



Appeal Decisions

Site Visit made on 19 October 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal A Ref: APP/F0114/W/21/3279299

Shockerwick Cottage, Shockerwick Lane, Upper Shockerwick, BATH, BA1 7LH

- 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 A Humphreys against the decision of Bath and North East Somerset Council.
 - The application Ref 21/01131/FUL, dated 10 March 2021, was refused by notice dated 6 July 2021.
 - The development proposed is described as:
 1. Proposed removal of the double pitched roof over the work room (previous 1980s garage), and remove the doors to that and the 2012 link extension adjacent. Removal of the existing shed.
 2. Extension of the work room (previous 1980s garage) vertically, and new roof over to create a bedroom suite, and new side extension to form a log and cycle store.
 3. New fenestration to the work room (previous 1980s garage), and to the 2012 link extension adjacent.
 4. Remove the rear post 2000 boarded painted stable door to the kitchen, and reinstate back to a window as it was prior to 2000.
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Appeal B Ref: APP/F0114/Y/21/3279332

Shockerwick Cottage, Shockerwick Lane, Upper Shockerwick, BATH, BA1 7LH

- 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 A Humphreys against the decision of Bath and North East Somerset Council.
 - The application Ref 21/01132/LBA, dated 10 March 2021, was refused by notice dated 6 July 2021.
 - The works proposed are described as:
 1. Proposed removal of the double pitched roof over the work room (previous 1980s garage), and remove the doors to that and the 2012 link extension adjacent. Removal of the existing shed.
 2. Extension of the work room (previous 1980s garage) vertically, and new roof over to create a bedroom suite, and new side extension to form a log and cycle store.
 3. New fenestration to the work room (previous 1980s garage), and to the 2012 link extension adjacent.
 4. Remove the rear post 2000 boarded painted stable door to the kitchen, and reinstate back to a window as it was prior to 2000.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for works described as '1. Proposed removal of the double pitched roof over the work room (previous 1980s garage), and remove the doors to that and the 2012 link extension adjacent. Removal of the existing shed. 2. Extension of the work room (previous 1980s garage) vertically, and new roof over to create a bedroom suite, and new side extension to form a log and cycle store. 3. New fenestration to the work room (previous 1980s garage), and to the 2012 link extension adjacent. 4. Remove the rear post 2000 boarded painted stable door to the kitchen, and reinstate back to a window as it was prior to 2000', at Shockerwick Cottage, Shockerwick Lane, Bath, BA1 7LH in accordance with the terms of the application, Ref 21/01132/LBA, dated 10 March 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

3. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
4. The appeals relate to the same proposal under different legislation. Appeal A is made in respect of the planning application and Appeal B in respect of the listed building consent. I have considered each appeal on its own merits.

Main Issues

5. The main issues are:
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - b) The effect of the proposal on the openness of the Green Belt,
 - c) The effect of the proposal on the significance of the grade II listed building known as north wing of Shockerwick Cottage,
 - d) The effect of the proposal on the Cotswolds Area of Outstanding Natural Beauty (AONB) and the setting of the Bath World Heritage Site (WHS), and
 - e) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether these would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

6. Paragraph 149 of the Framework establishes that new buildings within a Green Belt are inappropriate unless, amongst other things, they constitute the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. 'Original building' is defined in the Framework glossary as a building as it

existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Policy GB3 of the Bath and North East Somerset Local Plan Placemaking Plan District-wide Strategy and Policies 2017 (PP) accords with the Framework.

