



Appeal Decisions

Site visit made on 23 January 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal A Ref: APP/J1915/W/23/3323002

Hillside Farm, Hillside Lane, Great Amwell, Hertfordshire SG12 9SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by John Ruane against East Hertfordshire District Council.
 - The application Ref 3/22/0274/VAR, dated 9 February 2022, was refused by notice dated 24 February 2023.
 - The application sought planning permission for demolition of building attached to listed building and replacement with new Class E (g) office use building and glazed link, alterations/extensions to and conversion of all other existing buildings to Class E (g) office use, provision of 35 car parking spaces with associated landscaping and bin/cycling stores without complying with a condition attached to planning permission Ref 3/20/1051/FUL, dated 21 January 2022.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the approved plans, documents and reports listed at the end of this Decision Notice.
 - The reason given for the condition is: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.
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Appeal B Ref: APP/J1915/Y/23/3323013

Hillside Farm, Hillside Lane, Great Amwell, Hertfordshire SG12 9SH

- 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 John Ruane against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0264/LBC, dated 7 February 2022, was refused by notice dated 9 February 2023.
 - The works are the retention of new windows and rooflights.
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Decisions

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

Preliminary Matters

The appeals

3. The appeals are made further to a development for new and converted buildings in a farm complex to create a series of office buildings, with associated works. The appellant has installed rooflights and windows in one of the buildings the subject of the development – the Grade II listed 'Barn at

Hillside Farm¹ – outwith the terms of the planning permission² and listed building consents³. The appellant is therefore seeking to regularise the unauthorised works through a new listed building consent and by changing condition 2 of the planning permission to refer to updated drawings. Both were refused by the Council and two appeals have therefore been submitted – the s78 appeal in relation to the s73 application to change condition 2 of the planning permission and the s20 appeal in relation to the listed building consent.

4. The works relate to a Grade II listed building and I have therefore had special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses, in accordance with s16 and s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Revised drawings

5. Two of the rooflights have been inserted in a slightly different location to those as depicted on the drawings accompanying both applications. The appellant has submitted revised drawings to reflect the amended rooflight locations. The Council has not commented on the revised drawings. However, the changes are minor and non-material. I have therefore accepted the revised drawings⁴ and have determined the appeals on that basis.

Descriptions

6. The s78 appeal is in relation to a s73 application and I have therefore retained the original description of development, in light of the *Finney*⁵ judgment. There is no conflict between the proposal and the description of development.
7. It is not possible to apply for retrospective listed building consent and the s20 appeal is for retention of the works. I have amended the description of development of the s20 appeal to reflect this.

Insufficient information

8. The second reason for refusal for both appeals relates to insufficient information having been provided regarding the detail of the proposed windows and rooflights. However, this has since been superseded by events because they have been installed and I have confirmed on my site visit that the submitted drawings accurately reflect the fenestration as installed. The appellant has also confirmed in writing the type of rooflight that has been used. This reason for refusal is not, therefore, a main issue for the appeals.

Policy

9. A revised version of the National Planning Policy Framework (the Framework) was released towards the end of 2023. None of the changes are material to the appeals and I have therefore referred to the revised Framework where appropriate without having re-consulted the main parties.

¹ List entry number 1341856

² Ref 3/20/1051/FUL, dated 21 January 2022

³ Refs 3/20/1052/LBC, dated 3 November 2022 and 3/19/1206/LBC, dated 3 October 2019

⁴ For the avoidance of doubt, the drawing refs are: 217460 SP 201 Rev H; 202 Rev F; 203 Rev G

⁵ John Leslie Finney v Welsh Ministers & Carmarthenshire County Council, Energiekontor (Uk) Limited

Main Issue

10. The main issue for both appeals is the effect of the unauthorised works on the special architectural or historic interest of the Grade II listed building, Barn at Hillside Farm.

Reasons

Significance

11. The barn is 16th Century. It is timber framed and weatherboarded, with a brick plinth. The roof is made of red tiles with gable ends. The timber framed roof structure is extensive, attractive and largely original, or at least historic. There also remains a large amount of historic fabric to the walls and roof of the building, which is well preserved. The barn has been converted to office use as part of the planning permission and listed building consents. The permission and consents allowed for the insertion of an internal floor and internal partition walls and glazing. The barn has therefore lost its original use and some of its plan form. The approved works also include fairly substantial glazing either in or close by to the old entrances, but the permitted glazing elsewhere is more limited, relating to only a small number of relatively small windows, in a haphazard pattern on the elevations.
12. The barn is physically connected to, albeit without a direct internal link, a large partially new and partially converted building that extends sideways from one of the gable ends and then forms a large U-shape around a retained but re-landscaped courtyard area. This other building is part of the same office development the subject of the permission and consent. The barn's setting has therefore significantly changed to be part of this office complex.
13. The significance of the barn therefore largely relates to its large amount of retained historic fabric, and to the fact it can still be readily appreciated, intrinsically, as a historic barn, with relatively limited, and sensitively located, glazed insertions. In this description of its significance, I have ignored the rooflights and windows that have been installed and are subject to these appeals. Whilst existing, they are unauthorised and it is therefore incumbent upon me to assess the significance of the building without those works.

