



Appeal Decision

Site visit made on 7 November 2023

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal A - Ref: APP/B1930/W/22/3309510

Cross Farm, Cross Lane, Harpenden AL5 1HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by William Dickinson against St Albans City & District Council.
 - The application Ref 5/22/1093, is dated 26 April 2022.
 - The development is demolition of the existing Well House and the proposed construction of a building to reinstate the former Well House.
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Appeal B - Ref: APP/B1930/Y/23/3321360

Cross Farm, Cross Lane, Harpenden AL5 1HH

- 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 William Dickinson against St Albans City & District Council.
 - The application Ref 5/22/1096, dated 26 April 2022, was refused by notice dated 28 April 2023
 - The development is the proposed construction of a building to reinstate the former Well House.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for demolition of the existing Well House and the proposed construction of a building to reinstate the former Well House at Cross Farm, Cross Lane, Harpenden AL5 1HH, in accordance with the terms of the application Ref 5/22/1093, dated 26 April 2022, and subject to the conditions contained in the Annex.

Appeal B

2. The appeal is allowed and listed building consent is granted for the proposed construction of a building to reinstate the former Well House, in accordance with the terms of the application Ref 5/22/1096, dated 26 April 2022, and subject to the conditions contained in the Annex.

Preliminary Matters

Curtilage

3. The principal listed building is the Grade II* listed 'Cross Farmhouse'¹. This is a 15th or 16th century farmhouse. The Well House was constructed in either the

¹ List entry number 1347173

16th or 17th century. It is located close to the farmhouse within its immediate setting. It was formally an active well linked to the functional operation of the agricultural use and therefore also to the function of the farmhouse. It was within the historic ownership of the farmhouse and it remains in the same ownership today. Up to the time of its partial demolition, the Well House was being used to house a water pump linked to the well and therefore remained functionally connected to the farm. Consequently, the Well House is a structure that is visually and functionally linked to the farmhouse and is in the same ownership, and it is therefore curtilage listed.

Demolition

4. The Well House was the subject of an accidental fire. This destroyed much of its original fabric. However, whilst the fire caused extensive damage to the Well House, the southern half and the plinth were less significantly damaged. The southern half of the building remained standing, albeit badly damaged. In addition, some of the tiles and bricks have been salvaged and are being stored nearby. None of the original timber frame remains. A detailed assessment of the condition of the remaining fabric following the fire has not been submitted. Nor has a structural assessment. It is possible that more of the southern half of the building could have been retained in a manner that did not cause a health and safety risk or a danger to it falling into the neighbouring grade II listed barn. For example, with the aid of a temporary supporting structure.
5. Nevertheless, after the fire, most of the remaining structure of the Well House was demolished. Therefore, as it stands now, the below ground elements of the well and a badly damaged timber cap, some parts of the brick floor, and the flint plinth are all that remain *in situ*.
6. Both the fire and the subsequent demolition works were prior to either a planning application or a listed building consent application being submitted. There is no suggestion from the Council that the fire was malicious or as a result of neglect. However, there is dispute regarding the extent of the damage caused and thus the acceptability of the subsequent demolition. As this relates to a listed building, it is therefore possible that an offence has occurred, as defined by Section 9(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act).
7. Procedurally, Section 8(3) of The Act states that where a consent is granted after demolition works have taken place, the works only become authorised from the grant of the consent. In other words, it is not possible to apply for retrospective listed building consent. The demolition element of the works do not, therefore, form part of my consideration of the listed building consent appeal. I have therefore removed this from the description of development and I therefore adopt the starting position for my assessment as being the current situation, ie after both the fire and subsequent demolition. This is in accordance with Paragraph 196 of the of the National Planning Policy Framework (the Framework). I do not, therefore, consider the acceptability of the demolition as part of my Decision.
8. It is, however, possible to apply for retrospective planning permission. The s78 appeal is therefore partly for retrospective development relating to the partial demolition. For the avoidance of doubt, this only applies to planning permission and not to listed building consent and is also, therefore, without prejudice to any forthcoming listed building enforcement procedures.

Green Belt

9. The appeal site is in the Green Belt. The proposed building would support the agricultural operation of the farm. It would therefore be a building for agriculture and falls within the exception set out at Paragraph 149(a) of the Framework. The proposal is not, therefore, inappropriate development in the Green Belt.

Revised drawings

10. The appellant submitted revised drawings with the appeals. The revisions include retaining and restoring the plinth and floor, confirmation that the well would be retained, amendments to the proposed studs and braces, a revised fenestration layout, timber cladding to the north-east elevation, and an enclosed south-west elevation. Both the Council and Historic England have had the opportunity to comment on the revisions as part of the appeal process. The changes relate to the detailed design of the proposal and there were no objections from interested parties in that regard. No party would, therefore, be prejudiced by accepting the revised drawings, which I have therefore accepted and form the drawing set against which I have determined the appeals.

