



Appeal Decision

Site visit made on 2 January 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/F0114/Y/23/3323052

Chelscombe Farm, Fonthill Road, Lansdown, Bath, BA1 9BA.

- 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 and Mrs Porter against the decision of Bath and North East Somerset Council (the LPA).
 - The application ref. 22/01407/LBA, dated 31 March 2022, was refused by notice dated 30 November 2022.
 - The works proposed are described as the *renovation, conversion and extension of the farmhouse and associated outbuildings (revised proposals)*.
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Decision

1. The appeal is allowed and listed building consent is granted for the renovation, conversion and extension of the farmhouse and associated outbuildings at Chelscombe Farm, Fonthill Road, Lansdown, Bath, BA1 9BA. Consent is granted in accordance with the terms of the application ref. 22/01407/LBA, dated 31 March 2022, and subject to the conditions in the attached Schedule.

Preliminary Matters

2. Chelscombe Farm is a grade II listed building¹ within the Bath Conservation Area² (CA), the City of Bath World Heritage Site (BWHS), The Great Spa Towns of Europe World Heritage Site (GWHS) and the Cotswold Area of Outstanding Natural Beauty (AONB)³. The site also forms part of the settings of the grade I listed Beckford's Tower and the grade II registered park and garden of Lansdown Cemetery and Beckford's Tower.
3. In determining the application the LPA took into account some amended plans. As part of the appeal, the appellants have submitted further amended plans. Amongst other things, works are no longer proposed to the fireplace within the reception room. Additional supporting technical information, including schedules of repair and restoration, have also been submitted. The LPA has commented upon these amended plans/details and the appeal scheme remains essentially the same as one considered by the LPA. Having regard to the Wheatcroft principles⁴, no party would be likely to be prejudiced by these plans/details. I shall therefore take them into account in determining this appeal.
4. In October 2021, appeals against the refusal of planning permission and listed building consent for the renovation, conversion and extension of the farmhouse and associated outbuildings were dismissed (refs. APP/F0114/W/21/3274762 & APP/F0114/Y/21/3274761). The application that is now the subject of the

¹ The provisions of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² The provisions of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

³ The provisions of section 85 of the Countryside and Rights of Way Act 2000 are engaged.

⁴ *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982).

appeal before me has been submitted in an attempt to address the concerns raised by the previous Inspector.

5. Some works have already been undertaken to the farmhouse. I understand that, in the main, these were carried out to prevent water ingress and to avoid the collapse of a chimney stack. This includes some works to the walls and roof of the farmhouse and the enlargement of the first-floor bathroom. Some new roof battens have been provided, loft insulation has been installed (provision has also been made for a bat roosting space within the loft), as well as the removal of some concrete mortar and the rebuilding of a chimney stack. The LPA has informed me that such works are unauthorised. Be that as it may, the previous Inspector did not identify any concerns regarding these works and I have not been made aware of any enforcement action on behalf of the LPA.

Main Issues

6. The three main issue are: firstly, whether the proposals would preserve Chelscombe Farmhouse or its setting or any features of special architectural or historic interest which it possesses; secondly whether the proposals would preserve or enhance the character or appearance of the CA and the effect upon the BWHS and GWHS and; thirdly, whether the proposals would preserve the settings of Beckford's Tower and Lansdown Cemetery.

Reasons

7. Heritage assets are an irreplaceable resource and it is important that they should be conserved in a manner appropriate to their significance. In determining applications the level of detail sought should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of a proposal on their significance. In this regard, the appellants have submitted much evidence in support of the proposals. This includes a Structural Review, a detailed Window Condition Report, a Heritage Impact Appraisal and a Heritage Statement.
8. Where consent is not forthcoming, a LPA's reasons for refusal must state clearly and precisely the full reasons for the refusal. In this instance, the LPA's reference, within in its reason for refusal, to "*the loss of historic fabric and significance and harm*" is somewhat lacking in precision. Whilst I appreciate the constraints on scarce local authority resources, I also understand from the submissions that the LPA has not been particularly forthcoming in discussing the proposals with the appellants' agent or in visiting the site.

