



Appeal Decisions

Site visit made on 30 January 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal A Ref: APP/P1615/W/23/3317214

Middleton Hall, Woolaston Grange, Lydney GL15 6PP

- 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 & Mrs N Williams against the decision of Forest of Dean District Council.
 - The application Ref P1266/22/FUL, dated 5 September 2022, was refused by notice dated 16 December 2022.
 - The development proposed is renovation works to the existing roof structure to form necessary additional head height for the existing first floor habitable rooms.
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Appeal B Ref: APP/P1615/Y/23/3322560

Middleton Hall, Woolaston Grange, Lydney GL15 6PP

- 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 & Mrs N Williams against the decision of Forest of Dean District Council.
 - The application Ref P1315/22/LBC, dated 5 September 2022, was refused by notice dated 16 December 2022.
 - The works proposed are renovation works to the existing roof structure to form necessary additional head height for the existing first floor habitable rooms.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The site relates to development and works to a former agricultural building associated with Wollaston Grange¹, which has subsequently been converted to a dwelling known as Middleton Hall. There is no dispute that the appeal building lies within the historic curtilage of Wollaston Grange, a Grade II listed building (list entry number 1299068). As such the appeal building falls within the definition of a listed building as set out in section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The proposal is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes are different. While I have borne in mind my statutory duties in respect of sections 16(2) and

¹ Spelling of 'Wollaston Grange' follows that in the list entry. It is also referred to by both parties as 'Woolaston Grange'.

66(1) of the Act as appropriate, to reduce repetition, I have dealt with both appeals together in this decision letter.

5. Reference is made within the appellant's appeal statement to alternative plans whereby the proposed dormer windows are removed and replaced with windows under the gutter line. Nevertheless, I have not been provided with a set of scaled drawings that seek to substitute those upon which the Council made its determination. Moreover, the alternative is conditionally proffered only if the original plans are found to be unacceptable², and so do not amount to a revision to the original scheme but an additional alternative one. The Procedural Guide – Planning Appeals – England advises that the appeal process should not be used to evolve a scheme and I am not aware that the appeal procedure grants me jurisdiction to pronounce on potential alternative options in addition to the submitted scheme. Therefore, I have made my determination in relation to the submitted plans.
6. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Moreover, the main parties were given an opportunity to comment on the revised Framework during the appeal process. Hence, I am satisfied that no one would be prejudiced by this change to the national policy context.

Main Issues

7. The main issues are the effect of the proposal on the special interest and significance of the Grade II listed building and the effect on bats.

Reasons

Listed building

8. Wollaston Grange is a detached farmhouse dating from the early 19th century. It is constructed in rendered rubble with a Welsh slate hipped roof with end stacks. Possessing a central three storey block plus basement, with lower wings it is a substantial farmhouse.
9. The significance and special interest of the listed building is derived in part from its aesthetic and architectural interest as an example of an impressive historic farmhouse. However, a further important part of its significance lies in its countryside setting and the configuration of the wider former farmstead. This includes the rural and agricultural context and traditional stone buildings that were associated with the farmhouse. This encompasses a large barn building to the west of the farmhouse which is listed in its own right (listed entry 1347784) as well as the appeal building Middleton Hall. The size of these stone structures, their form, positioning and distance from the farmhouse tell a story about how the land was farmed, and give clues as to the social and economic structure of the rural community at that time. Collectively, they also reveal the likely relatively high status of the former occupants of the farmhouse.
10. The appeal building, although now converted to a residential use, is clearly discernible as a former traditional agricultural building. This is owing to its

² Page 2, Appellant's Appeal Statement

distinctive simple linear form, asymmetric roof shape with low eaves and deep porch on the north-east elevation and relatively limited openings. The plainer architecture of the building obviously contrasts with that of the farmhouse, reflecting its former function, but its large scale and quality of materials reinforce the likely status of the overall farmstead. Hence, the massing and form of the appeal building are intrinsic components of its traditional agrarian character. These in turn, enrich the historic and architectural value of the listed farmhouse.