Failure to determine

11. The Council, in its appeal statement, has confirmed that, if it had determined the planning application the subject of the s78 appeal, then it would have refused permission on the same basis as the listed building consent. In other words, the disputed issues only relate to the heritage aspects of the proposal.

Main Issue

12. The main issue is therefore the effect of the works on the special architectural or historic interest of the Grade II* listed building 'Cross Farmhouse'.

Reasons

Significance

13. The significance of the farmhouse primarily derives from two factors. The first is its intrinsic architectural quality. It is 15th or 16th Century with significant remaining historic fabric which is clearly legible. The second is its function as a farmhouse and its setting in a farm with supporting barns, a granary, and other outbuildings, as well as direct access to the farm itself and a visual and functional relationship to the surrounding rural landscape.
14. The Well House was, as its title suggests, originally a building constructed over a well. It was built relatively soon after the farmhouse, in either the 16th or 17th Century. The well remains as do parts of the original floor and the flint plinth. Until the relatively recent fire, the building and the well were in use, albeit in a more modern fashion through the mechanical water pump. The Well House building was timber framed, with red brick infill panels, and a tile roof. The structure remained largely unchanged until the fire. However, the fire badly damaged all the timber frame and the majority of the bricks and tiles.
15. The demolition after the fire removed the remaining part structure of the Well House. Without detailed assessment it is not possible now to be sure that all the salvageable materials have been retained. However, the photographs are clear that the damage was extensive. It is highly unlikely that any of the timber

frame could have been kept and reused. A relatively large amount of bricks and, to a lesser extent, tiles have been salvaged, including some which are partly damaged, and are being stored on the appeal site. I cannot think of a rationale to retain only some of the salvageable bricks and tiles and I therefore conclude that, where possible, the salvageable materials have likely been retained.

16. The significance of the Well House is, therefore, partly its ongoing functional relationship to the farmhouse and partly the remaining historic fabric, both the brick and plinth floor and the well itself which remain *in situ* and also the salvaged historic bricks and tiles.

The proposal

17. The proposal would reinstate the original plan form, with an internal dividing wall splitting the building in half with the well in one half. It would be the same footprint and location as the original building, therefore re-instating the historic layout of the farm that had prevailed from the 16th Century until the fire. By copying the original footprint, this would also allow the building to be located appropriately on top of the remaining flint plinth, the detail of which could be controlled by condition.
18. The proposed building largely faithfully follows the design of the original Well House. The timber farming would be very similar, with horizontal and vertical elements combined with diagonally sloped braces. The windows would also be very similar in size and location and would be timber casement, the same as the originals. The entrance doors would be of a very similar design and in the same locations as before.
19. However, there would be some minor differences. For example, to the right of the small window to the north east elevation there used to be two brick panels separated by a timber frame compared to as proposed with one brick panel. The Council also allege that the north west elevation should have a single vertical timber to the ridge of the roof from the tie beam and that the proposed window should be in a different brick panel. The evidence before me is not conclusive on these matters. However, it is important that the replacement building faithfully replicates the original as far as possible. This could be controlled by condition and subject to further research to provide evidence for the approach to be taken.
20. The original brick floor partially remains. Several bricks and tiles also remain and could be re-used in the proposed building. Ensuring that as much historic fabric as possible is either maintained or re-incorporated into the design could be secured by condition. Given the similarity of the proposed design to the original building, there is no reason to believe that the protection and re-use of materials could not be maximised. It is unclear what is proposed for the well. However, it could be controlled by condition that this be retained.
21. The fire damage to the Well House prevented all reasonable use of the building and the additional demolition therefore did not worsen this situation. The proposed re-instatement of the building would re-introduce the functional and visual relationship of the Well House to the farmhouse and the wider farm. This would be an enhancement on the existing situation, or even compared to just after the fire when part of the badly damaged structure was still standing.

Other listed buildings

22. The appeal site, and more specifically the Well House, is located directly to the south of a Grade II listed barn². The significance of the barn relates to its surviving original structure and fabric, alongside evidence of its historic use. Although close to the Well House and within the same ownership and functional farm estate, there is limited direct functional or visual relationship between these two buildings. To the other side of the farmhouse and barn lie two further grade II listed buildings, another barn³ and a granary⁴. The significance of these two buildings relates to their surviving original structure and fabric, alongside evidence of their historic use. Although there is a relationship between the Well House and these buildings because they fall within the same farm, this is tenuous and there is no direct functional relationship. In addition, the farmhouse visually screens the Well House from both of them.
23. It is therefore common ground, and I agree, that there would be no harm to the special architectural or historic interest of these three buildings as a result of changes to their setting caused by the works.