First Main Issue - Chelscombe Farmhouse

9. Chelscombe Farmhouse is an isolated traditional farmhouse (built in the Cotswold vernacular) on northern fringe⁵ of the city of Bath. The significance (heritage interest) of this listed building, which dates from 1651, is primarily derived from its special architectural and historic qualities. These include its coursed limestone rubble walls, steeply pitched double Roman tile roof with stacks, five-unit plan, symmetrical five-window front elevation, ovolo moulded stone mullioned windows and its stone roofed central porch.

⁵ As I noted during my visit, the appeal site can be seen from sections of the public rights of way that bisect the countryside to the north, east and west, as well as from part of Lansdown Cemetery.

10. There is a small group of farm buildings immediately adjacent (to the west) of the listed farmhouse. These comprise a circa 18th century stone barn (part two-storey, part single storey), a single storey 18th/19th century stone outbuilding and two late 20th century outbuildings. As noted by the previous Inspector, these stone barns provide information about the past in terms of the layout and operation of Chelscombe Farm. They are also a record of the method of construction and fabric used in these traditional buildings. Unlike the late 20th century outbuildings, these stone barns add to the architectural and historic interest of the listed farmhouse.
11. There is nothing of substance before me to indicate, or any cogent evidence to demonstrate, that the proposed works to the outbuildings⁶ would have any adverse effect upon the significance of Chelscombe Farmhouse. The removal of the 20th century concrete block outbuildings⁷ and the conversion and restoration of the stone outbuildings for ancillary residential use would entail a modest enhancement to the setting of farmhouse. This would also secure a viable new use for these buildings and avoid any further risk of decay. These are public benefits of the scheme that need to be weighed in the balance.
12. From the LPA's officer's report and Statement, it appears to me that the LPA's concerns are limited to the following proposed works: a) the removal of the timber garage doors and replacement glazing in the farmhouse; b) the proposed opening between the reception room and garage; c) the removal of concrete mortar from some of the walls and; d) the proposed new windows. In comparison to the previous appeals scheme, the proposals before me include fewer interventions into the fabric of the main farmhouse.
13. From all of the evidence before me, including what I saw during my visit, the garage doors in the farmhouse date from the 20th century. They neither detract from the special qualities of this listed building nor contribute to its significance. The proposed removal of these doors would not entail the loss of any important historic fabric. The proposed replacement glazing would comprise four fixed lights, recessed in a heavy timber frame with the lintol retained. This new window would be different to others in the front elevation of the farmhouse, including being taller and wider.
14. I note the comments of the appellants' heritage consultant that this new window would reflect the even number and proportion of the paired window openings in the main farmhouse. I also recognise that the garage sits within a later addition to the house and is set down and back from the principal elevation. However, a window of the size shown on drawing ref. 120-PL Rev G (full height) would be clearly evident on the front of the farmhouse and would sit rather uncomfortably within the quite formal and imposing main elevation. In my opinion, a slight reduction in the height of this window, as shown on drawing ref. 131-PL Rev C⁸, would be a more comfortable fit which, on balance,

⁶ In comparison to the previous appeals, the proposals before me would entail sympathetic alterations to the outbuildings. This includes the retention of the hip roof on the northernmost stone outbuilding, a reduction in size of the glazed link between the outbuildings (including setting it back from the western elevations), deletion of a proposed window opening and a reduction in the amount of wall to be removed with the loss of walling on the inside faces of the southernmost stone outbuilding limited to concrete blockwork.

⁷ I agree with the appellants that the appeal scheme provides an incentive for securing the removal of these redundant outbuildings, the condition of which is likely to deteriorate over time and further detract from the setting of the listed farmhouse and the appearance of the CA.

⁸ Both this drawing and plan ref. 120-PL Rev E (now Rev G) are in the list of drawings on the LPA's decision notice.

would not detract from the aesthetic value of the farmhouse. This matter could be addressed by way of suitably worded condition attached to an approval.

