircase would butt up against the existing partition wall, next to which a toilet and kitchen area would be created. All told, the proposal would result in an outbuilding with a useable internal area of around 96 sqm as opposed to 65 sqm presently.

The effect of the proposal

23. The proposal would inevitably affect the character of the outbuilding. A somewhat tumbledown vernacular building, which has changed organically over time, would instead appear coherently renovated. Some existing fabric would be lost or obscured (notably the ceiling and fireplace wall in the first instance, and via insulation and internal finishes in the second).
24. However for four reasons, taken as a whole, the proposal would preserve the outbuilding and any features of special or historic interest which it possesses. Firstly, renovation will be required at some point. Existing windows and guttering are now in a relatively poor state of repair. Damp by consequence of traditional porous mortar and gaps around doors has affected the building over time. The ceiling has collapsed in a number of places, metal fixtures have rusted, and paintwork is peeling. In the absence of some form of remedy, damp will continue to lead to deterioration.
25. Secondly, the proposal would effectively maintain the traditional external character of the outbuilding. Walls and pantiles would be repaired sensitively, and only as necessary to effect the proposed works. As set out above, an appropriate design of window units improving upon those in place, and also in respect of rainwater goods, could be secured via appropriately-worded condition. Whilst I accept cosmetic finishes to walls internally would affect the feel of the outbuilding, successive layers of peeling paint mean little can be discerned in respect of the history to the building internally in that respect. A timber-framed door in place of a standard engineered metal garage door would appear more visually consistent with traditional craftsmanship.
26. As a generalisation rooflights are commonplace in ancillary buildings; they would not serve to indicate a different function to the outbuilding other than that which has persisted now for about a century. The proposed rooflights would be modest in scale, low profile, and unobtrusive. They would face away from Weston House, and therefore be visible only from Beech Way principally in conjunction with understated modern development. I saw that the outbuilding

is in large part screened from view from vantage points around Beech Way on account of the presence of intervening dwellings and boundary features.

27. Third, in my view, neither the ceiling nor fireplace scar are of particular architectural or historic significance. The ceiling connotes little more than that the outbuilding has, at some point, assumed a domestic character; it is highly unlikely that a lath and plaster ceiling would have been installed in connection with an agricultural use of stabling (albeit that it may have overlaid earlier boarding). Such as the ceiling remains it is a simple practical intervention in the building without ornamentation. It has failed in several places and has evidently been patched in piecemeal fashion with various materials, including a skim layer and boarding.
28. I have also set out above that there are ambiguities as to the origins of the ceiling and fireplace. Their contribution to an understanding of the history to the outbuilding is therefore somewhat hypothetical, far more so than historic mapping showing changing titular references. Moreover as the fireplace, its flue, and the wall against which it would have sat, have either long since been removed or partially demolished, what remains indicates little of substance in terms of the history to the outbuilding. As such the value of the ceiling and fireplace scar in representing the evolution of the outbuilding is negligible.
29. Fourthly, the proposal would retain or enhance features of the building which attest most clearly to its history. The brick floor and remnants of historic stabling in the western element of the outbuilding would remain.⁷ Moreover, in my view, removing the ceiling in the eastern element of the outbuilding would better reveal the historic timber framework to it. That would enable a clearer understanding of how the structure of the building has evolved over time, offsetting any loss of historic fabric.
30. As such, subject to appropriately-worded conditions in respect of design and construction, the proposal would not materially affect the special interest of the outbuilding or any features of architectural or historic interest (nor, by extension, its significance as part of the Listed Building).

Consideration

31. I have identified above, insofar as relevant to this appeal, that the special interest of the outbuilding is primarily by virtue of surviving historic materials and architectural details, along with their value in reflecting the evolution of the Listed Building and of Evercreech. I accept that the proposal would result in some change to the present character of the outbuilding.
32. However the outbuilding is evidently in need of renovation, and any such works would inevitably affect its present character to some extent. External works considered as a whole would be negligible. Internally, the corollary to the loss of existing fabric would be the preservation of features which attest most

⁷ Appellant statement of case, paragraph 3.7.

clearly to its history and works that would better enable an appreciation of the structural elements of the outbuilding.

33. Consequently, I conclude that the proposal would preserve the outbuilding, any features of special architectural or historic interest which it possesses, and by extension the character and appearance of the CA. The scheme therefore accords with the expectations of section 16(2) of the 1990 Act, LP policy DP3, and the relevant provisions of NPPF paragraphs 184 and 193. As such, in the absence of harm, it is unnecessary to address any resultant public benefits.

Conclusion

34. For the above reasons, and having taken account of all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

35. In addition to requiring commencement within the relevant statutory period,⁸ I have imposed conditions requiring that works are carried out in accordance with the supporting plan, and that they adhere to agreed external and internal specifications. Those conditions are necessary for certainty, to ensure that the proposal is undertaken as assessed above, and reasonable in order that the Council can exert proper control over detailed matters of design and construction (with particular regard to the provisions of Local Plan policy DP3 and of NPPF paragraph 55).
36. In imposing conditions I have had regard to the relevant elements of the NPPF, the Planning Practice Guidance, and to statute. Accordingly I have amended the wording of certain conditions proposed by the Council to ensure that they are appropriate, without altering their aims.⁹

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby authorised shall be carried out in accordance with approved plan F1498/100B.
- 3) Notwithstanding condition 2, no external joinery shall be installed or undertaken before details thereof have been submitted to and agreed in writing by the local planning authority. Such details shall be at a minimum of 1/5 scale

⁸ Section 18 of the 1990 Act as amended.

⁹ In my view sections at 1/5 scale would be sufficient to enable a clear representation of design details, as opposed to a minimum scale of 1/2 as suggested by the Council. I have also omitted the suggested reference in condition 5 to a 'Remedial Works Contract' as no such document exists supporting application Ref 2019/1047/LBC.

and shall include cross-sections, profiles, reveals, surroundings, materials, finishes and colour. The works hereby authorised shall be undertaken in accordance with the joinery details thus agreed, which shall thereafter be retained.

- 4) Notwithstanding condition 2, no ducts, pipes, rainwater goods or other external attachments associated with the works hereby authorised shall be installed or fitted before details thereof have been submitted to and agreed in writing by the local planning authority. The works hereby authorised shall be undertaken in accordance with the details thus agreed, which shall thereafter be retained.
- 5) Notwithstanding condition 2, no works to the interior of the building hereby authorised, other than preparatory measures and necessary removal of existing items and materials, shall be undertaken before a schedule of internal treatments and finishes for walls, floors and ceilings has been submitted to and agreed in writing by the local planning authority. The works hereby authorised shall be undertaken in accordance with the schedule thus agreed, which shall thereafter be retained.