

Appeal Decisions

Site visit made on 14 May 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal A Ref: APP/F1610/W/23/3326525

**Lower Farm House, Donnington Road, Broadwell, Gloucestershire
GL56 0TN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Joseph Nehorai against the decision of Cotswold District Council.
 - The application Ref is 23/01078/FUL.
 - The application sought planning permission for the conversion of an open fronted stone barn to create a residential holiday let (amendment to planning permission 19/02249/FUL) without complying with a condition attached to planning permission Ref 20/00370/FUL, dated 10 March 2020.
 - The condition in dispute is No2 which states that: *'The development hereby approved shall be implemented in accordance with the following drawing number: 6715-03b, 04, 05 and 07.'*
 - The reason given for the condition is: *'For the purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework'.*
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Appeal B Ref: APP/F1610/Y/23/3326524

**Lower Farm House, Donnington Road, Broadwell, Gloucestershire
GL56 0TN**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Joseph Nehorai against the decision of Cotswold District Council.
 - The application Ref is 23/01086/LBC.
 - The works proposed are the conversion of an open fronted stone barn to create a residential holiday let.
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Decisions

1. Appeal A is allowed, and planning permission is granted for the conversion of an open fronted stone barn to create a residential holiday let (amendment to planning permission 19/02249/FUL) at Lower Farm House, Donnington Road, Broadwell, Gloucestershire GL56 0TN in accordance with the application Ref 23/01078/FUL, without compliance with condition number 2 previously imposed on planning permission Ref 20/00370/FUL dated 10 March 2020 and subject to the conditions set out in the attached schedule for Appeal A.

2. Appeal B is allowed and the listed building consent Ref 23/01086/LBC for the conversion of an open fronted stone barn to create a residential holiday let is granted in accordance with the terms of the application Ref 23/01086/LBC dated 28 March 2023 and the plans submitted with it and subject to the conditions in the attached schedule for Appeal B.

Preliminary Matters and background

3. The appeal building is a former agricultural outbuilding that lies within the curtilage of Lower Farmhouse, a Grade II listed building (list entry number 1154846) (the listed building). There is no dispute that it forms part of the listed building and is also within the Broadwell Conservation Area (CA).
4. Several planning permissions and listed building consents have been granted for the conversion of the appeal building to create a residential holiday let unit. The most recent are referenced 20/00370/FUL and 20/00371/LBC dated 10 March 2020. The appellant indicates that development has commenced in relation to the latest approved scheme for the holiday accommodation.
5. However, a replacement slate roof covering has been introduced on the appeal building which does not accord with the approved plans which showed a grey/zinc colour standing seam metal replacement roof. Moreover, in comparison to the approved scheme, the appellant seeks to revise the internal layout and install air bricks for ventilation on the southwest elevation.
6. Having regard to the application forms used and the descriptions of development/works provided for the respective appeals, it was confirmed with the main parties that Appeal A relates to a section 73 planning application that seeks to vary condition 2 of planning permission reference 20/00370/FUL. This condition lists the approved drawings and requires that the development be implemented in accordance with them. The appellant seeks to substitute the drawing numbers listed in the condition to reflect the alterations outlined above.
7. It was further confirmed that Appeal B relates to an application for listed building consent to convert the appeal building from an open fronted stone barn to create a residential holiday let. Given that works have commenced, this is in part retrospective. However, it is highly material to my determination that listed building consent reference 20/00371/LBC was granted and that by comparison, the differences in the works proposed are similar to those described for Appeal A.
8. To reduce repetition, I have dealt with both appeals together in this decision letter but have specified where there are differences. I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate.

Main Issue

9. The main issue is the effect that, varying the condition in relation to Appeal A, and the works in relation to Appeal B, would have on the special interest and significance of the listed building and any of the features of special

architectural or historic importance that it possesses; and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

Special Interest and Significance

10. Originating from the late 18th/early 19th centuries, Lower Farmhouse is a substantial detached farmhouse of two storeys plus attic. The special interest and significance of the listed building is derived in large part from its architectural quality and features. Located on a prominent corner of the village, it is constructed in ashlar limestone, and has a limestone slate roof. It presents an attractive symmetrical principal elevation with regularly placed 16 pane sash windows towards Donnington Road, but with a notable wing extending along Chapel Street.
11. The listed building also has interest as the focal point of a larger farmstead. In this respect the configuration of nearby surviving traditional stone agricultural buildings 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.
12. The appeal building is a detached, single storey former agricultural building approximately 40 metres to the northwest of the listed farmhouse. The historic map analysis provided¹ indicates that it was probably constructed between 1900 and 1919. It has limestone walls to the rear and sides and, although subsequently infilled, was originally an open fronted structure with oak posts, likely connected to the rearing of sheep. The 'existing' drawing² for the approved scheme indicates the roof was corrugated tin laid over roofing boards.
13. The combination of the location relative to the farmhouse, simple form, single storey modest scale and use of traditional materials of the appeal building all point to its functional traditional agricultural use. These elements contribute positively to, and reinforce, the significance and special interest of the listed farmhouse as an entity.
14. The CA covers most of the settlement of Broadwell. There is a concentration of traditional vernacular buildings, many of which are listed, interspersed with fields, gardens and trees. In particular, the prevalent use of Cotswold limestone gives a strong unifying appearance. Hence, the consistent use of a limited palette of materials underpins the coherent character of the village.
15. In terms of the roofscape, the predominant material is Cotswold limestone slates, which I observed on higher status buildings. However, I also saw blue-grey slate, thatch and corrugated tin roofing on secondary or former agricultural buildings. Blue-grey slate roof covering was evident on the former main barn to Lower Farmhouse and on buildings at the adjacent Millbrook Farm. This is illustrated in the heritage statement provided³.