15. As part of my site visit, I inspected the recess in the common wall between the reception room and garage⁹. The appellants' agent has informed me that this recess measures 2075mm x 1015mm x 160mm and rings hollow when tapped, being neither brickwork nor stonework. This part of the wall is evidently a blocked up doorway. Whilst there is no record of when it was blocked up, in all probability, it is unlikely to include any material that is part of the important historic fabric of the building. Re-opening this internal doorway would not detract from the original plan form or layout of the building and would not erode the significance of Chelscombe Farmhouse.
16. I note the LPA's concerns that insufficient information has been submitted in respect of the proposed works to some sections of the external walls. However, a considerable amount of information¹⁰ has already been provided by the appellants. It is also clear from a site visit that a concrete or cement based mortar has been applied by a previous owner. This detracts from the character and appearance of the listed farmhouse and is also likely to be damaging the durability of the stonework by trapping moisture in the joints and increasing the risk of frost damage or other damage. The careful removal of such inappropriate mortar would be beneficial to the integrity of this listed building.
17. If not undertaken properly, removing mortar can damage the fabric of listed buildings. It is also important to ensure that a suitable replacement is used, including an appropriate mortar profile, so as to reflect local distinctiveness and safeguard the character and appearance of listed buildings. The appellants have indicated that they intend using an appropriate lime putty mortar mix and it is commonplace for such matters to be secured by way of suitably worded planning conditions. It would be unsound to withhold consent for such works.
18. The proposed works include the replacement of some of the windows and the restoration of some others. As noted by the previous Inspector, windows profoundly affect the appearance of a building and in this case are an intrinsic part of the historic character and design of the farmhouse, particularly on the front elevation. Since the previous appeals were dismissed the appellants have commissioned a detailed Window Condition Report from a company¹¹ that specialises in engineering and architectural metalwork conservation. The revised scheme incorporates the recommendations of this Report.
19. I note from this Report that, amongst other things, the windows on the front of the farmhouse are predominantly iron casements with a single opening casement and a fixed light. These have previously been restored with the introduction of somewhat ill-fitting timber beads around the outside of the iron openers. The glass within the opening casements is modern and some saddle bars have been removed or are unusable. The Report also found that some of these windows have been poorly installed and damaging the surrounding stonework. Elsewhere, many of the timber framed windows are of poor quality and some of which have been installed within the last 30 years.

⁹ I viewed the wall from both sides. The proposed plans show the garage in use as a study/snug and the reception room as the kitchen.

¹⁰ In my experience, the amount of information/details submitted on behalf of the appellants exceeds what many local authorities would deem adequate for works to a grade II listed building and is proportionate for this asset.

¹¹ Dorothea Restorations. I note that this company is mentioned in the list description for having undertaken some of the restoration works to Beckford's Tower.

20. Given the condition of the existing windows and the absence of any clear template for the introduction of new windows, the proposed repair works and replacement windows, including replacing some timber windows with iron casements, would not harm the special architectural or historic qualities of Chelscombe Farmhouse. A condition attached to an approval requiring the works to be undertaken in accordance with the above noted report and requiring the submission and approval of more detailed drawings would ensure that the works do not harm the significance of this listed building.
21. I conclude on the first main issue that the proposals would preserve Chelscombe Farmhouse and its features of special architectural and historic interest. There would be no conflict with the provisions of policy HE1 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy and Placemaking Plan (LP).

