



Appeal Decision

Site visit made on 13 July 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Appeal Ref: APP/Y2810/W/21/3267538

Buildings to the rear of Garden Cottage, Church Street, Watford, Northamptonshire NN6 7UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Andrew Eden of Northingworth Farm Partnership against the decision of Daventry District Council.
 - The application Ref C/2019/1069, received by the Council on 18 June 2020, sought approval of details pursuant to condition No 6 of a planning permission Ref DA/2019/1069, granted on 13 March 2020.
 - The application was refused by notice dated 12 August 2020.
 - The development proposed is for the change of use of the building to a sui generis use comprising an agricultural depot and welfare facility, public house and community use.
 - The detail for which approval is sought is the external flue on the eastern elevation of the building.
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Decision

1. The appeal is allowed and the details of the external flue submitted pursuant to condition No 6 of planning permission Ref DA/2019/1069 granted on 13 March 2020 are approved.

Procedural Matters

2. The original 2020 planning permission gives the site address as "Buildings to the rear of Garden Cottage, Church Street, Watford, Northamptonshire", although on the appeal form the name "The Wheelwrights Arms", as adopted for the permitted public house, was used. For consistency, I have used the address of the original planning permission.
3. The appeal form indicated that the reason for the appeal was that the Council had granted approval of the matters reserved under an outline planning permission subject to conditions to which the appellant objected. However, from all the other evidence before me it is clear that it is in fact the approval of details pursuant to a condition which is at issue. The development has been carried out, and the flue for which approval is now sought has already been installed. I have determined the appeal accordingly.
4. On 1 April 2021 Daventry District Council was merged into a new unitary West Northamptonshire Council, along with Northampton Borough Council and South Northamptonshire District Council. My decision will therefore be issued to the new Council. The development plan previously in place for Daventry district continues to have full effect in that part of West Northamptonshire.

5. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. In this case, the amendments to the Framework have not had a significant bearing on the most relevant issues in this appeal. I am therefore satisfied that there is no requirement for me to seek further submissions on the revised Framework, and that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Background and Main Issue

6. The appeal site is part of an open paddock, with a stone building (previously used as a barn) and attached lean-to at its northern edge. The site lies on the edge of Watford with open fields to the east, and housing of varying ages and styles nearby on Main Street, Church Street and Kilsby Road. Garden Cottage, the garden of which adjoins the appeal site to the north, is a Grade II Listed Building of coursed, squared ironstone with ashlar quoins and a corrugated asbestos tile roof with brick stacks, built at the beginning of the 18th century and remodelled in the 20th century. The lean-to element of the appeal building lies within the curtilage of Garden Cottage, and the Council therefore considers it to be "curtilage listed". The Council seems, tacitly at least, to have accepted the appellant's argument that the stone barn has not had a formal or functional relationship with Garden Cottage, and so is not part of the Listed Building.
7. The original 2020 planning permission for a community use for the buildings was submitted retrospectively. It is apparent from the evidence before me that the Council was, and remains, supportive of the principle of the development, including the use of the premises as a public house. However, it considered that the flue as installed detracted from the vernacular charm of the historic buildings in the group consisting of the barn and lean-to and the adjacent Garden Cottage, and therefore imposed a condition requiring revised details to be submitted and approved.
8. The appellant sought approval of details pursuant to condition 6 having replaced the original mounting brackets and used a darker colour for the wall panel behind the flue. The flue pipe itself appears not to have been altered, and the Council did not approve the submitted details. The main issue is therefore the effect of the external flue as installed on the character and appearance of the host building, and on the setting of the adjacent Grade II Listed Building.

Reasons

9. I have a statutory duty to have special regard to the desirability of preserving the setting of the Grade II Listed Garden Cottage and its curtilage buildings. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
10. The flue which has been installed is of black painted or enamelled steel, and breaks out of the former barn building through a blocked up window opening around halfway up the eastern gable end. It rises up the centre of the wall, finishing some 60cm or so above the roof ridge. It is mounted on "barley twist"

iron brackets, made locally from reclaimed 19th century railings and replacing those which were originally installed. I saw the flue in both long and close-up views at the time of my site visit.

11. The flue is on the elevation furthest from the site entrance and, as a consequence, is not readily visible in the close-up views of Garden Cottage from Church Street which I consider primarily define the setting of the Listed Building. On the other hand, the appeal building and the flue can be clearly seen in glimpsed long views between roadside trees and hedgerows when entering Watford from the east along Main Street. From this aspect, the appeal building is seen across fields against the backdrop of Garden Cottage, a view which also contributes to the setting of the Listed Building and emphasises its position at the rural edge of the village. The Council describe its appearance in this view as "strident" and at odds with the traditional ridge mounted masonry stack on the listed building in the immediate background. However, it seemed to me that the visual impact of the flue derived principally from its newness, and any starkness which might currently be perceived would diminish as a result of aging and weathering of the flue itself, the cleaned and repointed stonework of the barn, and the painted render of the former window opening.
12. I also saw that there is a large black painted soil and vent pipe on the opposite western end of the appeal building. Although the flue is both taller and of a slightly greater diameter than the other pipe, it also visually echoes it to some degree. It is therefore not, in broad terms, an alien feature on the building. While I note the Council Conservation Officer's observation that the way in which the flue exits through the blocked-up window opening is rather ungainly, this does at least authentically illustrate the changing function of the barn, and its restoration and repurposing for its current use. While a more acceptable approach might have been found, I do not consider that this feature in itself causes significant harm to the appearance of the building.
13. Taking all of the above points together, I conclude that the external flue as installed is not harmful to the character and appearance of the host building, and the setting of the adjacent Grade II Listed Building is preserved. In coming to this view I am, perhaps slightly unusually, putting myself at odds with both main parties, as the appellant appeared to accept that less than substantial harm was caused but outweighed by the public benefits of the scheme. However, as I do not find that the flue has caused harm to or loss of the heritage assets, it is not necessary for me to apply the public benefit test set out in paragraph 202 of the Framework. The development complies with Policy BN5 of the 2014 West Northamptonshire Joint Core Strategy Local Plan Part 1 and Policies ENV7 and ENV10 of the 2020 Daventry Settlements and Countryside Local Plan Part 2, which together seek to ensure that the historic environment is protected, and that development is well-designed and contributes to the quality of its surroundings.

Conclusion

14. For the reasons set out above I conclude that the appeal should be allowed.

M Cryan

Inspector