



Appeal Decision

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2023

Appeal Ref: APP/M9496/Y/22/3308555

The Cottage, Alstonefield, ASHBOURNE, DE6 2FX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
- The appeal is made by Dr Andrew Foxall against the decision of Peak District National Park Authority.
- Listed building consent Ref NP/SM/1021/1062, dated 1 October 2021 was granted on 4 July 2022.
- The works proposed are "Internal Alterations".
- The conditions in dispute is No 3 which states that:
 - a) No development shall take place until a Written Scheme of Investigation for a programme of historic building recording, the equivalent of a Level 2 building survey, and archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
 - I. The programme and methodology of site investigation and recording;
 - II. The programme and provision to be made for post investigation analysis and reporting;
 - III. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - IV. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - V. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
 - b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)
 - c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- The reason for the condition is: To ensure that the development conserves the significance of the listed building.

Decision

1. The appeal is allowed and listed building consent is granted, subject to the following conditions:
 1. The development hereby permitted shall be begun within 3 years from the date of this permission.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with amended plan 2141-04D and the submitted specification of works, subject to the following further conditions and modifications:
3. Notwithstanding the details shown on plan 2141-04D the works to open up the fireplace in the dining room shall only be carried out subject to a methodology and programme of works for archaeological investigation which has been agreed in writing with the Local Planning Authority. The programme of works shall include details of how investigations shall be carried out and how any findings will be recorded and disseminated.
4. If historic fireplaces are not revealed during the course of the works, or if they are found and determined to be beyond repair, details of any new fireplaces shall be approved in writing by the local planning authority prior to the removal of any historic fireplaces or to the installation of any new fireplaces. Thereafter, any new fireplaces shall be installed only in accordance with the approved details.

Main Issue

2. The main issue for the appeal is whether a written scheme of archaeological investigation is needed in order to ensure that the proposal preserves or enhances the special character of the listed building.

Reasons

3. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policies DMC5 and DMC7 of the Peak District National Park Core Strategy (CS) amongst other things seeks development which preserves the significance of heritage assets and this reflects the statutory duties defined in the Act.
4. The Cottage, Alstonefield is a Grade II listed building. The appeal property comprises two adjoining buildings, The Cottage and The Studio. Both are Grade II listed and are described as two early 19th century cottages. The Studio was converted to a subsidiary studio to the Cottage in the 20th century. The appellant's Heritage Impact Assessment (HIA) has dated parts of the two buildings as potentially being late 17th century, originally comprising a single-cell dwelling with an attached agricultural building. The building is considered to be of regional importance, as modest vernacular buildings from this period are relatively rare.
5. Refurbishment work to facilitate occupation of the studio took place in the 1980s. Most recently, listed building consent was granted on the 4th of July 2022 for internal alterations which comprise removing internal partitions, opening up historic fireplaces, and other internal changes associated with changing the use of some rooms. The Council are satisfied that the works would preserve the special interest of the buildings and I see no reason to dispute this view.
6. Consent was granted subject to a number of conditions. The appellant disputes the imposition of condition 3. The Council consider that the scheme would comprise the complete conversion of a rare agricultural building and so a Written Scheme of Investigation (WSI) should be submitted prior to the commencement of development.

7. The HIA provides a comprehensive assessment of the potential impacts of the development on the significance of the asset. It identifies that the proposed works to the 2 fireplaces have the potential to uncover historic features such as a lintel, bread oven or iron fixtures and fittings. As part of the appeal the appellant has submitted evidence¹ that indicates that such fabric is not present behind the existing fireplace in the living room which is to be replaced. I see no reason to doubt the appellant's view that the brickwork behind the existing fireplace is recent and likely to date from renovation works carried out in the 1980's.
8. The proposed opening up of the fireplace in the dining room does however have the potential to reveal original or other historically important fabric. Given the relative rarity of the building it seems to me to be prudent that such work is overseen and that the works do not lead to the loss of fabric which contributes to the significance of the asset by revealing its earlier form.
9. Policy DMC5 is clear that proposals likely to affect heritage assets of potential archaeological interest should be supported by a scheme of archaeological works to a methodology approved by the Authority. Nevertheless, in this case, having regard to the works already carried out to the building and the findings of the HIA, which shows that interest is likely to be limited to a specific feature within the building, it would not be proportionate to require a WSI for the whole building. I am satisfied that following works in the 1980s it is unlikely that a further survey of the entire building will contribute anything of value beyond that already recorded in the HIA. I am satisfied that works to open up the fireplace in the dining room are separable from other refurbishment works at the property. I therefore do not consider it proportionate to require such a survey of the entire building prior to the other works contained within the proposal taking place.
10. Whilst the disputed condition is not necessary to ensure the development conserves the significance of the listed building, I consider it necessary that the opening up of the fireplace in the dining room is monitored and recorded and that steps are taken to ensure that features of value are not lost from the building. I note that the appellants have also stated that this is their intention.
11. I have therefore imposed a condition which relates specifically to the area of concern, which is the fireplace in the dining room, and which would ensure the significance of the asset is preserved. Conditions relating to the time period for implementation and the approved plans define the scope of the permission and are also reasonable and necessary. A condition requiring details of any fireplaces to be installed is also reasonable and necessary to ensure that the significance of the asset is not eroded by inappropriate alterations.

Conclusion

12. Accordingly, having regard to the all the above, and all other matters raised, the appeal is allowed, subject to the conditions outlined above.

Anne Jordan

INSPECTOR

¹ Correspondance from A S Chimneys 12 August 2022