The works

14. The rooflights that have been installed outwith the terms of the planning permission and listed building consents number four within the lower part of the main roofslope on both sides, ie eight in total. The rooflights all serve the large first floor office area, which is largely open plan and runs both ways from the double height foyer, without significant interior walls. There were no rooflights as part of the approved permission and consents. 15 additional windows have also been inserted, including, at the first floor level, two to the south east elevation, six to the opposite elevation, and two to the gable end. At the ground floor level, there are five, one to the south east elevation of the barn, two on the opposite elevation, and two further to the gable end.

Assessment

15. The barn originally had few external openings. The historic openings were confined to the large timber entrance door and opening to one elevation and much smaller doors and four windows to the other elevation. The limited

openings made a fundamental contribution to the character and appearance of the barn. It is important to retain this legibility of its original use and appearance.

16. Four rooflights on each roof slope is a significant intervention. They are flush to the roof, which limits visibility at oblique angles. However, the size and number of them is still prominent, even lower in the roof slope because the angle and height of the roof means that its entire slope is highly visible. In addition, whilst there is some variation in their locations, both along the roof slope itself and by reference to the window pattern to the main elevations, any variation is limited. There is a strong degree of symmetry, at odds with the character of the barn.
17. The rooflights are of high quality and they match those used to the other building that is part of the office development. They are either positioned behind a retained historic rafter or have been located where a non-historic rafter is located and has been cut and then re-used as internal header and footer frames to the windows. Only a limited amount of important historic fabric has therefore been lost or repurposed. However, these factors do not fully mitigate the harmful effects of the rooflights on the character of the listed property.
18. The new windows have been designed to reflect the style of those as approved. They are black framed, sit within the weatherboarding, and are located between the historic timber frame of the building. They therefore match the design of the approved windows and would result in a minimal loss of historic fabric. All the windows are relatively small and eight of them are 'slot' windows which are particularly narrow. However, the number of windows is excessive. As approved, only a small number of windows were allowed, which meant that the barn could retain its character. The windows do bring greater balance to the gable end but this is a harmful effect that does not reflect the need to retain a degree of irregularity to reflect the historic character of the barn. The insertions now built therefore negatively alter the character of the barn in comparison to the as approved scheme.

Conclusion

19. The works have therefore harmed the special architectural and historic interest of the listed building, and they fail to comply with the Framework and with Policies HA1 and HA7 of the East Herts District Plan 2018 (the LP), which reflect the Framework.

Planning Balance

20. The development has caused less than substantial harm to the significance of the listed building. A public benefit of the works is the increased light that would be allowed into the office floorspace. However, the first floor level is served by several approved windows. Whilst some are fairly small 'slot' windows, because of its open plan nature this area also borrows light from the foyer area which benefits from extensive approved glazing. The ground floor is compartmentalised into the foyer and two separate rooms to either side. The smaller room has a glazed partition to the foyer area and is lit by a series of large windows to the opposite elevation. The larger room is more separated from the foyer and does not benefit from meaningful borrowed light. However, it is lit by two approved windows in the gable end, and five other approved

windows to the two side elevations. The lower level of the ground floor does not change these considerations because this has not changed the mezzanine level or which rooms the consented windows serve.

21. Therefore, all affected internal spaces already benefit from alternative light sources, both directly and indirectly. There is a balance to be struck between the practical requirement for the consented office use needing natural light and protection of the historic character of the barn. Whilst natural light is important, it is reasonable to expect the occupiers of the barn to accept, and indeed expect, lower daylight levels in a barn conversion compared to within a traditional office building. I have not been provided with any substantiated evidence that the additional light is required to let the office space or to ensure the ongoing viable use of the property.
22. The public benefit of the works is therefore limited. In accordance with Paragraph 205 of the Framework, I place great weight on the harm to the significance of the listed building that I have identified. This harm therefore outweighs the public benefits and the works fail to comply with Paragraph 208 of the Framework.

Conclusions

23. For the reasons above, Appeal A is dismissed.
24. For the reasons above, Appeal B is dismissed.

O S Woodward
INSPECTOR