Second Main Issue - Conservation Area (CA) and World Heritage Sites

22. The CA covers an extensive area of the City of Bath and its immediate environs. It includes buildings of different types, uses and architectural styles. Its significance is primarily derived from the contribution made by its very many listed buildings and spaces between them, views and vistas, archaeology, as well as the importance derived from the city's hot mineral springs. The appeal site makes a very small contribution to the architectural qualities of the CA and to the historic landscape setting of the CA's rural fringe.
23. The bulk of the proposed works, such as the internal works, conversion of the outbuildings, new and replacement windows and repointing would conserve the character and appearance of the CA. The proposed removal of the late 20th century outbuildings would comprise a very modest enhancement to the landscape setting of this rural fringe area of the CA.
24. The BWHS is a very extensive area. Its significance is primarily derived from its hot mineral springs, Roman remains, medieval Abbey Church, growth and development as a Georgian city, including the green surrounding countryside that assists in creating a distinctive garden city feel. The appeal site makes a very small contribution to the countryside qualities of this part of the BWHS. The proposed works would not harm the significance of this designated heritage asset and the removal of the late 20th century outbuildings would entail a tiny enhancement to the appearance of the countryside.
25. The GWHS comprises eleven spa towns across part of Europe. Its significance is primarily derived as a record of international European spa culture that developed from the early 18th century to the 1930s. In addition to the ensembles of spa buildings and related facilities that lie within the urban areas of these towns and cities, the picturesque landscape settings also contribute to the heritage interest of this designated heritage asset. The appeal site is a neutral element within this designated heritage asset and the proposed works would have an imperceptible impact upon its significance.
26. I conclude on the second main issue that the proposed works enhance the appearance of the CA and would not harm the significance of the BWHS or the GWHS. There would be no conflict with the objectives of policy B4 of the Bath and North East Somerset Core Strategy, LP policy HE1 or the Bath World Heritage Site Setting Supplementary Planning Document 2013.

Third Main Issue – Settings of Beckford’s Tower and Lansdown Cemetery

27. The significance of the 19th century Beckford’s Tower is primarily derived from its architectural and historic qualities as a belvedere or prospect tower on a plateau on the west side of Lansdown Hill overlooking the city of Bath, as well as its associations with William Beckford and the architect Henry Edmund Goodridge. This important listed building has an extensive setting, including the area of countryside within which Chelscombe Farmhouse sits. This countryside assists in affording an appreciation and understanding of the picturesque qualities of the tower. The proposed works would not harm the significance of this designated heritage asset and the removal of the late 20th century outbuildings would entail a very modest enhancement to the appearance of the surrounding countryside.
28. The significance of the registered park and gardens at Lansdown Cemetery is primarily derived from its associations with William Beckford and Henry Edmund Goodridge, its numerous grave stones, various tombstones and grass perimeter walk and paths which were probably parts of former rides. This designated heritage asset also has an extensive setting, including Chelscombe Farmhouse and other parts of the surrounding countryside. This assists in affording an appreciation and understanding of the historic landscape setting of this registered park and garden. The proposed works would not harm the significance of this designated heritage asset and the removal of the late 20th century outbuildings would entail a very modest enhancement to the appearance of the surrounding countryside.
29. I conclude on the third main issue that the proposed works would enhance the settings of Beckford’s Tower and Lansdown Cemetery and would accord with the objectives of LP policy HE1. This would also comprise a public benefit of the proposals.

Other Matters

30. The proposed works would conserve the natural beauty of the AONB.
31. The proposals that were the subject of the previous appeals, as well as the scheme before me, have all been the subject of bats surveys/impact assessments which have been undertaken by consultants acting on behalf of the appellants. The latest report (dated May 2023) found no bats emerging from the outbuilding to which the LPA has expressed some concern. Nevertheless, in accordance with the Bat Conservation Trust’s guidelines, this latest report recommends that a further dusk and dawn survey be undertaken.
32. I note that the previous Inspector (and the LPA at that time) was satisfied that this matter could be addressed by way of a suitably worded planning condition. Since then, bat roosting space has been provided within the farmhouse. There is no cogent evidence before me to indicate that local populations of bats are likely to be harmed by the scheme now before me.

Conditions

33. In addition to the ‘standard’ condition requiring works to commence within three years, for the avoidance of doubt it would be necessary to attach a condition specifying the approved drawings. Given the discrepancy on the approved drawings insofar as it relates to the proposed window in lieu of the

garage doors, it would be necessary to attach a condition making it clear which window size had been approved for this opening.