11. The proposals would raise the height of the wall on the north-east elevation and thereby alter the present steep pitch and plane of the roof on that side of the appeal building. This would obviously change the overall profile of the building and considerably weaken its identity as a former agricultural building. Although it is asserted that the existing roof is not comprised of historic fabric, this does not mean the present building does not respect the traditional historic roof form. The catslide roof and low eaves are distinctive architectural features that form a fundamental part of the appeal building's character and reflect its historic use.
12. The adverse effect would be compounded by the introduction of three pitched roof dormers along the raised eaves level, together with a series of roof lights. Dormer windows are not normally associated with traditional agrarian buildings, and there is nothing before me to convincingly explain why they would be a suitable response in this case. Additional openings and rooflights would harmfully disrupt the solid to void ratio at the appeal building which is partly characterised by its relatively limited openings.
13. At present the architectural composition of the north-east elevation is dominated by an expanse of roof plane, which in turn gives emphasis to the deep roughly central porch entrance. The raised eaves and dormers would distract from the importance of the porch entrance projection and add complexity to the elevation, both of which would be unsympathetic to the traditional form and appearance of the building. The cumulative effect of such alterations would result in an oddly proportioned building, with incongruous domestic features.
14. Taking these factors together, the proposals would fail to meet the requirements of paragraph 135 of the Framework which states that planning decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history.
15. Furthermore, by making it harder to visually discern the historic functional use of the appeal building, the unsympathetic alterations would weaken its relationship with the former farmhouse, and thereby undermine the significance of Wollaston Grange as a designated heritage asset. It is highlighted that there is some distance between the appeal building and the farmhouse, and that ancillary obviously domestic buildings have subsequently been constructed within the grounds of Middleton Hall. Hence, in these circumstances, it is important that the overt architectural cues as to the agricultural origins of the appeal building are not further undermined.
16. The appellant explains that the elevation most affected faces away from the farmhouse and would not be readily apparent in the public realm. Be that as it may, the appeal building is part of the listed building as it lies within the historic curtilage of Wollaston Grange. Neither am I aware that the statutory

duties in the Act are confined to circumstances where the heritage asset is publicly visible, rather my determination must focus on any special architectural or historic interest that it possesses.

17. Given my concerns are of a fundamental nature relating to the traditional form of the appeal building, they would not be successfully surmounted by the imposition of conditions, for example to require the omission of the proposed dormer windows.
18. Accordingly, I find that the development and works would have a detrimental impact on the architectural significance of the appeal building, which comprises part of the special interest and significance of the Grade II listed farmhouse. Hence, this would run counter to the expectations of sections 16(2) and 66(1) of the Act.
19. It follows that the proposals would harm the significance of the designated heritage asset. However, as they would affect a building within its historic curtilage, I find that the proposals would cause less than substantial harm to the overall significance of Wollaston Grange. In these circumstances, paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposals.
20. The proposals would improve the useability of some of the first-floor rooms at Middleton Hall by providing greater headroom. Additional natural light would also be afforded to these areas. These factors would be beneficial to the present and future occupants of Middleton Hall. However, Planning Practice Guidance (PPG) states that public benefits in this context should be of a nature or scale to be of benefit to the public at large and not just be a private benefit³. In the absence of evidence to show otherwise, the scale and nature of these benefits would primarily be private. In any event, there is little evidence to show that the residential accommodation at Middleton Hall when considered holistically is notably deficient and unable to provide reasonable levels of naturally lit or comfortable living accommodation.
21. Paragraph 205 of the Framework stipulates that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I do not consider there are public benefits in this case sufficient to outweigh the great weight that the less than substantial harm caused to the heritage asset carries. Conflict therefore arises with the historic environment protection policies in the Framework.
22. Furthermore, the works and development would conflict with policies CSP.1 of the Council's Core Strategy, February 2012 (CS) and policies AP4 and AP5 of the Council's Allocations Plan 2006 to 2026, June 2018 (AP). Amongst other things, these policies require proposals to protect and promote the special qualities, historic character and local distinctiveness of the district, and preserve heritage assets in a manner that maintains or enhances their contribution to the environment.

