



Appeal Decision

Site visit made on 9 March 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/K0235/Y/21/3278208

The Old Baptist Chapel, 27 High Street, Sharnbrook MK44 1PG

- 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 R Richman (GC Planning Partnerships Ltd) against the decision of Bedford Borough Council.
 - The application Ref 21/00847/LBC, dated 23 March 2021, was refused by notice dated 14 June 2021.
 - The works proposed are for internal alterations and partial relocation of headstones.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the description in the banner heading to omit 'Listed Building Consent' as it is superfluous information that does not form part of the description of works.
3. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004, so they do not need to be determined in accordance with the development plan. This is further confirmed by the lack of a requirement in section 16(2) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) to have regard to the development plan when determining applications and appeals for listed building consent. Policy 41S of the Bedford Borough Local Plan 2030 (Adopted January 2020) (LP) is therefore a material consideration only.
4. Section 72(1) of the Act confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies to listed building appeals and harm to the conservation area is referred to on the Decision Notice.
5. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.

Main Issue

6. The main issues are whether the proposal would preserve a Grade II listed building, known as Strict Baptist Chapel, and any of the features of special architectural or historic interest that it possesses, including its setting, whether the proposal would preserve the setting of the listed building known as Wall, piers, railings, and gates of Strict Baptist Chapel, and the extent to which it

would preserve or enhance the character or appearance of the Sharnbrook Conservation Area.

Reasons

Significance and Setting

7. The Strict Baptist Chapel¹ is a three-bay, two-storey Grade II listed building associated with John Usher, a notable architect. The Chapel is set back some distance from High Street behind its graveyard and the separately Grade II listed 'wall, piers, railings, and gates', both of which are also situated within the Sharnbrook Conservation Area (CA).
8. The Chapel likely originates from 1866 and its front façade is articulate in its detailing, with contrasting yellow, red, and orange brick used in dressings, and tile detailing to the eaves and pediment. The timber fenestration is also detailed to a high standard with a complex profile. The central bay breaks slightly forward and has a gabled pediment over, with a clock and pedimented main entrance doorway. The single-storey rear lean-to contrasts with the form and appearance of the building but does not harm its significance.
9. Internally, the Chapel is largely open to the underside of the roof, except for a narrow gallery on three sides at first floor. This is supported by slender metal columns, enclosed by a balustrade constructed of timber, with patterned metal fretwork infill panels, and its underside is plastered and painted as the internal walls. The windows to all sides of the building, including beneath the gallery, ensure that the interior is light, which enhances the sense of openness created by the height and space inside the building. While seating has been removed from the main worship area, the organ and seating above the main entrance, and the pulpit remain.
10. In so far as it relates to this appeal, the significance of the listed building is found in its architectural and historic interest as a relatively well-preserved 19th Century former Baptist Chapel, associated with notable architect John Usher. In particular, the main internal worship spaces remain largely unaltered and the external frontage area dedicated to a graveyard also remains.
11. The wall, piers, railings, and gates are constructed of yellow brick with the piers predominantly of projecting brick courses, which match the quoin effect found on the Chapel. The walls and piers are dressed with stone, the iron railings have a simple arrowhead, which mirrors the top section of the double gates, and the bottom section is more ornate. Their significance is found in the architectural interest of their well-preserved detailing and skilled craftsmanship associated with their construction, and historical interest given their link to the Chapel and the enclosure and demarcation of its entrance from High Street.
12. I am mindful of the definition of 'setting' contained in the Framework, as being the surroundings in which a heritage asset is experienced. In so far as is relevant to this appeal, the Chapel and Wall, piers, railing and gates are prominent within their immediate surroundings of High Street and have an important relationship with the graveyard and headstones therein, and with one another as a formal enclosure to the entrance to the grounds of the Chapel from the street. Moreover, the headstones generally date from the late 19th Century onwards and are set within grassed areas either side of the pathway

¹ Now known as The Old Baptist Church.

through the graveyard to the Chapel entrance. These reinforce the former functional and historic links of the building to the non-conformist community of Sharnbrook; and the wall and piers incorporate detailing found on the Chapel. These aspects therefore form an integral part of the historic setting of the listed buildings, which contributes to their understanding and significance.

13. The CA incorporates an extensive range of high-quality buildings from the various periods of its development as an agricultural settlement. This creates a rich tapestry of history, significance, and character, which is perhaps best demonstrated by the number of listed buildings situated in or close to the historic core of the village around High Street.
14. The historic function of the Chapel is important as an indicator of the development of the village and changes in the religious practices of its residents over time. In contrast to the general arrangement of buildings close to the street, it is set back from High Street, so the deep frontage incorporating headstones and its enclosure at the street combine to create a notable visual contrast. The detailing of the separately listed wall, piers, railings and gates also stand out from the simpler stone, brick, and landscaped enclosures of neighbouring properties. This further heightens the historic importance of the Chapel and its contribution to the character and appearance of the CA.