34. To safeguard the character and appearance of the listed farmhouse, conditions would be necessary requiring: details of the proposed mortar mix to be used; the method for removing existing mortar; further details of the new doors and windows; a schedule of repair work and; a schedule/samples of the materials to be used. Conditions controlling lighting and requiring the submission of a further dusk and dawn bat survey would be required to avoid harming local populations of bats.

Overall Conclusion

35. The proposed works would not adversely affect the significance of any designated heritage assets or detract from the natural beauty or scenic qualities of the AONB. There would be no harm to bats and the removal of two late 20th century outbuildings and the re-use of the older outbuildings would result in some public benefit. Having regard to all other matters raised, I conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF CONDITIONS

1. The works hereby permitted shall commence within three years of the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the following approved plans: site location and block plan ref. 101-PL Rev C; proposed ground floor plan (house) ref. 111-PL Rev G; proposed first floor plan (house) ref. 112-PL Rev C; proposed roof plan (house) ref. 113-PL Rev B; proposed ground floor plan (outbuildings) ref. 114-PL Rev F; proposed first floor plan (outbuildings) ref. 115-PL Rev E; proposed roof plan (outbuildings) ref. 116-PL Rev D; proposed elevations (house) ref. 120-PL Rev G; proposed elevations (outbuildings) ref. 122-PL Rev C; proposed sections (house) ref. 130-PL Rev G and; proposed sections (outhouse) ref.131-PL Rev C.
3. Notwithstanding the details shown on drawings refs. 120-PL Rev G and 111-PL Rev G, the new window in lieu of the existing garage doors on the front (south) elevation of the farmhouse shall be as per the window details shown on plan ref. 131-PL Rev C and there shall be no works to the fireplace in the proposed ground floor kitchen of the farmhouse. The area below the new window in lieu of the existing garage doors shall be infilled and finished using natural stone and a lime mortar mix to match the external walls of the existing farmhouse.
4. Notwithstanding the submitted Method Statement, no re-pointing shall be undertaken until details of the specification for the mortar mix and a sample panel/area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority. The approved panel/area shall be retained for reference until the work has been completed. Once approved, the works shall be

undertaken in accordance with the approved details.

5. No windows shall be removed and no new internal doors shall be inserted into the building until full details and drawings comprising 1:20 plans, sections and elevations have been submitted to and approved in writing by the Local Planning Authority. The work, including restoration, shall be based upon the recommendations contained within the Window Restoration Strategy (including the repairs in Appendix A) of the Dorothea Restorations Window Condition Report that was submitted with the application. Works shall be undertaken in accordance with the approved details and drawings.
6. Prior to any removal of mortar/and or pointing, a detailed method statement shall be submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.
7. Following removal of any pointing/mortar in accordance with the Method Statement approved under condition 6 and prior to any further works being undertaken, a detailed schedule of any repair work, including methods and materials shall be submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.
8. No construction of the external walls of the works hereby permitted shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include: 1. detailed specification of the proposed materials (type, size, colour, brand, quarry location, etc.); 2. photographs of all of the proposed materials; 3. an annotated drawing showing the parts of the works using each material. The works shall be undertaken in accordance with the approved details.
9. The lighting shall be installed strictly in accordance with the Lighting Impact Assessment dated 24th May 2023, by The Lighting Bee. No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include: 1. lamp models and manufacturer's specifications, positions, numbers and heights; 2. predicted lux levels and light spill on both the horizontal and vertical planes; 3. measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land. The lighting shall be installed and operated in accordance with the approved details.
10. No works to the outbuildings, other than the demolition of the two late 20th century outbuildings, shall commence until a further dusk and dawn survey of bats has been undertaken by a suitably qualified person(s) and the findings, including any recommendations for mitigating any likely adverse impact upon bats, has been submitted to the Local Planning Authority. The works shall then be undertaken in accordance with the findings/recommendations of this survey.