¹ Heritage Statement prepared by Paul Stamper, dated May 2023

² Drawing 6715-01

³ Figures 7 and 8, Heritage Statement prepared by Paul Stamper, dated May 2023

16. Thus, part of the significance of the CA is derived from the historic built form and mix of traditional materials resulting in an attractive, rural character and appearance. The rural, modest architectural and aesthetic qualities of the appeal building make a small but positive contribution to the distinctive character and appearance of the CA as a whole.

The effect of the proposals

17. In relation to both appeals the Council's decision notice specifies that it is the replacement of metal roofing that they consider to be harmful, contending that the blue-grey slate roofing fails to retain the agricultural character of the appeal building. As they do not refer to any of the other changes in relation to Appeal A, or the remainder of the conversion works proposed for Appeal B, it follows that the merits or otherwise of the replacement slate roofing should be the focus for my determinations.
18. However, taking the remainder of the alterations in relation to Appeal A first, the changes to the layout would, by comparison to the approved scheme, involve reduced and simpler internal sub-division. As a result, it would be closer to the simple open character of the former agricultural building, and therefore represents a marginal improvement. The three ventilation bricks are small, functional additions on the rear elevation close to the boundary. They would have a negligible, and therefore, neutral effect.
19. In relation to the remainder of the conversion works proposed for Appeal B, my examination of the available evidence leads me to find that none have, or would have, a harmful effect upon the special interest and significance of the listed building. There is nothing to show that important historic fabric would be lost. The simple single storey form, and relatively modest scale would be preserved. In combination with the configuration of the appeal building relative to the farmhouse, this means that the relative hierarchy of the structures would be respected. The proposal utilises traditional materials sympathetic to vernacular Cotswold architecture. Moreover, although enclosed with fenestration and oak boarding, the oak posts would signal the traditional former open frontage of the building. Finally, it is relevant that the Council has previously and recently given listed building consent for a broadly similar residential conversion, and this carries weight in favour of the proposal.
20. Returning to the issue of the roof material, the Heritage Statement suggests it was highly likely that the original roof covering of the appeal building was corrugated iron but would have been renewed on several occasions subsequently. The Council had no objection in principle to the loss of the existing tin corrugated roof covering. This is evident from the planning permission and listed building consent recently granted for it to be removed and replaced with a standing seam metal roof with a grey/zinc colour. Hence, there is nothing to suggest that the tin covering was original or constituted important historic fabric.
21. The use of blue-grey slate as a traditional roofing material for agricultural outbuildings is evident in the main barn at Lower Farmhouse and the adjoining Millbrook farm which are close to the appeal building and within the CA. This use of slate is further recognised in the Cotswold Design Code contained in Appendix D of the Cotswold District Local Plan 2011-2031,

August 2018 (LP) which states that from the nineteenth century onwards there is more use of blue-grey Welsh slate, for reroofing, and often for lean-tos and outhouses, town houses and agricultural buildings. Accordingly, I cannot agree that its use would be out of keeping or undermine the rural qualities of the CA. Rather, it would be consistent with a historic approach to roofing adopted in the later 19th century.

22. Moreover, I observed its dark, matt finish and smooth profile to be consistent with the overall unassuming appearance of the appeal building. As such, it would be compatible with the relative hierarchy and traditional functional use of the building.
23. Consequently, the evidence does not demonstrate that the use of a metal roof is intrinsic to the contribution the appeal building makes to the significance of the listed building or CA. In any event, the approved grey standing seam roof departs from the profile and colour of corrugated iron and would be more synonymous with a contemporary approach to design. Hence, I am not persuaded that it represents a like for like replacement, nor constitutes the only acceptable roofing material in this context. Notwithstanding the Council's preference for a standing seam metal roof, there is little evidence before me to show that what has been undertaken undermines the historic or architectural significance of the listed farmhouse or CA.
24. Furthermore, the fundamental factors that are important to retaining the relative status and former agricultural character of the appeal building, which do contribute towards the significance of the listed building and the CA, would remain. These include the position of the building, its simple form, modest scale and construction in traditional materials.
25. In broad terms, the examples cited⁴ of where the Council have accepted replacement slate or tiled roofing on conversions concerning other farm buildings reinforce my findings.
26. Taking these factors together, I do not consider that the replacement slate roofing has adversely affected the special interest and significance of the listed building, or CA. I therefore find that the changes to the development proposed by varying the condition in Appeal A, and works proposed in Appeal B, preserve the special interest of the Grade II listed building and would accord with sections 16(2) and 66(1) of the Act. Furthermore, the proposals would be sympathetic to the important qualities of the CA. Consequently, they preserve the character and appearance of the CA as a whole. Accordingly, I find there would be no conflict with section 72(1) of the Act.
27. As the proposals would preserve the important qualities of the listed building and CA, it follows that there would not be harm to the significance of either as designated heritage assets. Thus, there would be no conflict with the historic environment protection policies within the National Planning Policy Framework and it is not necessary for the heritage balance set out in paragraph 208 to be undertaken.

⁴ Appendix 8, Appellants' Appeal Statement

28. Moreover, I find that the proposals align with policies EN2, EN10 and EN11 of the LP which, amongst other things and read together, permit proposals that accord with the Cotswold Design Code and sustain designated heritage assets, including the character and appearance of conservation areas.

Conditions

29. In relation to Appeal A, Planning Practice Guidance⁵ confirms that the original planning permission will continue to exist. However, it further makes it clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect.
30. There is nothing before me to undermine the appellants' assertion that development has commenced. Hence, there is no need to impose a time condition for the commencement of development or works for either appeal.
31. In the interests of certainty, it remains appropriate to require the development for Appeal A to accord with specified drawings. The condition imposed in this respect reflects the changed drawing references in accordance with the substance of the appeal proposal. A similar plan list condition is not necessary for Appeal B as the listed building consent is for the works and plans as approved, as set out in the formal decision wording.
32. The Council have further confirmed that condition 3 on planning reference 20/00370/FUL to agree samples of walling and roofing materials prior to the construction of the roof, is no longer necessary. Such wording would be problematic and unreasonable given that the roof has now been constructed in slate.
33. In relation to Appeal A, the remaining undisputed and subsisting conditions found on planning approval 20/00370/F in relation to the restriction to holiday accommodation, windows, doors and rooflights, boundary treatments, restrictions on permitted development rights and measures to protect bats and birds are restated. In the interest of consistency and achieving sympathetic details to the listed building, similar conditions relating to the details of windows, doors and rooflights are imposed for Appeal B.

Conclusion

34. For the reasons given above I conclude that Appeal A should succeed. I will grant a new planning permission without the disputed condition but substituting others and restating those undisputed conditions that are still subsisting and capable of taking effect.
35. For the reasons given above Appeal B should be allowed.

Helen O'Connor

INSPECTOR

⁵ Paragraph: 040 Reference ID:21a-040-20190723

Schedule of conditions

Conditions for Appeal A

- 1) The development hereby approved shall be implemented in accordance with the following drawing numbers: 2623-0001 Rev B; 2623-1101 Rev A and 2623-1105 Rev A.
- 2) All door and window frames shall be recessed in accordance with details to be submitted to and approved in writing by the local planning authority prior to installation and shall be permanently retained as such thereafter.
- 3) All windows and doors shall be of timber construction and shall be permanently retained as such thereafter.
- 4) The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.
- 5) Before the development is occupied or brought into use the boundary treatment of the site, including a timetable for its implementation, shall be agreed in writing with the local planning authority. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no buildings, extensions, means of enclosure or hardstandings shall be erected, constructed or sited in the application site, other than those permitted by this decision.
- 7) Notwithstanding Classes C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other change of use permitted by any subsequent Order, the unit shall be occupied as holiday accommodation only and for the avoidance of doubt it shall not be occupied as permanent, unrestricted accommodation, a second home or a principal or primary place of residence.
- 8) The development shall be completed in accordance with the recommendations in Section 5 of the Bat Roost Assessment report dated 6th June 2019 prepared by Swift Ecology Ltd (ref. C2109-2). All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.
- 9) Before occupation, details of the provision of bird and bat boxes shall be submitted to the local planning authority for approval. The details shall include a technical drawing showing the types of features, their locations within the site, their positions on the elevations of the buildings and their aspect and height on trees, and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved features shall be retained in accordance with the approved details thereafter.

Conditions for Appeal B

- 1) All door and window frames shall be recessed in accordance with details to be submitted to and approved in writing by the local planning authority prior to installation and shall be permanently retained as such thereafter.
- 2) All windows and doors shall be of timber construction and shall be permanently retained as such thereafter.
- 3) The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.

End of Schedule