
Appeal Decisions

Site visit made on 11 October 2023

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal A: APP/B3030/C/22/3306668

Bonnington, Vicarage Road, South Clifton NG23 7AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Annabelle Rogers against an enforcement notice issued by Newark & Sherwood District Council.
 - The enforcement notice was issued on 11 August 2022.
 - The breach of planning control as alleged in the notice is:
 - 1) The erection of timber trellis-style fencing affixed to the western boundary wall (image 1 and image 2).
 - 2) The erection of a pergola along the western boundary wall (image 2).
 - 3) The erection of a pergola affixed to the western elevation of the dwellinghouse (image 3).
 - The requirements of the notice are:
 - A. Dismantle and remove both pergolas in full.
 - B. Remove the fencing and all posts identified in Image 1 and 2 from the land.
 - C. Remove all resultant materials from undertaking Step A and B from the land.
 - The period for compliance with the requirements is:
 - A. 3 months.
 - B. 3 months.
 - C. 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/B3030/F/22/3308539

Bonnington, Vicarage Road, South Clifton NG23 7AQ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Annabelle Rogers against a listed building enforcement notice issued by Newark and Sherwood District Council.
 - The enforcement notice was issued on 11 August 2022.
 - The contravention of listed building control alleged in the notice is:
 - 1) The erection of timber trellis-style fencing affixed to the western boundary wall (image 1).
 - 2) The erection of a pergola along the western boundary wall (image 2)
 - 3) The erection of a pergola affixed to the western elevation of the dwellinghouse (image 3).
 - The requirements of the notice are:
 - A. Dismantle and remove both pergolas in full.
 - B. Dismantle and remove the fencing and all posts identified in image 1 and 2.
 - The period for compliance with the requirements is 3 calendar months.
 - The appeal is made on the grounds set out in section 39(1) (e) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Policy Background

1. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, when considering whether to grant listed building consent, that special regard should be given to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. Since there is a linked section 74 appeal on ground (a) the statutory requirement in section 66 (1) of the LBCA is also relevant, which states that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or any features of special architectural or historic interest which it possesses. Furthermore, as the site is within a Conservation Area I have had special regard to section 72(1) of the Act.
2. The development plan comprises the Amended Newark and Sherwood Core Strategy Adopted March 2019 (the CS) and the Newark and Sherwood Allocations and Development Management Development Plan Document Adopted July 2013 (the ADMDPD). Core Policy 14 of the CS relates to the historic environment, stating that when considering the impact of proposals on designated assets, great weight should be given to their conservation. Where adverse impact is identified there should be a clear and convincing justification, including where appropriate a demonstration of clear public benefits. The preservation and enhancement of the special character of Conservation Areas will form the basis for their management. In addition, Policy DM9 of the ADMDPD relates to protecting and enhancing the historic environment, confirming that proposals concerning heritage assets will be expected to secure their continued protection or enhancement and reinforce a strong sense of place. Proposals for the change of listed buildings and effecting or within their curtilage will be required to demonstrate that the proposal is compatible with the fabric and setting of the building. Proposals within Conservation Areas should take account of their distinctive character.
3. Other relevant policies include Spatial Policy 3 of the CS relating to rural areas, Core Policy of the CS Sustainable design and Policy DM5 of the ADMDPD relating to design. Newark and Sherwood Local Development Framework Conversion of Traditional Rural Buildings Supplementary Document November 2014 (the SPD) seeks to retain the character and architectural integrity of traditional rural buildings, alterations to existing fabric must be kept to a minimum to facilitate any new use. Among other objectives, features out of keeping with the character of traditional rural buildings must always be avoided and extensions to buildings should not compromise their integrity. The SPD recognises that retaining the character and appearance of former traditional rural buildings applies to the building fabric itself as well as its curtilage and setting.

Significance of the listed building

4. Bonnington is a Grade II listed building situated within the South Clifton Conservation Area. It comprises a traditional farmhouse with an attached farm building. The farm buildings have been converted to residential use as part of the original farmhouse. However, when converting the buildings great care was taken to retain the distinctive character and appearance between the

residential farmhouse and the former agricultural or farming part of the building.

5. Bonnington is described in its listing as an early nineteenth century cottage with a later nineteenth century extension. It is constructed with brick with pale headers, a pantile roof, first floor band, a coggled eaves with coped gables with tumbling, two gable stacks and a single ridge stack. It comprises two storeys in three bays with a central twentieth century glazed porch with a nineteenth century doorcase which is flanked by single bar glazing bar sashes with segmental heads. Above are two glazing bar sashes with segmental heads. There is a two storey later nineteenth century extension to the east with a twentieth century glazed porch and one glazing bar sashes on either floor. At my site visit I observed that the building has been altered over the years since the building was listed.
6. The building incorporates traditional materials and is a typical eighteenth century farmhouse. In addition, it is significant in the retention of its important architectural features, the relationship with the adjoining farm buildings and its setting within the rural agricultural village. In summary, its significance lies in in being a typical example of a traditional vernacular farmhouse and its demonstration of the architectural and social features and building processes in Nottinghamshire in the early nineteenth century. The Conservation Area in which the appeal site is situated draws its significance from its legacy of historic farmsteads and other historic buildings, including the appeal property.