7. The appellant suggests that the size of the original dwelling should be taken from 1988, when the residential use of the cottage was re-established, and the building substantially extended. This included converting a further outbuilding to form part of the reinstated and extended dwelling. However, the historic dwelling and outbuilding existed in 1948.
8. I accept that the situation has changed significantly since 1948, when the appeal building was part of a wider farm complex known as Upper Shockerwick Farm. I am also mindful of the fact that large modern agricultural buildings have been demolished, which has significantly reduced the combined volume of buildings across the broad area of the historic farmstead. However, the existing building, and the extent of the existing planning unit is well defined. The appeal building existed in 1948 in the form of a former cottage and outbuilding, and it is this 'original building' that I must take into account in the context of the Framework and PP.
9. The parties agree that a comparison between the buildings that existed within the red line of the appeal site in 1948 and the buildings that now exist within that same area represent an 85% increase in volume. This already represents a disproportionate addition over and above the size of the original building. The proposal would see this volume increase further, and cannot therefore accord with the exception set out at Paragraph 149 (c) of the Framework or Policy GB3 of the PP.
10. I cannot comment on why the increase in volume was considered acceptable when planning permission was granted in 1987, however this decision would have been made in a very different Policy climate. In any case I need to assess the proposal before me on the basis of the current legislative framework and as such I am not satisfied that this matter should have any bearing on my decision.
11. The Council's 2008 supplementary planning document 'Existing dwellings in the Green Belt' predates the current Framework. Previous national policy only regarded extensions and alterations to existing dwellings as potentially not inappropriate. The current Framework refers to the original building, whereas this document refers to the original dwelling. This is a different test, which renders this supplementary document inconsistent with the Framework. I am thus of the view that I should only give this document limited weight.
12. In summary, the proposal would be inappropriate development in the Green Belt. It would not accord with Policies GB1 and GB3 of the PP and Policy CP8 of the Bath and North East Somerset Core Strategy 2014 (CS), which together seek to protect the Green Belt from inappropriate development.

Openness

13. A fundamental aim of Green Belt policy is to keep land permanently open as defined in the Framework. The essential characteristics of Green Belts are their openness and their permanence. The openness of a Green Belt has a spatial aspect as well as a visual aspect. The proposal would increase the bulk of the

building by extending it upwards. The new side extension would be larger than the shed that it replaces. The proposal would therefore have a modest adverse impact on the openness of the Green Belt in spatial terms.

14. In terms of the visual aspect of openness, the extended building would sit alongside the other buildings that form the existing dwelling, and would be of a much smaller scale than the main three storey cottage. It would be viewed from the road and the surrounding landscape in the context of the existing development at Upper Shockerwick, which is characterised by its tight form, with the cottage and the farmhouse grouped close together at the side of the lane. I am satisfied that the proposal would not have an adverse impact on the openness of the Green Belt in visual terms.
15. The proposal would therefore have an adverse impact on the openness of the Green Belt in spatial terms only, and this impact would be modest.

Listed building

16. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
17. Shockerwick Cottage is a large dwelling that comprises an extended historic cottage and a converted and much altered outbuilding. The original cottage is a three storey building that occupies a modest footprint and dates from the mid to late 17th century. The original form of the building can be easily appreciated from the road, where its blocked historic window and door openings can be seen, underneath a pitched roof of stone slates and water tabling. The building stands very close to Upper Shockerwick Farmhouse, which is also a listed building, and forms part of a larger group of buildings that include historic farm buildings on the other side of the lane.
18. The list description clarifies that the late 20th century extension to the three storey cottage, which is two storey with an attached conservatory, and the altered outbuilding to the south are not of special interest. The significance of the building is therefore limited to the architectural interest of the original three storey building, as a good example of a mid to late 17th century rural dwelling, with its historic detailing and internal features. Its historic relationship with the farmhouse to the north and farm buildings to the west also contribute to its special interest, as does its rural landscape setting.
19. The proposal relates to an existing garage building, which is separated from the original historic cottage by the intervening altered outbuilding. It is a modern building that sits behind a stone boundary wall and faces into the garden area and has a neutral impact on the character and appearance of the group of buildings. When viewed from the garden the original historic cottage is entirely surrounded by modern extensions, to the extent that only a modest portion of the cottage is visible from this perspective.
20. The proposal would see the scale of the garage building increase by giving it a single gable and double pitched roof. The ridge of the building would be higher than the adjacent altered outbuilding, and similar to the eaves height of the original three storey cottage. It would thus sit well below the height of the original building and be significantly lower than the height of the farmhouse to

the north. The extended garage building would still be ancillary to the dominant forms of the cottage and farmhouse. The relationship between the buildings and the topography of the site would be maintained, and would be emphasised by the falling height of the enclosing roadside wall at the rear.

