



Appeal Decision

Site visit made on 30 November 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2024

Appeal Ref: APP/A3010/D/23/3328234

32 Highland Grove Workshop S81 OJN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Stuart Thorpe against Bassetlaw District Council.
 - The application Ref 23/00503/CTL, dated 24 April 2023, was refused by notice dated 05 July 2023.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is Retention of existing barge boards.
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Decision

1. I have concluded that the operations which are the subject of this appeal fall outwith the definition of development and that, therefore, planning permission would not be required. In consequence no further action will be taken in connection with this appeal.

Preliminary Matter

2. The appellant appeals the refusal of a Certificate for operations which have been carried out, namely the replacement of barge boards to the appeal property (No.32) an unlisted house within the Mr Straws Conservation Area (Conservation Area). The Appellant and Council presume that the replacement of elements of the roof, identified as barge boards which trim the verge of the existing main tiled roof, fall within the definition of 'development' prescribed in Section 55 of the Town and Country Planning Act 1990 (TCPA 1990) such that the works identified in this matter require(d) planning permission as prescribed by Section 57 of the TCPA. I therefore consider the main issue to be addressed in this application are:

Main Issue

3. Whether the works which are subject of this appeal constitute development within the terms of the TCPA 1990 and, if so, whether such works are permitted by The Planning (General Permitted Development) (England) Order 2015 (The GPDO).

Reasons

4. Section 191 (1) (b) of the TCPA 1990 states that if any person wishes to ascertain whether any operations which have been carried out in, on, over or

under land are lawful they may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter. Section 55 of the TCPA 1990 states that the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, or *do not materially affect the external appearance of the building*¹ are excluded from the definition of development, such that planning permission is not required.

5. The operations which are the subject of this appeal arise from the replacement of barge boards on the side gable of the main roof of No.32 with preformed black uPVC material ('the operations'). No.32 is a three-storey building with a steep pitched clay tiled roof with both front projecting and side gables. No.32 is identified as a positive building on Map 9 of the Mr Straws Conservation Area Appraisal (CAA) although this designation appears to exclude the later two-storey side extension which is located below the main roof side gable to which the barge boards that are the subject of this appeal are attached at height.
6. Other parts of the main roof retain black-painted moulded timber bargeboards whereas those to the side gable and the rear facia appear to be of lengths of black uPVC signified by capping closure pieces where lengths join. The replacement of original timber bargeboards were likely due to need for maintenance and repair of parts which have become difficult to access, however it is appropriate to consider if any material change of external appearance has resulted. I consider, due to a combination of the dark colour together with the height at which these elements are mounted and distance from available public viewpoints, this change is not apparent in a normal views from ground level and the change does not materially change the external appearance of the property.
7. Although in other circumstances operations such as those which are the subject of this appeal might result in a different conclusion, having regard to the references set out in the CAA for the Mr Straws Conservation Area (Conservation Area) and other reasons given, I conclude that the change of material and profile² of the barge board found at No.32 does not materially alter the external appearance of this unlisted building or its contribution to the character and appearance of the Conservation Area overall. This directs a conclusion that the operations do not fall within the definition of development as defined by the TCPA 1990 and that, in consequence, planning permission would not have been required. Having reached such conclusion it is not necessary to further consider the arguments put forward by either party.
8. Since I have concluded that the operations which are the subject of this appeal fall outwith the definition of development set out in Section 55 of the TCPA 1990 and that in consequence no planning permission would be required, no further action will be taken in connection with this appeal.

Andrew Boughton

INSPECTOR

¹ Emphasis added; this is not a complete summary of the legislation.

² Presuming that the original material was similar to the timber barge boards retained on the front gable