



Appeal Decision

Hearing held on 2 November 2022

Site visit made on 2 November 2022

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/F9498/F/22/3290861

Beach Cottage, Porlock Weir TA24 8PE

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
- The appeal is made by Mr Rupert Lywood against a listed building enforcement notice issued by Exmoor National Park Authority.
- The enforcement notice was issued on 20 December 2021.
- The contravention of listed building control alleged in the notice is without listed building consent, unauthorised removal of render and limewash from listed building exposing the stonework.
- The requirements of the notice are:
 1. Render the property using Natural Hydraulic Lime (NHL 3.5) to all elevations but not to chimney stacks above eaves level.
 2. Limewash the walls using White limewash, at least 4 coats to provide even covering.
- The period for compliance with the requirements is nine months.
- The appeal is made on the grounds set out in section 39(1)(e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary Decision: The appeal succeeds in part and listed building consent for that part is granted, but otherwise the appeal fails, and the listed building enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

Preliminary Matters

1. The appeal was made on ground (g). However, the supporting evidence demonstrates that the appellant is seeking to retain the building in its current state, without carrying out the requirements of the notice. That is, in effect, an appeal under ground (e). That was discussed at the hearing and it was agreed that the appeal could proceed on ground (e).
2. My attention has been drawn to the Listed Building Consent granted under reference 6/27/18/103LB for the application of limewash to previously painted elevations. That has expired, but the National Park Authority have confirmed that they would support those works as an alternative to that specified on the listed building enforcement notice.
3. The contravention of listed building control alleged in the notice relates to the removal of render and limewash. Consequently, removal of limewash forms part of the works enforced against. On that basis, I could issue a split decision to require the removal of the render, but require the building be limewashed. I will take this into account in coming to my decision.

The Appeal on Ground (e)

4. An appeal on this ground is that listed building consent ought to be granted for the works.
5. Beach Cottage is a Grade II listed building within Porlock Weir Conservation Area. Consequently, the main issue is whether the works preserve the listed building or any features of special architectural or historic interest (or significance) which it possesses and whether the character or appearance of the conservation area has been preserved or enhanced.
6. The previous render and limewash were unsuitable for the listed building and had caused or exacerbated problems with damp within the building. I understand that this has been rectified as far as possible and issues with damp have been minimised. The condition of the building has been stabilised and it is now well maintained. The lack of white limewash or render does not affect the structure of the building. I am able to allow the appeal and grant listed building consent insofar as it relates to the removal of the previous render for that reason.
7. Any effect on the special architectural or historic interest of the building, and on the character and appearance of the conservation area, has arisen from the change to the appearance of the building. The stone and mortar are now exposed rather than covered in render, paint or limewash.
8. Porlock Weir is a small village around a harbour on the Bristol Channel. The land rises behind the harbour. A group of buildings including houses, public house and hotel are located around the harbour and a short distance up the hill are more houses, in particular the terrace at Lane End Cottages. Most of the buildings fronting the harbour are painted or limewashed, predominantly white. I understand that historically the public facing sides of houses in villages in the area tended to be painted or limewashed.
9. Porlock Weir is approached along the coast road from Porlock. There are a few houses set back from the road facing the sea. Beach Cottage is located close to the road and, as such, is prominent on the approach into the village. Combined with Gibraltar Cottages located diagonally opposite on the road, it signals the entrance into the historic centre of the village. The front and side elevations of Gibraltar Cottages are also coloured white. The rear, facing the sea, is unpainted. When coloured white Beach Cottage would stand out in this location, reflecting the appearance of other historic development in the conservation area and contributing to the character of the area. In unpainted stone it recedes into the background to some extent such that it appears somewhat incongruous in relation to most of the other historic development in the village.
10. An historic photograph dating from 1912 or earlier shows a boat on the beach and includes the front of Beach Cottage and Lane End Cottages, and the rear of Gibraltar Cottages in the background. Of the elevations visible, only Beach Cottage and the end cottage at Lane End Cottages were painted white or limewashed. It has been suggested that these two buildings were in line with what was then the entrance to the harbour, so they may have helped guide boats through that entrance. Such a need is no longer required as the harbour entrance has moved since the photograph was taken and as a result of modern lighting and navigation systems. This reason for the colour of the building is no

more than speculation but is possible and supports the fact that the building was white at the time the photograph was taken.

