
Appeal Decision

Site visit made on 7 October 2020

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal A: APP/B1930/W/20/3244992

**North End of The Mill, Mill Walk, Wheathampstead, St Albans,
Hertfordshire AL4 8DT**

- 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 John Titmuss against the decision of St Albans City & District Council.
 - The application Ref 5/19/1821, dated 15 July 2019, was refused by notice dated 17 October 2019.
 - The development proposed is provision of 1 No. 1 bedroom flat and 1 No. shop/exhibition space in redundant part of The Mill.
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Appeal B: APP/B1930/Y/20/3244994

**North End of The Mill, Mill Walk, Wheathampstead, St Albans,
Hertfordshire AL4 8DT**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr John Titmuss against the decision of St Albans City & District Council.
 - The application Ref 5/19/1838LB, dated 15 July 2019, was refused by notice dated 17 October 2019.
 - The works proposed are provision of 1 No. 1 bedroom flat and 1 No. shop/exhibition space in redundant part of The Mill.
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Decision

1. The appeals are dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal represents an acceptable form of development having regard to its flood zone location, and;
 - The effect of the proposed works on the special architectural and historic interest of North End of The Mill which is Grade II listed and, linked to that, whether they would preserve or enhance the character or appearance of the Wheathampstead Conservation Area.
3. A third reason for refusal relating to bats is no longer being pursued by the Council following the submission of further information. There is no need, therefore, for me to take this matter further.

Reasons

Flood zone

4. The majority of the appeal site falls within Flood Zone 3. As per para 164 of the National Planning Policy Framework (the Framework) neither the sequential nor exception test are required as the proposal involves a change of use. However, a site-specific flood risk assessment (FRA) is required. The Planning Practice Guidance states that the information in a FRA should be credible and fit for purpose.
5. The appellant has submitted a FRA which provides an analysis of the risk of flooding on the proposed development over its expected lifetime, including allowances for the impacts of climate change. However, it relies heavily on the author's experience of flood events at the appeal site, rather than, for example, historic flooding records, flood datasets showing flood levels, depths and/or velocities, and/or computer flood modelling. A flood alleviation programme carried out in the vicinity by The Environment Agency (EA) is also referred to, but I have no firm evidence or details of this before me.
6. The FRA accepts that the retail unit cannot achieve a floor level of 300mm above the ground level of the site but there is no discussion in respect of suitable flood resilience and resistance measures to keep water out of the building. It is also accepted that access and egress from the site would be through flood water in the event of a flood, but there is no detailed escape route or emergency plan for future occupants, and no specific consideration of more vulnerable people, for example, those with health or mobility issues.
7. I sympathise with the appellant that further clarity from the EA on their comments would be desirable, but nevertheless, they have objected to the proposal on the grounds of the FRA. Furthermore, the FRA makes assumptions which are not backed up by substantive evidence and omits some important considerations, as set out above. Therefore, taking a precautionary approach, I cannot be satisfied that the FRA is credible and fit for purpose.
8. A similar access and egress through flood water might exist for the other residential units in The Mill but that is not in itself justification for allowing further development of this nature. In any event, these were granted permission some 30 years ago and matters, such as flooding, will have moved on since that time.
9. I therefore find that, based on the evidence before me, the proposal does not represent an acceptable form of development having regard to its flood zone location. It would, as a result, conflict with the aims of Policy 84 of the St Albans District Local Plan Review 1994 (LP) which requires appropriate flood protection. The Framework also emphasises that development should only be allowed in areas at risk of flooding where it can be demonstrated that, amongst other things, the development is appropriately flood resistant and resilient, any residual risk can be safely managed, and safe access and escape routes are included, where appropriate, as part of an agreed emergency plan.

Listed building and conservation area

10. The Mill or Corn Mill as referenced in the listing description, was, as the name suggests, a former corn mill dating from the 16th/17th century. The north end, which forms the basis of this appeal, consists of a small 3-bay barn with a

weather boarded gable end facing towards the road, and this was formerly an entrance porch to the building. Attached to this is a lean-to extension with cart doors thought to date to at least the 19th century. As an historic point of access the barn and lean-to extension have significance, along with their overall historic connection to the mill as an ancillary building.

11. Much of the former mill building has been converted to a mixed use development including shops, offices and residential units. Nevertheless, it retains a great deal of its original form and features. Although windows have replaced historic openings, such as a tall hoist door to the first floor, their former use is referenced by being partly infilled with timber giving the sense of an historic opening. This has therefore retained some of the historic significance of the listed building whilst its use has changed.
12. Wheathampstead Conservation Area comprises the historic core of Wheathampstead Village within which The Mill is located. The surviving mill buildings are a prominent and important feature of the conservation area forming part of the village's historic evolution. It follows therefore that the appeal site makes a valuable contribution to the significance of the conservation area.
13. The proposal includes the infilling of the opening in the north end of the lean-to with glass panels and removal of the cart doors. The opening would be fully glazed thereby partly referencing its former historic use as an entrance but there would be nothing else to give an indication of this. The appellant considers timber doors or mock panels would be pastiche, but such an approach has been taken in the rest of the listed building, successfully in my opinion. Whilst the lean-to is a more recent addition it remains an integral part of the building and holds significance in terms of its historic use over the years. It is incumbent on me, therefore, to ensure this is taken into account in any proposed works.
14. For the above reasons I find that the proposals would cause harm in that some of the special historic and architectural interest of the building would be lost. The north end of the lean-to is highly visible in the conservation area facing out onto Station Road. Consequently, the proposed works would also not preserve the character or appearance of the Wheathampstead Conservation Area. Furthermore, I find conflict with Policy 86 of the LP which similarly requires special regard to be had to the desirability of preserving any features of architectural or historic interest in listed buildings.
15. The proposal would also conflict with the Framework which attributes great weight to the conservation of heritage assets. In terms of para 196 of the Framework the harm I have found would be 'less than substantial' given its overall scale and impact. As per para 196 of the Framework this harm should be weighed against the public benefits of the proposal.
16. There are benefits to the scheme in that it would enhance some elements of the barn's appearance and allow for its restoration thereby preventing it falling into further disrepair. The proposal would also create a new dwelling which would contribute to local housing supply, and a new retail space which would contribute to the local economy and general vitality and viability of the area. However, both are relatively modest in size and given my concerns above in respect of flood risk the weight to be attached to these as public benefits is reduced. I therefore attribute these benefits moderate weight overall.

Consequently, I find that the public benefits of the proposal do not outweigh the harm; harm which I must give great weight and importance in the balancing exercise.

Conclusion

17. I have found harm in terms of flood risk, and harm to the listed building and conservation area. I have taken into account all material considerations but find that these do not outweigh the overall harm that I have found.

18. The appeals are therefore dismissed.

Hayley Butcher

INSPECTOR