



Appeal Decision

Site visit made on 18 January 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/J1915/W/21/3273939

Wickham Hall, Hadham Road, Bishops Stortford CM23 1JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Frank David Harvey against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1683/VAR, dated 2 September 2020, was refused by notice dated 29 October 2020.
 - The application sought planning permission for Construction of an A3 cafe/restaurant (amended scheme), without complying with a condition attached to planning permission Ref 3/19/1133/FUL dated 29 July 2019.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.
 - The reason given for the condition is: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.
-

Decision

1. The appeal is allowed, and planning permission is granted for Construction of an A3 cafe/restaurant (amended scheme) at Wickham Hall, Hadham Road, Bishops Stortford CM23 1JG in accordance with the terms of the application Ref. 3/20/1683/VAR made on 2 September 2020 without compliance with condition number 2 previously set out in planning permission Ref: 3/19/1133/FUL dated 29 July 2019, but subject to the conditions set out in the attached schedule.

Procedural Matters & Background

2. The description of development in the banner heading above is taken from the application form. The decision notice and appeal form describe it as '*Variation of condition 2 (approved plans) of planning permission ref: 3/19/1133/FUL (Construction of an A3 cafe/restaurant (amended scheme) to show new external alterations to remove some windows and replace with new positioned windows; removal of flues and replace with small ventilation intakes, removal of covered walk way with addition of barn doors. Amendments to fenestration of ground floor doors.*' Whilst it describes the amendments, it is not a description of the development, so I have used the description from the original planning permission and application form in the decision paragraph above.

3. The application form states the development commenced on 1 September 2020. At my visit the development had mostly been undertaken in accordance with the plans submitted. Therefore, the application is retrospective and falls to be considered under section 73A of the Town & Country Planning Act 1990 as set out in the banner heading above.
4. This application seeks permission to replace the approved plans with new elevation, roof, and floor plans. Amongst other things the amendments seek to replace flues with ventilation intakes, remove windows on the north and south elevations, remove a canopy/walkway, flue, and additional barn doors on the eastern elevation, and remove a lower set of rooflights, increase the upper roof lights and amend ground floor doors/windows on the western elevation.
5. The appellant has provided further amended plans to move a double barn door on the eastern elevation a short distance. Taking into account the Wheatcroft principles¹ the plans indicate minor alterations that do not significantly change the external appearance of the building from that set out in the submitted plans. Therefore, I have considered the proposals based upon the amended plans. The Council and interested parties have had the opportunity to comment upon the changes through the appeal process so would not be prejudiced by this approach.
6. Since the appeal was lodged the revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and the Appellant the opportunity to comment upon the implications of this for their respective cases.

Main Issues

7. The main issues are the effect of the variation of condition 2 as proposed upon the setting and significance of designated heritage assets and the character and appearance of the building and the area.

Reasons

Heritage Assets

8. Wickham Hall is a complex of historic and newer buildings, including a number of Grade II listed buildings, forming a farmstead and rural business park. The appeal site comprises a relatively recent building approved in 2019, situated south of a number of the buildings, on an access road to the complex. It lies within the setting and has some intervisibility with a number of the Grade II listed buildings to its north, east, and west. These are Wickham Hall, Wickham Hall Barns 1 and 2, Wickham Hall Outbuilding, Wickham Hall Cottage, and Former Dovecote approximately 30 metres to the south west of Wickham Hall.
9. Special regard should be given to the desirability of preserving the setting of Listed Buildings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCAA). Paragraph 199 of the Framework requires when considering the impact upon the significance of a designated heritage asset great weight should be given to the asset's conservation. Any harm to significance including from development within its setting requires clear and convincing justification (paragraph 200).

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

10. The significance of the listed buildings derives from their special architectural and historic qualities as individual buildings and their contribution to and arrangement in a diverse group of what were mostly farmstead buildings. They are well-preserved C16th – C19th timber framed and red brick buildings retaining many of their historic forms and features. This includes red tiled and thatched roof forms, plaster, weatherboard and brickwork walls, some historic window openings, cart and door openings, and some internal structural and other features.
11. The settings of the listed buildings include the surrounding historic and more modern buildings, car parking areas, access roads, and functional agricultural structures and buildings, set within a wider rural landscape. Their setting including the appeal site contributes to their significance as it forms part of the mostly historic pattern of buildings, ancillary yard, and parking areas serving the businesses and other uses, viewed within the largely rural and agricultural backdrop to which the agricultural buildings are associated. As a well-designed weatherboarded and slate roof building on the access road the approved appeal site development would make a neutral contribution to the way in which the designated heritage assets are experienced.
12. As a result of the removal of the projecting flues, the amendments to the northern and southern elevations collectively, would result in a minor positive effect upon the setting of the designated heritage assets. This is primarily because their visibility would not be obstructed by the flues. The changes to the western elevation (rear) of the building are partly enclosed by two gable features and mature vegetation surrounding the lake. The amount and size of rooflights, windows and doors has very limited perceptibility within the setting of the listed buildings at various points around the complex. Configurations of multiple glazed openings were present on many other newer buildings and restored listed buildings nearby, so they are not discordant or out of keeping with their surrounds. I find no harm to the setting or significance of listed buildings from the new configuration on the western elevation.
13. While the approved veranda might add some rhythm, it would not suggest doors and would give little impression of an active frontage. While the amendments result in a functional simple appearance, the reception entrance remains on the eastern elevation. The new door entrances would result in the perception of an active frontage to no lesser, if not a slightly greater degree, than the veranda. It is not put to me that the approved type of veranda is present on external elevations the listed buildings that the appeal building is within the setting of, and I saw no similar external features present upon them. The amendments would remove decorative features that may distract from the nearby listed buildings. This would not be at odds with the listed or other buildings nearby, or their design features, or materials. Therefore, the alterations are not harmful to the setting or significance of the listed buildings.
14. For the reasons set out above the amendments would not have an adverse effect upon and would preserve the setting and significance of designated heritage assets. Therefore, they would not conflict with the aims of section 66(1) of the LBCAA or Policies HA1 and HA7 of the East Herts District Plan (2018) (the EHDP). In combination and amongst other things these policies state that development should preserve and where appropriate enhance the historic environment including the significance and setting of listed buildings.