Background, fallback, and the proposal

15. The Council previously granted listed building consent² for the change of use and conversion of the Chapel to residential accommodation, with associated internal alterations. The approved drawing (Ref: J17-0BC 001 REV J) shows the ground floor to be arranged in an open-plan form with a kitchen island at the centre and living spaces surrounding it. There were no works to the first floor. In the rear lean-to, a separate bedroom, dining room/kitchen and bathroom are shown and the approved works to that part of the building appear to have been carried out.
16. The main parties disagree whether the consent also included for "the removal of some headstones within the grounds". While this remained in the description of the approved works, the Council suggest the scheme was amended to remove this element and this is referred to in the corresponding Officer Report. The list of approved plans also did not appear to include alterations to the graveyard layout, through removal of headstones. Nonetheless, the description of works is so ambiguous that it is not possible to determine what this would have entailed, if it did refer to those works. Based on the caselaw outlined in the Council's Statement of Case and the lack of substantive evidence to demonstrate that the works do form part of the existing consent, I am not able to consider them as a fallback position.
17. The appeal scheme is for alternative arrangement of the Chapel at ground and first floor. The ground floor would incorporate a series of pods, predominantly for bedrooms, which would be arranged to each side of the building, partly projecting out beyond the supporting columns and/or the edge of the gallery above. The gallery would include a kitchen to one side and dining space to the other. Externally, some of the headstones would be relocated to the east boundary wall, in order to create a gravelled hard surface area.

² Planning Reference: 18/01772/LBC.

Effect of the proposal

Historic floorplan of the Chapel

18. The liturgical contribution made by the Chapel will already be lost with the approved scheme for residential accommodation, but its former use would be evident with the approved open arrangement of the ground floor. Conversely, the proposal would subdivide the ground floor vertically into several smaller compartments to either side, in pods, which would project out into the original main worship space.
19. Aside from the stock example image of a free-standing pod shown on the proposed drawings, and a commitment that they will be freestanding, there is no information as to the appearance of the pods or their overall relationship with the surrounding fabric.
20. Subdivisions of a historic building are perhaps an expected consequence of providing residential accommodation for larger families and, in their own right the proposed pods could be adjudged to be reversible alterations. However, in this case, they seek to accommodate a significant increase in the number of bedrooms from the approved scheme and they would be likely to be in situ for some time. This would be unsympathetic and harmful to the historic floorplan layout of the Chapel, including appreciation of the openness of the former worship space, which would therefore be harmful to its special interest.

Historic built fabric of the Chapel

21. The original seating in the Chapel would not have been insubstantial and carried a load on the ground floor and I am mindful that proposed pods would be freestanding. Nevertheless, neither the application nor the appeal have been supported by evidence in respect of the structural integrity of the Chapel, particularly its floor, or the loading requirements of the pods. Moreover, it is unclear whether there are any existing structural deficiencies that would require mitigation through strengthening, repair, or other structural support.
22. There is therefore insufficient evidence before me pertaining to the structural integrity of the Chapel to establish the acceptability of the proposal in respect of its impact on the historic built fabric of the building. I am not satisfied that it would be appropriate to address this matter by planning condition, as this goes to the heart of whether the proposal would preserve the listed Chapel.

External works

23. It is clear that the proposal is to retain some headstones closest to the street in their original positions and those that would be removed would be re-sited along the eastern boundary wall of the graveyard. To a certain extent, retention of grassed areas instead of hard surfacing, secured by condition, would also maintain the soft landscaped feel to the Chapel frontage. However, it is the combination of the position of the headstones set within the grassed areas to either side of the pathway that makes a positive contribution to the setting of both listed buildings and the character and appearance of the CA, and the proposal would detrimentally alter this established context.
24. I observed on my site visit that some of the headstones are in a poor condition and, at the very least, require resetting or cleaning. However, neither the application nor the appeal have been supported by a convincing justification

why they need to be re-sited, particularly as some grassed areas already exist without such extensive coverage of headstones outside the Chapel entrance. Furthermore, even if I were to accept such an approach, there is an absence of information regarding the methodology for their removal to avoid damage. The use of a pre-commencement condition to address this matter is inappropriate, as this also goes to the heart of whether important aspects of the setting of the listed Chapel would be preserved.

Public benefits and conclusions on the main issues

25. The statutory duties in Sections 16(2) and 72(1) of the Act are matters of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
26. The proposed works would be harmful to the special historic interest of the Grade II listed Chapel and its setting, the setting of the Grade II listed Wall, piers, railings and gates and the character and appearance of the CA, which would have a negative effect on their significance as designated heritage assets. In my view the harm that I have identified, including the potential harm to historic built fabric, would equate to less than substantial harm to their significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
27. The appellant has suggested that the listed building has not been in use for some time and it is important to bring it back into use. However, it is likely that this evidence will have informed the Council's previous decision to grant approval for the change of use of the Chapel. There is no evidence before me to suggest that the building could not be converted as approved, without the need to harmfully partition the former worship space or alter the frontage of the building as proposed to provide outdoor space.
28. The public benefits that I have outlined would not justify allowing works that would be harmful to the identified designated heritage assets. In accordance with paragraphs 199 and 202 of the Framework, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
29. For the above reasons, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed Chapel and its setting, the setting of the Grade II listed Wall, piers, railings and gates and the character and appearance of the CA. Hence, the proposed works would fail to satisfy the requirements of the Act, and heritage aims of paragraphs 197 and 199 of the Framework and Policy 41S of the LP.

Conclusion

30. For the reasons given above, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR