



Appeal Decision

Site visit made on 5 March 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2024

Appeal Ref: APP/K0235/W/23/3329046

Ruffs Cottage, 24 High Street, Sharnbrook, Bedford MK44 1PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Steven Ryan against the decision of Bedford Borough Council.
- The application Ref 23/00415/AOC, dated 6 March 2023, sought approval of details pursuant to condition No 3 of a planning permission Ref 22/01708/FUL, granted on 16 September 2022.
- The application was refused by notice dated 17 July 2023.
- The development proposed is 'Controlled demolition of an existing outbuilding'
- The details for which approval is sought are details pursuant to part (i) of Condition No 3 of application Ref 22/01708/FUL which states:
'Prior to the demolition of the building, a building recording strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a timetable and the following components (the completion of each to the satisfaction of the Local Planning Authority will result in a separate confirmation of compliance for each component):-
(i) building recording fieldwork;
(ii) a post-recording report (to be submitted within six months of the completion of recording);
(iii) preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of recording).
The recording strategy shall be carried out in accordance with the approved details and timings.'
- The reason given for the condition is: 'To ensure the proper recording, reporting and presentation of the non-designated heritage asset in accordance with Policy 41S (viii) of the Bedford Borough Local Plan 2030 and paragraph 205 of the NPPF.'

Decision

1. The appeal is dismissed, and approval of details required by a condition is refused, namely: details submitted in pursuance of Condition No 3 (i) attached to planning permission Ref 22/01708/FUL dated 16 September 2022.

Preliminary Matters

2. The appellant has submitted the appeal on the basis that the Council failed to give notice of its decision within the appropriate period. However, I have not been provided with a copy of any 'Deemed Discharge Notice' (DDN) or any other substantive evidence to demonstrate that a DDN was served in line with the detailed procedures for this under Part 5, Section 29 of The Town and Country Planning (General Management Procedure) (England) Order 2015. Therefore, I can only conclude that the Council's decision notice in respect of application ref 23/00415/AOC, which preceded this appeal, is applicable and of effect. In the circumstances, the appeal has not been progressed on the basis

of non-determination but instead on the basis that the Council refused to approve a matter required by condition.

3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Paragraph 205 referenced in the reason for the condition subject of this appeal is now Paragraph 211 of the Framework. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issue

4. The main issue is whether the details submitted are sufficient to ensure the proper recording of the significance of the subject building, a non-designated heritage asset.

Reasons

5. The appeal site is situated within the Sharnbrook Conservation Area (CA). The subject building has been demolished but the evidence before me suggests that it was a detached, linear outbuilding. I understand that it was constructed in stone with a slate roof over, thereby reflecting the local vernacular. The Council also suggests that the building likely dated from C18, with the slate roof covering likely a C19 addition, and that it appeared on the 1st edition Ordnance Survey map. Being a functional vernacular building, which was visible from the street, I find no reason to doubt that it contributed positively to the settings of the CA and the nearby Grade II Listed Building at 'Old Stone House' and was a non-designated heritage asset.
6. Paragraph 211 of the Framework confirms that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Policy 41S (Historic environment and heritage assets) of the Bedford Local Plan 2030 (Adopted 2020) (LP) is consistent with this requirement and confirms that where applications will result in total loss of a heritage asset's significance, applicants will be required to arrange for further assessment of and recording of this significance in advance of development works.
7. As the building has already been demolished, the explicit requirement for details of a building recording strategy to be approved in writing 'prior to the demolition of the building' cannot be met. Therefore, I am not in a position to discharge Condition No 3 part (i).
8. Even if the building was still in situ, I am concerned that a Level 1 recording; as set out in Historic England's 'Understanding Historic Buildings: A Guide to Good Recording Practice' (2016), would not adequately record the significance of the non-designated heritage asset. As a functional vernacular building which positively contributed to the setting of the CA, I would have expected a recording strategy to include a descriptive record of the interior and exterior of the building, together with supporting photographic evidence in line with Level

- 2 recording principles. This would be proportionate to secure a suitable understanding of the non-designated heritage asset for archive purposes.
9. In addition, as criteria (i) under Condition No 3 has not been met and the building has already been demolished, it is not clear how the remaining components of the condition could be addressed. This further undermines the extent to which the building recording strategy would meet the requirements of Condition No 3.
10. I conclude, Condition No 3 (i) cannot be discharged and the details submitted pursuant to the condition are in any case insufficient to properly record the significance of the subject building, a non-designated heritage asset. Consequently, there is conflict with the clear objectives of Policy 41S of the LP and Paragraph 211 of the Framework.

Other Matter

11. Whether or not the appellant is in a position to provide any further detail on the building now that it has been demolished is not a matter for me to determine as part of this appeal. The appellant has confirmed that they are prepared to submit what evidence / photos and written statement they have to provide a historical record of the existence of the agricultural barn. Dismissal of this appeal would not prevent the appellant from seeking further discussions with the Council in respect of the provision of such material.

Conclusion

12. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR