The Planning Inspectorate

Appeal Decision

Site visit made on 17 December 2020

by Simon Hand MA

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

Decision date: 08 January 2021

Appeal Ref: APP/N1730/X/19/3241148
West Minley Farm, Minley Road, Blackwater, Camberley, GU17 9JX

- The appeal is made under section 26K Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal in part to grant a certificate of lawfulness of proposed works to a listed building (LDCLB).
- The appeal is made by Mr Steve Wemyss against the decision of Hart District Council.
- The application Ref 19/01653/LBCLW, dated 25 July 2019, was refused by notice dated 19 September 2019.
- The application was made under section 26H of the Town and Country Planning Act 1990 as amended.
- The works for which a certificate of lawful use or development is sought is temp support to building, remove & replace tarpaulin & roof slates and store slates. Additional brackets & temp bracing to frame, repair weatherboarding.

Decision

1. The appeal is dismissed.

Costs Application

2. An application for costs against the Council has been made by the appellant and is the subject of separate decision letter.

Reasons

3. This appeal concerns a barn at West Minley Farm. The barn is listed in its own right and is a particularly good example of a possibly 17th century barn that was taken down and moved to a new position as part of the changing requirements of 19th century farming. The barn has fallen into a state of disrepair and the appellant, who has owned it since 2015 has been in lengthy negotiations with the Council seeking to find ways to protect the structure.

4. It is the appellant's contention that a long term solution, involving repair and renovation, can be found but at present he does not have the resources to consider one. In the meantime he has suggested several methods for temporary protection which the Council have rejected. It would seem they do not want to agree to any temporary measures unless they are linked to a long term solution, for fear the temporary measures become permanent. It is unfortunate that while both sides have negotiated themselves into a stalemate the barn itself has continued to deteriorate. It is equally unfortunate that I am not in a position to reach a view on what should be done to temporarily protect the barn. An appeal under s26H has a very limited scope and is restricted to

simply answering the question whether the works proposed would affect the barn's character as a building of special architectural or historic interest. The past history of the site, the need to protect the fabric of the barn, the motivations of the parties involved and wider issues of national and Council policy are irrelevant.

5. The LDC application proposed a number of discrete actions of which "*replacing missing cladding boards with feather edged boarding to match*" the Council agreed was acceptable but the remaining six actions were held to harm the historic character of the barn. A split decision was issued, confirming the former action would not require listed building consent but that the reaming six would. This appeal thus consists of those six items:

   (a) temporarily prop north end of the building and particularly Frames 2 and 3 where the cripple studs have decayed;

   (b) remove the tarpaulin and residual roof slates. The slates set aside and stored for potential re-use;

   (c) temporarily secure existing bracing or enhance with temporary softwood braces, secured to the frame;

   (d) replace the existing tarpaulin roof covering with a heavier gauge tarpaulin/plastic sheet secured to the existing rafters and purlins with cable ties or similar;

   (e) where the side cladding is significantly lost or damaged, replace with corrugated metal cladding;

   (f) ensure water is discharged from the Barn and ventilation is available to timber components through the design and installation of the tarpaulin.

6. In 2018 the appellant attempted to have the barn delisted. This was refused by historic England who updated the listing to provide a more comprehensive description of the barn and this is the starting point for determining its historic character. For the purposes of this appeal the listing notes the welsh slate roof, the substantial pegged oak frame and roof trusses with their carpenter's marks that helped with the dismantling and reconstruction. Some of the posts were reconstructed in different positions or out of order, which is typical for a reconstructed barn where repairs were needed.

7. As I saw on my site visit the barn is in a serious state of disrepair, parts of the roof are missing, and much of the existing temporary tarpaulin has deteriorated and fallen away. The interior roof beams are currently propped up with odd bits of wood and some scaffolding and entry is potentially dangerous. A large amount of work is required to bring the barn back to life, starting with arresting the decay. The works proposed are all designed to protect the remaining fabric of the barn. Unfortunately, it is obvious that introducing softwood props and corrugated metal cladding, removing the roof tiles and sheathing the building in tarpaulin will affect its historic character and that listed building consent will be needed for those works. Given the evidence I have seen from the appellant's professional advisors it would seem that if those works were carried out there would be an argument that they were urgently necessary for the preservation of the building but that is not a finding open to me on an LDC appeal. I have thought hard how I could allow this appeal, as it seems to me the proposed works are required, and the sooner the better, but

given the constraints of an appeal under s26H I can come to no other conclusion than that the works would affect the historic character of the listed barn and the appeal should be refused.

Simon Hand

Inspector