Overall

24. The special interest of the building was largely lost by the damage caused by the fire. The decision to then demolish it resulted in a lost opportunity to consider the best approach to reinstatement. However, the proposed building would faithfully replicate the original plan form. The design of the proposed building would be similar to the original. Any differences would be minor and, subject to control by condition to ensure the eventual design as closely mirrors the original as possible, it would not materially harm the significance of the building. All remaining historic fabric, including the well, would be retained and re-used where possible, as could be controlled by condition.
25. Therefore, whilst there has been catastrophic harm to the Well House caused by the fire and subsequent demolition, in this case the restoration and rebuilding is such that there would be no harm to the special architectural or historic interest of the listed building. In fact, the re-instatement of the Well House would enhance the significance of the building and, due to the visual and functional linkages, the farmhouse.
26. The works consequently comply with the requirements of The Act and Paragraph 197 of the Framework, which desires heritage assets to be sustained and enhanced and to be put to viable uses consistent with their conservation. It complies with Policy 86 of the City and District of St Albans District Local Plan Review, adopted 1994, which reflects the Framework. It also complies with Policy ESD2 of the Harpenden Neighbourhood Plan 2018-2033, adopted 2018, which requires that proposals be considerate of local character and heritage and that repairs to listed buildings must retain as much historic fabric as possible.

² 'Barn to south west of Cross Farmhouse' and list entry number 1296489

³ 'Barn to the north east of Cross Farmhouse' and list entry number 1102991

⁴ 'Granary, including stable block' and list entry number 1295774

Conditions

Appeal A (s78)

- 27. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty.
- 28. The detailed drawings, Schedule of Works and sample panel conditions are necessary to protect the character and appearance of the area.
- 29. The Schedule of Works and detailed drawings conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Appeal B (s20)

- 30. The time limit condition is attached as standard.
- 31. The detailed drawings, Schedule of Works and sample panel conditions are necessary to ensure that the proposal would sustain, and where possible enhance, the special architectural and historic significance of the building and the farmhouse.

Conclusion

- 32. For the reasons above, I conclude that the appeals be allowed.

O S Woodward
INSPECTOR

ANNEX: SCHEDULE OF PLANNING CONDITIONS

Appeal A - Ref: APP/B1930/W/22/3309510

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: WD1001_C01, WD1001_C02 and WD1001_C03 Rev B.
3. The development works hereby permitted shall not be commenced until larger scale detailed plans and drawings showing the following have been submitted to and agreed in writing by the Local Planning Authority:
 - a) eaves etc;
 - b) verge abutments;
 - c) windows and openings;
 - d) materiality and detailed design including evidence of similarity to the original Well House;
 - e) doors and openings; and,
 - f) rainwater goods including materials.

The development shall not be carried out except as in accordance with details so approved.

4. The development works shall not be commenced until a detailed Schedule of Works has been submitted to and agreed in writing by the Local Planning Authority. The Schedule shall include:
 - a) details of any salvaged materials to be re-used, including the bricks and tiles, and how they will be incorporated into the new structure;
 - b) confirmation of the retention of the well and any works proposed to it; and,
 - c) the retention, where possible, of the existing brick floor and flint plinth.

The development shall not be carried out except as in accordance with details so approved.

5. Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing are to be submitted to and agreed in writing by the Local Planning Authority before the relevant parts of the work are commenced on site. The development shall not be carried out otherwise than in accordance with the details thus approved.
6. The building shall be used for agriculture in association with the agricultural use of Cross Farm only and for no other purpose.

Appeal B - Ref: APP/B1930/Y/23/3321360

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2. The development works hereby permitted shall not be commenced until larger scale detailed plans and drawings showing the following have been submitted to and agreed in writing by the Local Planning Authority:
- a) eaves etc;
 - b) verge abutments;
 - c) windows and openings;
 - d) materiality and detailed design including evidence of similarity to the original Well House;
 - e) doors and openings; and,
 - f) rainwater goods including materials.

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- a) details of any salvaged materials to be re-used, including the bricks and tiles, and how they will be incorporated into the new structure;
 - b) confirmation of the retention of the well and any works proposed to it; and,
 - c) the retention, where possible, of the existing brick floor and flint plinth.

The development shall not be carried out except as in accordance with details so approved.

4. Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing are to be submitted to and agreed in writing by the Local Planning Authority before the relevant parts of the work are commenced on site. The development shall not be carried out otherwise than in accordance with the details thus approved.
5. The building shall be used for agriculture in association with the agricultural use of Cross Farm only and for no other purpose.

===== END OF SCHEDULE =====