



Appeal Decision

Site visit made on 21 April 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023.

Appeal Ref: APP/C1570/D/22/3303140

The Dairy, Grange Green, Tilty Grange Road, Tilty CM6 2EQ

- 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 Chris Christou against the decision of Uttlesford District Council.
- The application Ref UTT/22/0696/HHF, dated 9 March 2022, was refused by notice dated 3 May 2022.
- The development proposed is described as the retention of existing rooflight to southeast roof slope of dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. According to the application description and from what I saw upon my site visit, the roof light had already been installed to the building. As such the application is retrospective and I have dealt with the appeal on this basis.
3. Both parties disagree on whether the appeal site is a listed building by way of being part of a listing's curtilage. In such cases a curtilage listed structure takes on the listing grade and would therefore come under consideration of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA). Whilst curtilage listing is ultimately a matter for the courts; such assessments of curtilage are subjective but can reliably be undertaken by professionals qualified in historic environment conservation, taking account of case law, policy, guidance, knowledge, experience, and precedent, amongst others.
4. In seeking to demonstrate that the appeal site is not a curtilage listed structure, the appellant has submitted an email from the Council's Planning and Building Support Officer¹ who appears to be giving advice as to the cost of pre-application advice and commented that in their opinion that the appeal building was not listed. Whilst I am unclear of the Officer's background, knowledge or experience with the historic environment or curtilage listing, the email does not present any assessment of why the officer has come to this conclusion. The response to the planning application by Council's designated Built Heritage Consultant provides an in depth explanation as to why they believe the appeal site to be curtilage listed, taking into account the age of the buildings, their close functional relationship forming an enclosure of buildings, and that at the time of conversion which was post listing, that all buildings were under the same ownership with their being a history of listed building applications for the site. A number of these considerations are supported by case law² and provide

¹ Email from Uttlesford Council to Chris Christou, Dated 30 August 2022 17:00.

² A-G ex rel Sutcliffe v Calderdale BC [1983] JPL310

a convincing argument that the appeal site would be considered a curtilage listed building and be subject to the considerations under the PLBCA. As such, in this appeal I have considered the appeal site as being a curtilage listed building and will take this into account as part of my assessment.

5. I note that the Council's Decision Notice refers to s16 of the PLBCA and cites this as a reason for refusal. This section of the PLBCA only applies to the undertaking of Listed Building Consent, however this application before me is an application for planning permission. Section 16 of the PLBCA is therefore not relevant to my determination under this appeal. Taking the above into account, and for the avoidance of doubt this appeal relates to the planning application only and does not relate to any other consent required under the PLBCA.

Main Issue

6. Taking the above into account, the main issue is the effect of the rooflight upon the significance of the existing building, the historic farmhouse (The Grange) and steading including the setting or any features of special architectural or historic interest which the buildings possess.

Reasons

7. Section 66 of the PLCBA prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, including its setting. Additionally, saved Policy ENV2 of the Uttlesford Local Plan (LP) seeks that development affecting a listed building should be in keeping with its scale, character and surroundings.
8. The appeal site is a historic barn which adjoins the edge of a group of historic agricultural buildings arranged around an inverted U-shape which were converted to form 6 dwellings in the late twentieth century. Whilst the group of buildings which make up the farmstead have significance, the part of the structure that relates to this appeal also has individual importance. This predominantly concerns the remaining historic fabric, the simple and functional construction, the quality of the materials and craftsmanship and how they relate to the former form and function of a group of largely unaltered agricultural buildings. These buildings are experienced together as a historic farmstead and are valuable in allowing an understanding of the various agricultural operations, functions and relationships between the land and associated buildings. Additionally, the setting of the appeal site and adjoining farmstead is quite large given its isolated and prominent position and appearance within the wider landscape.
9. As a result of the barn's simple and functional nature, care needs to be taken with alteration and additions in order to avoid excessive domestication of the building and to ensure any additions reflect its simple and functional nature, which extends to fenestration and key elevations. This approach is reflected in Historic England Guidance on traditional farm buildings which seeks that developments "*Retain existing historic openings and minimise alterations to prominent and significant external elevations, through careful attention to internal planning and how and where to introduce or borrow light. The size,*

proportion and detail of window and door design and materials has a major impact on overall appearance.³

