



Appeal Decisions

Site visit made on 4 September 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal A Ref: APP/E2530/W/23/3318042

Palace Farm, Main Street, Witham On The Hill, Lincolnshire PE10 0JH

- 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 Andy Cordial against the decision of South Kesteven District Council.
 - The application Ref S22/2356, dated 28 November 2022, was refused by notice dated 17 February 2023.
 - The development proposed is described as: 'construct a single storey extension, facing away from any public view, to accommodate a living area at ground floor level'.
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Appeal B Ref: APP/E2530/Y/23/3318046

Palace Farm, Main Street, Witham On The Hill, Lincolnshire PE10 0JH

- 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 Andy Cordial against the decision of South Kesteven District Council.
 - The application Ref S22/2357, dated 28 November 2022, was refused by notice dated 17 February 2023.
 - The works proposed are described as: 'construct a single storey extension, facing away from any public view, to accommodate a living area at ground floor level'.
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Appeal C Ref: APP/E2530/W/23/3318065

Palace Farm, Main Street, Witham On The Hill, Lincolnshire PE10 0JH

- 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 Andy Cordial against the decision of South Kesteven District Council.
 - The application Ref S22/2354, dated 28 November 2022, was refused by notice dated 1 March 2023.
 - The development proposed is described as: 'flush fitting 'In Roof system' solar panels on the south east elevation of the existing barn, from Grid Neutral'.
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Appeal D Ref: APP/E2530/Y/23/3318068

Palace Farm, Main Street, Witham On The Hill, Lincolnshire PE10 0JH

- 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 Andy Cordial against the decision of South Kesteven District Council.
 - The application Ref S22/2355, dated 28 November 2022, was refused by notice dated 1 March 2023.
 - The works proposed are described as: 'flush fitting 'In Roof system' solar panels on the south east elevation of the existing barn, from Grid Neutral'.
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Decision

1. *Appeal A*: The appeal is dismissed.
2. *Appeal B*: The appeal is dismissed.
3. *Appeal C*: The appeal is dismissed.
4. *Appeal D*: The appeal is dismissed.

Preliminary Matters

5. I have taken the appellant's name from the appeal form in the interests of clarity.
6. The appeal property is Grade II listed¹ and referred to on the National Heritage List for England as: *Barn at Palace Farm*. It is also located in the Witham on the Hill Conservation Area (the CA). I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
7. In its delegated reports, the Council states that the appeal building is curtilage listed, due to its relationship with Palace Farmhouse. However, as set out above, it is Grade II listed in its own right and I have determined the appeals on this basis.
8. Additionally, the appeal site lies adjacent to two other Grade II listed buildings that are named on the National Heritage List for England as *Palace Farmhouse*² and *Pigeoncote at Palace Farm*³. Mindful of the statutory duty under section 66(1) of the Act to have special regard to the desirability of preserving listed buildings or their settings, I sought clarification from the Council whether it considered the appeal building to be within the setting of the adjacent listed buildings of Palace Farmhouse and the pigeoncote, and the extent of harm, if any, to the significance of either building through development within its setting.
9. I gave the appellant the opportunity to respond to the Council's comments and they did so. On this basis, no party has been prejudiced by my inclusion of the effect on the setting of the adjacent listed buildings within the main issues below.
10. The Council refers to the effect on the significance of the setting of the Barn at Palace Farm in both schemes. However, given the extent and nature of the development and works comprising an extension connecting to the building and solar panels on its roof, any effects primarily relate to the building itself rather than its setting. I have determined the appeals on this basis.
11. Appeals A and B relate to the construction of the single storey extension, whilst Appeals C and D concern the provision of solar panels within the roof. The two pairs of appeals are being considered under different, yet complementary legislation. The listed barn was recently granted planning permission⁴ and listed

¹ List Entry Number: 1240111.

² List Entry Number: 1261198.

³ List Entry Number: 1240112.

⁴ Ref: S22/0888.

building consent⁵ for conversion to a single dwelling. On the site visit I saw that the works and development to convert the building are currently underway. I have dealt with all four appeals together in my reasoning below, separating out the issues where necessary.

12. I have taken into account the revised National Planning Policy Framework (the Framework) as published on 19 December 2023. Any reference to the Framework below is consequently a reference to this latest revised version.

Main Issues

13. The main issues are whether the proposals would preserve the Grade II listed building, Barn at Palace Farm, or any features of special architectural or historic interest which it possesses; whether the proposals would preserve the setting of the Grade II listed buildings Palace Farmhouse and Pigeoncote at Palace Farm; and whether the proposal would preserve or enhance the character or appearance of the Witham on the Hill Conservation Area (the CA).

Reasons

Special Interest and Significance of Barn at Palace Farm, Palace Farmhouse, Pigeoncote at Palace Farm, and the CA.