21. The extended building would occupy the same position alongside the existing altered outbuilding and would appear no more separate than the existing building. The first floor glazing and Juliet balcony would be seen in the context of the existing glazed conservatory and would not be seen in the context of the main elevations of the cottage, which face out from the site towards the lane and the farmhouse.
22. In summary, the proposal would not harm the significance of the listed building. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which states that great weight should be given to the conservation of heritage assets. It would accord with Policy CP6 of the CS and Policies D1, D2, D5 and HE1 of the PP, which together seek to ensure that development proposals are designed to a high quality, well detailed and protect and conserve the historic environment.

AONB and WHS

23. The appeal site is within the AONB. The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. Paragraph 176 of the Framework establishes that great weight should be given to conserving and enhancing the scenic beauty in AONBs.
24. The proposal is within the developed context of the existing building group. Whilst it would see the scale of the existing building increased by extending modestly upwards and to the side, this increase would not result in an encroachment of built form in the open countryside of the AONB.
25. The increased scale of the building would be modest in the context of the wider landscape. It would not obstruct views of the landscape, and where viewed from a long range across adjoining areas of undeveloped land it would occupy a close knit relationship with the existing buildings, and would be of a much smaller scale than the historic cottage and adjacent farmhouse. The extent of new glazing would be modest in the context of the glazed elements of the existing building.
26. The site is close to the city of Bath, and the Council suggests that it is within the setting of the WHS. I note that the surrounding rural landscape is an important contributor to the significance of the WHS. However, as I have already established, the proposal would not result in the spread of built form at the site. The extended building would be well related to the existing building group.
27. In summary, the proposal would not harm the scenic beauty of the AONB or the significance of the WHS. It would accord with Policies CP6 and B4 of the CS and Policy HE1 of the PP, which identify a strong presumption against development that would result in harm to the Outstanding Universal Value of the WHS, and seek to ensure that the distinctive character and quality of the area's landscapes will be conserved.

Other Considerations

28. In support of the proposal it is suggested that the removal of the roof form of the existing garage would improve the appearance of the building. The existing double pitched roof is set down low and relates well to the corresponding garage door openings. I am not satisfied that the existing arrangement is so poor that the proposal would be a clear enhancement.
29. The existing shed is a modest outbuilding that occupies a fairly discreet position behind the boundary wall and adjacent to the existing garage. It is partly obscured by vegetation. The proposal would see it replaced with a lean-to store. I am not satisfied that its removal and replacement would be a benefit.

Conclusion – Appeal A

30. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. In addition, I have found that the proposal would also have a modest impact on the openness of the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
31. The lack of harm I have found in relation to the listed building, the WHS and the AONB are not sufficient to outweigh the harm to the Green Belt that I have identified. The other considerations before me carry no weight. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, for the reasons above, I conclude that the appeal against the Council's refusal of planning permission should be dismissed.

Conclusion – Appeal B

32. For the reasons above Appeal B, which is against the Council's refusal of listed building consent and for which Green Belt matters are not relevant, should be allowed.

Conditions – Appeal B

33. I have had regard to the conditions that have been suggested by the Council, so far as they relate to the application for listed building consent. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed conditions to ensure that the extensions are appropriately detailed and finished to avoid causing harm to the special interest of the listed building.

34. The Council has suggested a condition to secure further details of the ridge height of the proposal. The appellant suggests that he would be willing to lower the ridge so that it is no higher than the eaves level of the historic cottage. The plans before me show that the ridge height of the extended garage would be very similar to the eaves height of the historic cottage. For the reasons already given I am satisfied that the proposed extension is acceptable in its current form and thus do not consider this condition to be necessary.

A Tucker

INSPECTOR

Schedule of Conditions

Appeal B Ref: APP/F0114/Y/21/3279332

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.
- 3) No installation of any windows, balcony, rooflights or doors (internal and external) shall commence until full details comprising 1:5 scale plans, elevations, sections (to include materials, colours, finishes, glazing) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.
- 4) No pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in-situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.