Bats

23. Policy AP7 of the AP broadly sets out a presumption that where proposals concern protected species, provision should be made for net biodiversity gains

³ Paragraph 020 Reference ID: 18a-020-20190723

for those species. PPG⁴ reinforces that planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering planning applications.

24. The planning application (Appeal A) was accompanied by a bat survey and impact assessment that showed evidence of pipistrelle bat roosts. All bat species are protected in the UK.
25. There is broad consensus between the parties that the mitigation measures identified, including a fascia board to allow access, built in bat boxes and planting of two oak trees would limit the impact such that there would be negligible harm to bats, and would provide for a net gain in habitat for the species. The Council's Ecologist accepted that planning conditions could be used to secure the mitigation and I have not seen substantive evidence that undermines those findings.
26. On that basis, in the event of an approval the proposal would avoid adverse impact on bats such that it would accord with the development plan requirements and advice in PPG. The approach would also accord with the encouragement given in paragraph 180 of the Framework to minimising impacts on and providing net gains for biodiversity.
27. Moreover, the approach would align with advice contained in paragraphs 98 and 99 of Circular 6/2005⁵ which confirms that the presence and extent of effect on protected species must be established prior to the grant of any planning permission. It goes on to say that any necessary measures to protect the species should be in place, using planning conditions or planning obligations.
28. It is further likely that given the presence of bats, it would be necessary for the appellants to obtain a licence from Natural England in relation to protected species under specific separate legislation. In respect of both appeals the Council refer to duties contained in the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). With reference to the derogation tests relevant to the licence procedure set out in Regulation 55, they assert that the appellant would be unlikely to obtain a mitigation licence from Natural England because the proposals would fail the first two tests owing principally to objections raised in relation to the first main issue.
29. Specific government guidance⁶ does state that local planning authorities must be satisfied that, if a licence is needed, it is likely to be granted before giving planning permission. It goes on to set out the three relevant licensing tests. This is to avoid circumstances where a developer obtains planning permission but is unable to implement it, as a licence is not forthcoming.
30. However, it does not say that failure to meet the licencing tests of itself amounts to a refusal reason for a planning application or an application for listed building consent. Indeed, it expressly confirms that protected species licencing requirements are in addition to requirements for planning permission and are subject to separate processes. Moreover, the heritage concerns of the Council have already been considered under the first main issue.

⁴ Paragraph 016 Reference ID: 8-016-20190721

⁵ Biodiversity and Geological Conservation 16.8.2005

⁶ Protected Species and development: advice for local planning authorities from Natural England and Department for Environment, Food and Rural Affairs, published 6.10.14 updated 25.10.23

31. On that basis, given that the balance of evidence indicates adequate mitigation could otherwise be secured to avoid harm to bats, and secure habitat enhancement, I find no direct conflict with the Habitats Regulations in either case. Neither do I find the proposals would be contrary to the requirements of policy AP7 of the AP which relates to biodiversity. Likewise, it is not shown that the proposal would run counter to the respective provisions of policies CSP.1 and CSP.2 of the CS, or AP1, AP4 and AP8 of the AP insofar as they seek to protect the natural environment from adverse impacts.

Other Matters

32. It is brought to my attention that no objections to the proposals were received from neighbours or the parish council. Furthermore, the Council did not raise any concerns in relation to the impact on the living conditions of other residents. Be that as it may, neither the absence of explicit objections from third parties, nor the absence of other planning harms identified by the Council constitute tangible benefits that weigh in favour of the proposal. Indeed, the avoidance of harm in relation to other planning matters is generally expected by other national and local planning policies. Accordingly, these are neutral factors.

Conclusions

33. Overall, I find that the development and works would conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as heritage and design policies in the development plan. There are not wider public benefits sufficient to outweigh the harms identified.
34. In relation to Appeal A, planning law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have not found material considerations that would justify making the decision other than in accordance with the development plan.
35. Therefore, for the above reasons and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

INSPECTOR