Character and appearance

15. The restoration of nearby historic buildings to reflect their special architectural and historic significance and historic functionality, and the development of some individual newer buildings, results in there being a variety of different styles and appearance of buildings. The building as approved would be of a high quality in keeping with the character and appearance of the area.
16. Primarily as a result of the removal of the projecting flues the collective amendments to the northern and southern elevations would result in a minor beneficial effect to the character and appearance of the building and area. The amendments to the western elevation are minor, and the proposed design is reflective of and in keeping with the character and appearance of the host building, those nearby and the wider area. They are also partly screened from the wider area by mature vegetation and the gable features of the building.
17. The amendments to the eastern elevation result in a more simple and functional appearance, having an appearance in keeping with a historic functional barn building. It reflects a historical simple functional vernacular that is reflective of the rural farmstead and business hub location. The new false door entrances would give some modest impression of an active frontage in a similar manner to the approved elevation. They would provide some interest and limit the massing of the elevation. Therefore, I regard the amendments as a high quality of design having regard to the character and appearance of the area. I have been provided with a number of examples of simple functional elevations on historic buildings adjacent to roads, suggesting this is not uncommon in the wider area. Overall, the amendments are in keeping with the character and appearance of the building and the area.
18. For the reasons set out above the amendments resulting from the proposed variation of condition 2 would not be harmful to the character and appearance of the building or the area. Therefore, they do not conflict with Policy DES4 of the EHDP. Amongst other things this expects development to be of a high standard of design to reflect and promote local distinctiveness, and to respect or improve the character of the site and the surrounding area.

Other Matters

19. As the development does not adversely affect the significance of the listed buildings, no balancing exercise is required to be undertaken referred to in paragraphs 201 or 202 of the Framework. The Council has concluded the amendments would not have an adverse impact upon the Green Belt. The evidence before me suggests the removal of the veranda results in minor beneficial effects upon openness of the Green Belt. The amendments result in modest improvements in respect of building maintenance, adaptability, temperature control and construction benefits. These benefits attract limited weight in favour of the scheme.

Conditions

20. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with the Planning Practice Guidance. As the development has commenced and is mostly complete it is not necessary to impose a commencement condition. As the three new doors on the eastern elevation have not yet been installed a plans condition is

necessary. The details of the external materials are not specified on the plans before me. Therefore, in the interests of certainty, the character and appearance of the area and the setting of designated heritage assets, the Council's suggested materials condition is necessary.

21. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also re-state the conditions imposed on earlier permissions that continue to have effect. Therefore, I have imposed conditions 4 – 6 suggested by the Council, in respect of surface water drainage and ecological mitigation. I have not been provided with sufficient evidence detailing any previously approved landscaping scheme, or that this appeal scheme is fully consistent and compatible with the continued effect and operation any approved scheme. Therefore, I shall impose condition 3 suggested by the Council. I have amended the wording as the suggested condition was a pre-occupation condition, however, the building is occupied. In the event that it has been discharged and this appeal scheme is fully compatible with previously discharged submissions, it is a matter which can be addressed by the parties.

Conclusion

22. The development is compliant with the development plan and the Framework taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be carried out in accordance with approved plans:
 - Site location plan WH_A_SP_EXT_001;
 - Site plan WH_A_SP_EXT_001 A;
 - Floorplan WH_A_B1_GA_200 Rev R;
 - West elevation WH_A_B1_EL_303 Rev H;
 - North elevation WH_A_B1_EL_302 Rev F;
 - South elevation WH_A_B1_EL_301 Rev H;
 - East elevation WH_A_B1_EL_300 Rev L;
 - Roof plan WH_A_B1_GA_201 Rev I.
- 2) The external materials used in the construction of the development hereby permitted shall be those approved under discharge of condition application reference: X/19/0491/CND, unless otherwise agreed in writing by the Local Planning Authority.
- 3) Within 3 months of the date of this permission, details of the final landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of: hard landscape proposals, soft landscape proposals, finished levels, retained landscape features, planting plans and an implementation timetable. Thereafter, the development should be implemented in accordance with the approved details.
- 4) The development permitted shall be carried out in accordance with the Flood Risk Assessment & Surface Water Drainage Strategy (reference: 617301-REP-CIV-FRA Rev 2) and the letter titled: Designer's response to Hertfordshire County Council Comments (reference: JRC/617301/TH) both prepared by MLM. The following mitigation measures as detailed within the surface water drainage strategy shall be implemented:
 - The surface water runoff from the development will be conveyed to the basin 3 via a series of swales connecting the existing ponds;
 - The final discharge from the basin 3 to the ditch will not exceed the equivalent greenfield run-off rates for the total development site area, by using flow control devices;
 - Appropriate storage will be provided throughout basin 2, the swale and the final basin 3.

The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme, unless otherwise agreed in writing by the Local Planning Authority.

- 5) Upon completion of the drainage works, an updated management and maintenance plan for all the SuDS features and structures shall be submitted to and approved in writing by the Local Planning Authority. This shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 6) The development hereby approved shall be carried out in accordance with the Mitigation Strategy and Biodiversity Enhancements in the Ecological Impact Assessment December (2016) by ELMAW Consulting, unless otherwise agreed in writing by the Local Planning Authority.

End of Schedule.