11. The colour of buildings can change over time. Whilst the evidence suggests this building has been white for a substantial part of its history, it isn't necessarily the case that it has always been that colour; it may well not have been painted when first built and I have been referred to photographs when it wasn't white. It is not necessary to consider whether the period of time to which it would be most authentic to return would be when the building was constructed or later. In this case, the white colour of the building was authentic for a significant period prior to its restoration in recent years.
12. I consider that the white colour was significant in terms of the architectural and historic importance of the building. In addition, the white colour is important in the building's contribution to the character and appearance of the conservation area in this prominent position at the main vehicular entrance to the centre of the village. In this regard, I note that remnants of previous white paint remain on stones on the building.
13. However, I note that there are concerns about the appropriateness of limewashing and its effect on the condition of the building. Over time, any limewashing is likely to be stained or washed off by rain, particularly given how the thatched roof has retreated up the building. That is natural and common with limewashed buildings. The building will need regular limewashing in order to maintain its appearance. There are issues with damp within the building but provided appropriate materials are used, this is unlikely to be exacerbated by limewash which does not normally cause material harm to the building. On balance, I consider that any minimal risk does not outweigh the benefits of colouring the building white.
14. The National Park Authority suggest that limewashing would be an acceptable alternative to the requirements of the notice. This would be a less onerous requirement on the appellant. I see no reason to disagree and can take this into account as an alternative. I will, therefore, grant listed building consent for the removal of the render and will take account of the need to limewash the building, that formed part of the development subject of the enforcement notice, in the appeal on ground (g).
15. For the above reasons, I conclude that the removal of the white limewash from the building has not preserved features of special architectural or historic interest which the listed building possesses. In addition, it has harmed the character and appearance of Porlock Weir Conservation Area. However, the removal of the render has benefitted the condition of the listed building.
16. The removal of the white limewash does not, therefore, comply with Policies CE-S4 and CE-D3 of Exmoor National Park Local Plan and paragraphs 194-200 of the National Planning Policy Framework (the Framework) that seek to conserve and enhance the historic environment of Exmoor National Park, including the character or appearance, special interest, integrity and significance of heritage assets. However, removal of the render does comply with those policies.
17. The Framework advises at Paragraph 199 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Accordingly, while less than the 'substantial harm' referred to in Paragraph 201 of the Framework, the harm to the listed building and conservation area from the removal of the white limewash is nevertheless a matter of considerable importance in this case.

18. Paragraph 202 of the Framework establishes that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The only public benefit in this instance is the removal of the inappropriate render that has benefitted the condition of the listed building. However, that benefit to the material of the building cannot outweigh the identified harm to the character and appearance of the listed building and conservation area from removal of the white colour provided by the limewash.

Conclusion

19. For these reasons, I conclude that the appeal under ground (e) should succeed to the extent that listed building consent can be granted for the removal of the previous render. However, as I have concluded that the building should remain limewashed, I will not quash the enforcement notice but will alter the requirements to enable it to be limewashed without the application of render.

The Appeal on Ground (g)

20. An appeal on this ground is that the requirements of the listed building enforcement notice exceed what is necessary for restoring the building to its condition before the works were carried out. The requirements of the notice clearly seek to restore the appearance of the building to its condition before the works were carried out, albeit using more appropriate materials that will better protect the structure of the building.
21. However, it has been agreed that the alternative scheme of limewashing the building in white would have essentially the same effect on the appearance of the building and would be less onerous to the appellant. I have already concluded under ground (e) that the notice should be amended to enable that work to take place.
22. For these reasons, I conclude that the appeal under ground (g) should succeed to that extent.

Formal Decision

23. The appeal is allowed insofar as it relates to the unauthorised removal of render and listed building consent is granted for the removal of render at Beach Cottage, Porlock Weir TA24 8PE.
24. It is directed that the listed building enforcement notice be varied by deletion of the requirements at section 5 of the notice and substitution of:
- Limewash the walls on all elevations but not to chimney stacks above eaves level using white limewash, at least 4 coats to provide even covering.*
25. The appeal is dismissed and the listed building enforcement notice is upheld as corrected and varied, insofar as it relates to the unauthorised removal of limewash, and listed building consent is refused for the retention of the works

carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rupert Lywood Appellant

Malcolm Thorman Contractor

FOR THE LOCAL PLANNING AUTHORITY:

Thomas Thurlow Historic Buildings Officer, Exmoor National Park Authority

Trevor Short Planning Investigations Officer, Exmoor National Park Authority

Dean Kinsella Head of Planning, Exmoor National Park Authority

DOCUMENTS SUBMITTED AT THE HEARING/INQUIRY:

Document 1: Drawing stamped by the local planning authority "ENPA Planning File No. 2 A1" and received by them on 13 February 2018