14. The appeal building is a coursed and banded limestone rubble and ashlar stone barn with a predominantly linear form, located to the south of Palace Farmhouse. The barn dates to around the seventeenth century, although according to the list description, its original timber frame was completely underbuilt in stone in the eighteenth century. It is a sizeable and imposing building of three bays in width and, whilst described as single storey in the list description, is of considerable height. This is partly due to its tall, steeply pitched roof and resulting tall, steeply pitched gables. The building includes a much lower, partially curved, brick and pantile lean-to outshot to the rear and a similarly long, low, pitched roof extension to the front. I have not been provided with details of the age of either extension, however, based on my observations on site, these appear to be of some age and thus contribute to the legibility of the building's development over time.
15. The building has a large full height door opening to the front and rear elevations. The opening to the rear elevation had been partially infilled at some time as shown on the existing plans but at the time of my site visit had been re-opened. Ventilation slits are also present to both sides of the building. The front elevation comprises a decorative stone plinth which also extends around the gable of the elevation facing Palace Farmhouse. This is illustrative of the historic functional relationship between the two buildings. The land is open to the rear and still in agricultural use.
16. On the site visit I saw that the appeal building was in the process of being converted. The asbestos roof covering and clasped purlin roof structure referred to in the list description has been removed and replaced with modern roof timbers incorporating structural steelwork. Modern timber joists have been inserted to form a first floor. The openings between the rafters for five rooflights across the rear roofslope have been installed but the slate covering was not in place at the time of my visit. Much of the end bay furthest from

⁵ Ref: S22/0889.

Palace Farmhouse, including the gable, was in the process of being rebuilt with new stonework and a blockwork inner skin. Whilst modern, and subject to a number of interventions, associated with the change of use, including rooflights, the new slate covered roof will be nonetheless reflective of the relatively steep pitch of its predecessor, referred to in the list description, as evidenced by the profile of the remaining gable.

17. I have been provided with very little detail in terms of the significance of the appeal building, or adjacent listed buildings. Whilst I acknowledge the extent and detail of change and intervention permitted through the approved conversion scheme, the building retains an agricultural character with a high solid to void ratio and still includes agricultural style openings, indicative of past functions, including the large full height openings.
18. On the basis of my observations on the site visit, and the limited evidence before me, the special interest and significance of the appeal building derives, in part, from its predominantly linear form and steeply pitched roof, its functional agricultural appearance, presence of traditional materials, evidence of traditional construction techniques, the legibility of its former use, the historic connection with the adjacent Palace Farmhouse and pigeoncote and its rural agricultural setting.
19. Palace Farmhouse dates to the sixteenth and seventeenth centuries with alterations in the nineteenth and twentieth centuries. Constructed of squared limestone rubble, with ashlar quoins and dressings, the building is two storeys in height with an attic storey. It is a substantial building, set back from the road but visible within the streetscene as the road bends past the site. In these views it is seen alongside the appeal property.
20. A further listed building, the Grade II listed pigeoncote is located within the agricultural land to the east of these two buildings. This is constructed of coursed limestone rubble with ashlar quoins and dressings and dates to the early eighteenth century. It forms a group of listed buildings with Palace Farmhouse and the appeal barn.
21. Pertinent to the appeals, the special interest and significance of the appeal barn and these adjacent listed buildings stems in part from their value as a group, including the commonality of their materials and construction as well as their historic, physical, visual and functional relationship with each other. Moreover, the land surrounding Palace Farmhouse and the pigeoncote, which includes the appeal site, provide space within which to experience them and understand these important associations. As such, the settings of these listed buildings also make a considerable contribution to their special interest and significance.
22. The site is located within the CA which extends over much of the village. From the limited information provided and pertinent to the appeals, the character and appearance and thus special interest and significance of the CA derives in part from the sporadic arrangement of buildings interspersed with open green spaces all set within a rural and agricultural landscape. As an imposing stone barn in a rural setting, the appeal building reinforces that significance. Moreover, whilst set back from the road behind a stone wall, the building group and Palace Farmhouse in particular, are visible along this part of Main Street and form part of the agricultural character to the village, positively contributing to the significance of the CA as a designated heritage asset.

Appeal Proposal and Effects on Barn at Palace Farm, Palace Farmhouse, Pigeoncote at Palace Farm, and the CA.