10. The south-eastern roof pitch of this barn is a considerably prominent façade which is experienced along the main driveway into the historic steading as well as being visible from the road. Whilst I acknowledge comments from the appellant that the roof light does not alter the existing building's roof form, height, or built form; the size and raised nature of the roof light would not reflect the simplistic and traditional nature of the barn building and would overcomplicate the design by the placement of domestic glazing which would be uncharacteristic and inauthentic to this particular historic building. There are also considerations regarding the associated lighting and light spillage particularly at evening hours. In this case the roof light and light spillage would be suspended above ground level and give an awkward and inauthentic appearance to this agricultural building. These elements would result in the over-domestication of the barn, causing detrimental effects to the historic and architectural interest of the buildings that make up this historic steading.
11. I also acknowledge the presence of two roof lights to the roof slope of the Great Barn. These roof lights appear to be inset into the roof slope, rather than raised above the roof plane as per the appeal site. The appeal documents do not illustrate the reasoning or considerations as to why these roof lights have been installed, or indeed whether they have any form of consent. Despite this, the presence of these rooflights does not persuade me that further domestic type alterations such as present on the appeal site and of a more raised form would be acceptable when considering the significance of the appeal building and that of the historic steading.
12. It is clear to me that the installation of the rooflight fails to preserve the significance of the curtilage listed building, and the significance of the surrounding steading and some of the features of architectural or historic interest it possesses, the desirability of which is judged a matter of considerable importance and weight by the Courts and is contrary to the expectations of s66 of the PLBCA. As per paragraph 199 of the National Planning Policy Framework (The Framework), this harm is afforded great importance and weight.
13. Although serious, the harm to the heritage assets as a result of the proposed development in this case would be 'less than substantial,' within the meaning of the term in paragraph 202 of the Framework. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. In relation to this particular installation, the appellant in the appeal documents does not present any public benefits, however some public benefit would arise from the short term employment opportunities in installing the roof light, as well as facilitating the improved usability of the building. However, the building could still be utilised as a dwelling without the rooflight and the long term conservation and reuse of a heritage asset would be ensured. The roof light is also within the bathroom, and would also not be a habitable space. I have not been presented with any substantive evidence on how the proposed window

³ Historic England (2015), Farmstead Assessment Framework, Page 11

would further facilitate the usability of the barn to a level that would demonstrably outweigh the harm to the designated heritage asset.

15. Overall, and in conclusion of this matter, I therefore find that there would be insufficient public benefit to offset the identified harm and the development does not accord with the Framework. I consequently conclude that, the roof light fails to preserve the special architectural and historic interest of the curtilage listed building and the significance of the historic steading which consists of Grade II Listed farm buildings to which I am required to have special regard and pay special attention by the PLBCA. The development would also conflict with the LP Saved Policy ENV2 as described previously.

Other Matters

16. I acknowledge and appreciate the comments from the appellant in their personal statement which accompanies the Statement of Case regarding their personal needs, their specific situation and justifications for the proposed roof light which I have treated as a material consideration to this proposal. Having reviewed these personal circumstances, I feel that there may be other ways of accommodating the appellant's needs which may be more compliant with the policies of the development plan. As such the personal circumstances of the appellant in this case do not indicate that the decision should not be made in accordance with the policies of the development plan.
17. I note comments from an interested party with regards to their concerns from overlooking from the rooflight to their property. The roof light is mounted above 1.7 metres of the finished floor level and is unlikely to cause any overlooking. I note that the Council in their assessment viewed that the rooflight would not cause any harm to living conditions as a result of overlooking.

Conclusion

18. For these reasons, I conclude that the appeal should be dismissed.

J Somers

INSPECTOR