Appeal A on ground (a) and Appeal B on Ground (e)

Main Issues

7. With respect to both appeals, the main issue is whether the development and/or works would preserve a Grade II listed building, Bonnington House, and any of the features of special architectural or historic interest that it possesses. I have dealt with each of the areas of work as set out in the planning enforcement notice and LBEN, below.
8. In addition, with respect to Appeal A an additional main issue is the extent to which the development preserves or enhances the character or appearance of the South Clifton Conservation Area.
9. Trellis-style fencing has been added to the historic brick wall which runs along the western boundary of the site. The fencing constitutes an overly domestic boundary feature on an attractive historic red brick wall. It is out of character with the historic boundary feature which formed a relatively robust boundary to the former farmstead and as such it compromises the historic setting of the listed building by harming its agrarian setting. The fencing is fixed to the wall and increases its overall height, sitting above the wall in an uncomfortable manner. I appreciate that there is an adjacent modern barn structure which is not particularly attractive, but the juxtaposition between historic and more modern buildings is not unusual in village settings such as this.
10. The smaller of the two pergolas is attached to the western boundary wall of the site and also incorporates a modern timber slatted backboard that rises above the original height of the red brick boundary wall. The pergola encloses space above an outdoor cooking area which has been created against the boundary wall. The pergola constitutes an overly modern domestic feature which is very

much out of character with the agrarian setting of the listed building and its wider historic village surroundings. Again, it has an uncomfortable relationship with the boundary with its increased height and it creates an incongruous feature along the boundary.

11. Finally, there is a two-part pergola structure across the western elevation of the former threshing barn and is attached to a lean-to and steps down across its length. It is a modern domestic decorative garden feature designed to identify particular areas within the garden space and to provide a partly enclosed domestic garden area. It is incongruous within this historic setting of a former farmyard and in the immediate vicinity of an historic barn. In my judgement, it overly domesticates the setting of the listed building and has the effect of adding a suburban feature to an historic building within an historic village setting. I recognise that the pergolas are relatively open structures, but this one is a relatively robust timber addition with vertical and horizontal supports which forms a distinct and easily legible new structure which has been built immediately adjacent to the listed barn. The structure is relatively complex when viewed against the simple gable end of the former barn and as such it has an awkward and uncomfortable relationship to the simple barn building, crossing the two distinct parts of the original building, the large barn door header, a window header and extending beyond the eaves of the lean-to.
12. The Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Due to the position of the fencing and pergolas within a relatively well-screened landscaped garden it is unlikely that they would be prominent from public or private views other than those experienced within the immediate surroundings of the property's garden. However, given the harm to the historic and architectural integrity of the listed building and its setting, it cannot reasonably be argued that the works would preserve or enhance the character or appearance of the Conservation Area. As such, I conclude that the proposal would fail to preserve the character and appearance of the Conservation Area.
13. The Framework advises that when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. In terms of the Framework, given the poor relationship of the fencing and pergolas to the listed building and the domesticating and modernising effect of the works I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
14. Under such circumstances, it is advised that this harm should be weighed against the public benefits of the proposal. The proposal would improve privacy levels to the occupants of the host building, contribute to the appellant's outdoor styling business, but they are private rather than public benefits. The evidence before me demonstrates very limited public benefit; if any at all.
15. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, Bonnington, and any of the features of special architectural or historic interest that it possesses. In addition, it would fail to preserve or enhance the character or appearance of the South Clifton

Conservation Area. As such, it does not satisfy the requirements of the Act, the Framework and conflicts with Spatial Policy 3 of the ADMDPD, Policies DM5 and DM9 of the ADMDPD, Core Policies E9 and 14 of the CS and the SPD.

Appeal B on Ground (i)

16. The ground of appeal is that the steps required to restore the character of the building to its former condition would not serve that purpose. Under ground (i) the former state is the state of the building prior to any contravention, not just the contravention which is the subject of the appeal.
17. Ground (i) is only appropriate when the steps required by the notice are for restoring the character of the building to its former state. The former state is its state before any contravention, not just the contraventions which are the subject of the appeal. To be successful on this ground it must be shown that the steps required for the purposes of restoring the building to its former state would not serve that purpose.
18. In this case the requirements relate specifically to a series of contraventions and measures to be taken to restore the character of the building that has been harmed by those contraventions. It does not go any further than that by requiring the former state to be restored before any contravention has occurred.
19. I have taken full account of the appellant's comments with respect to his appeal on ground (i). However, in my judgement the requirements of the LBEN would clearly serve the purpose of restoring the character of the listed building. Therefore, the appeal must fail, therefore on ground (i).

Formal Decisions

Appeal A: APP/B3030/C/22/3306668

20. The appeal is dismissed, and the Notice is upheld.

Appeal B: APP/B3030/F/22/3308539

21. The appeal is dismissed, and the Notice is upheld.

A A Phillips

INSPECTOR