Extension

23. The proposal seeks to construct a predominantly glazed, flat roofed extension to the rear of the listed barn. The extension would have a domestic appearance, comprising of predominantly aluminium-framed glazed panels with a flat roof, at odds with the agricultural character of the building and its high solid to void ratio. It would have a much greater width than the existing extensions and would project out a considerable distance to the rear, disrupting the linear form of the building. Furthermore, its boxy proportions would contrast with those of the existing steeply pitched barn and modest curved outshot adjacent. In addition, the relatively thick roof structure would cut across the large opening on this elevation, leaving a rather squat series of windows above it, divorced from the opening below which would become obscured by the extension, when viewed externally. Overall, this would erode the legibility of its former use and function and disrupt the architectural integrity of the listed barn, to the detriment of its special interest and significance.
24. I acknowledge that the extension would be contemporary in style and in that respect, would be clearly readable as a modern addition to the building. However, in my experience, good contemporary design takes cues from the existing building and, as set out in the objection letter from the Society for the Protection of Ancient Buildings should respond to its scale, massing and materials. In this instance, the scale, massing and materials, as well as the form and siting, would harm the special interest and significance of the listed building.
25. The appellant argues that the extension is reversible. I agree that the structure itself could be removed in the future without significantly interfering with historic fabric. Whether any future homeowner would seek to remove such a structure contributing to internal living space, is however, to my mind unlikely. This argument therefore carries limited weight.
26. The appellant's statement argues that the rear of the building where the proposal is located is not publicly visible and thus the proposals would not amount to harm. However, listed buildings are protected for their intrinsic architectural and historic interest, regardless of whether they are visible in public views.
27. The appellant refers to significant precedents for such extensions to barns, however, he has not provided any evidence to that effect which limits the weight I can ascribe to this matter. Moreover, the harm set out above is not justified by the presence of the existing historic extensions to the building. In the absence of any evidence to the contrary, these more modestly proportioned extensions appear to have been constructed in connection with its function as an agricultural building and contribute to the legibility of its development over time.

28. The proposed extension would be readily visible from the spaces around Palace Farmhouse and from its windows. There would be some intervisibility between the extension and the pigeoncote across the field to the rear. The development and works to the appeal property, within the setting of these adjacent listed buildings, would harmfully alter how they are experienced and undermine the legibility of the historic relationship between the three listed structures. The value as a group would be diminished as a result. In that regard the proposal would fail to preserve the settings of the adjacent listed buildings to the detriment of their special interest and significance
29. The proposed extension, owing to its location to the rear, would not be visible from the road, being screened by surrounding buildings. Although there would be no public rights of way across it, the proposal would be visible from the land to the rear. It would also likely be viewed from neighbouring properties and adjacent land. Whilst not widely or publicly visible, the harm to the agricultural character of an important building in the CA and to the building group as a whole, as set out above, would nevertheless incrementally erode the character of the CA. In that regard it would fail to preserve the character and appearance of the CA as a whole.
30. For the reasons set out above, the proposed extension would fail to preserve the Grade II listed building, Barn at Palace Farm, or any features of special architectural or historic interest which it possesses. It would also fail to preserve the settings of the Grade II listed buildings Palace Farm and Pigeoncote at Palace Farm and would fail to preserve the character and appearance of the CA. This would be contrary to the requirements of sections 16(2), 66(1) and 72(1) of the Act. In doing so it would cause harm to the significance of these designated heritage assets.

Solar Panels

31. The solar panels are proposed to the rear roof of the existing building. They would be sited high on the roofslope, above the five approved rooflights. Given the clear differences in texture, finish and colour, the proposed solar panels would stand out alongside the remaining slate section of the roof. This would represent a further and substantial intervention within the steeply pitched roofslope, a key part of the building that contributes to its significance, and a characteristic shared with Palace Farmhouse. The proposed solar panels would occupy much of the area of the new roofslope, significantly reducing the amount of visible slates and, given their prominence, would radically alter the appearance of this elevation of the building.
32. The solar panels would also be fitted flush with the slates. Appearing as an integral, permanent part of the roof rather than as a more transient fixture sitting above a traditional roof covering, these would, to my mind, represent a greater intervention into the roof and lead to more of a modern, somewhat domestic appearance. This would add to the harm to the special interest and significance.
33. Overall, whilst I accept that there would be no loss of historic fabric, the installation of the solar panels would diminish the building's authenticity and lead to a further erosion of its agricultural character.

34. The domestic appearance of the roof and harm to the listed barn set out above would be easily visible within the land to the rear of the building forming the shared agricultural setting of the listed buildings. It would also be readily observable from the listed pigeoncote. The erosion of the agricultural character of the listed barn would diminish the legibility of the historic and functional relationship between the three buildings. In that regard, the proposal would be harmful to the setting of Palace Farmhouse and the pigeoncote, to the detriment of their special interest and significance.
35. There would be limited intervisibility between the proposed solar panels and Palace Farm. Nonetheless, the setting of a listed building is the surroundings in which it is experienced. The domestic appearance of the roof and harm to the listed barn set out above would be viewed from the land to the rear of the building forming the shared agricultural setting of the listed buildings. It would also be visible from the listed pigeoncote. The development and works to the appeal barn, within the setting of these adjacent listed buildings, would impact negatively on how they are experienced and undermine the legibility of their historic relationship. This would diminish the value of the three listed buildings as a group. In that regard the proposal would fail to preserve the settings of the adjacent listed buildings to the detriment of their special interest and significance.
36. The solar panels, being located on the rear roofslope, would not be visible from the road, being screened by surrounding buildings. Although there would be no public rights of way across it, the solar panels would be visible from the land to the rear. They would also likely be viewed from neighbouring properties and adjacent land. The harm to the agricultural character of an important building in the CA and to the building group as a whole, as set out above, would incrementally erode the character of the CA. Whilst the magnitude of this harm would be modest, in the context of the CA as a whole, it would nevertheless fail to preserve or enhance its identified character and appearance.
37. Therefore, the proposed solar panels would fail to preserve the Grade II listed building, Barn at Palace Farm, or any features of special architectural or historic interest which it possesses. They would also fail to preserve the setting of the Grade II listed buildings Palace Farm and Pigeoncote at Palace Farm. The proposal would also fail to preserve the character and appearance of the CA. This would be contrary to the requirements of sections 16(2), 66(1) and 72(1) of the Act. On this basis the proposal would cause harm to the significance of these heritage assets.

Public Benefits and Balance

38. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to a designated heritage asset, the magnitude of that harm should be assessed.
39. Given the extent and nature of the proposed extension, I find that the harm to the listed building itself and the setting of the two adjacent listed buildings would be less than substantial. Having regard to the scale and nature of the works and development to install the solar panels, the harm to the listed barn and the adjacent assets from this proposal would also amount to less than substantial harm.

40. Whilst I have found both proposals would amount to less than substantial harm, this is nonetheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.

Extension

41. The appellant sets out that the proposed extension would be a positive addition to the residential barn conversion as it allows for a more comfortable and habitable use of the space. This is primarily a private benefit rather than a public benefit.
42. The conversion of the barn to a sizeable dwelling is well underway. The implementation of recent grants of planning permission and listed building consent did not include the floorspace arising from the proposed extension. There is therefore no convincing evidence before me that the appeal property would not be useable or viable as a dwelling, or that its conservation as a designated heritage asset would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented.
43. Even accounting for modest economic benefits associated with the construction phase, cumulatively the sum of public benefits would not outweigh the considerable importance and weight that even less than substantial harm to designated heritage assets carries.
44. Overall, the proposed extension would fail to preserve the Grade II listed building, Barn at Palace Farm, or any features of special architectural or historic interest which it possesses. It would also fail to preserve the setting of the Grade II listed buildings Palace Farm and Pigeoncote at Palace Farm. The proposal would also fail to preserve the character and appearance of the CA. This would be contrary to the requirements of sections 16(2), 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policies DE1 and EN6 of the South Kesteven Local Plan (2020) (the LP) which together seek to protect and enhance heritage assets whilst providing high quality design that makes a positive contribution to local distinctiveness.

Solar Panels

45. The appellant has highlighted the importance of renewable energy technologies. I acknowledge the requirement to give significant weight to support energy efficiency and low carbon heating improvements to existing buildings. Nonetheless, the Framework highlights that the policies that relate to the historic environment should also be applied, which includes the need to give great weight to the conservation of heritage assets.
46. Whilst the proposal would be small scale, I accept that environmental benefits would arise from the solar panels. I have given this significant weight. I acknowledge the rising cost of energy, however any reduction in electricity bills as a result of installing the solar panels would primarily be a private benefit for future occupiers of the converted barn.
47. Moreover, given that the conversion of the barn to a dwelling is well underway as part of the implementation of recent grants of planning permission and

listed building consent that did not include solar panels, there is no convincing evidence before me that the appeal property would not be useable or viable as a dwelling, or that its conservation as a designated heritage asset would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented.

48. Nevertheless, whilst the public benefits taken together are significant, they would not outweigh the harm to the designated heritage assets, to which I must give considerable importance and weight.
49. For the above reasons the proposed solar panels would fail to preserve the Grade II listed building, Barn at Palace Farm, or any features of special architectural or historic interest which it possesses. They would also fail to preserve the setting of the Grade II listed buildings Palace Farm and Pigeoncote at Palace Farm. The proposal would also fail to preserve the character and appearance of the CA. This would be contrary to the requirements of sections 16(2), 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policies DE1 and EN6 of the LP, described above.

Conclusion

50. *Appeal A:* The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
51. *Appeal B:* For the above reasons and having regard to all matters raised I conclude that Appeal B should be dismissed.
52. *Appeal C:* The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal B should be dismissed.
53. *Appeal D:* For the above reasons and having regard to all matters raised I conclude that Appeal D should be dismissed.

Paul Martinson

INSPECTOR