



Appeal Decisions

Site visit made on 1 May 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal A: APP/C1570/Y/23/3336090

Wigmores Farm, Wigmore Barn, Essex, Debden, CB11 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Edwin Ebbens against the decision of Uttlesford District Council.
- The application reference is UTT/23/0059/HHF.
- The development proposed is installation of up to 20 solar panels on large slate roof.

Appeal B: APP/C1570/W/23/3323735

Wigmores Farm, Wigmore Barn, Essex, Debden, CB11 3LX

- 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 Edwin Ebbens against the decision of Uttlesford District Council.
- The application reference is UTT/23/0060/LB.
- The works proposed are installation of up to 20 solar panels on large slate roof.

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposal would preserve a Grade II listed building, Wigmore Farm [Ref: 1239474] and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The listed cottage dates from the 17th century. It has an imposing 18th century rear addition with a red plain tile roof that differs to the thatched covering of the older part.
6. The rear opens onto a semi enclosed courtyard that is encircled by a characterful two storey barn, with its single storey offshoot, and a number of smaller scale buildings. The tight knit arrangement of the courtyard is a good example of a historic farmyard.
7. From the evidence before me, insofar as it relates to these appeals, the building's special interest is derived from the historic arrangement and appearance of the courtyard, with the cottage as its main focal point.
8. As they address the courtyard, the converted barn and its offshoot retain their traditional appearance, with weatherboarded external walls and minimal openings. The appearance reinforces the hierarchy of buildings within the courtyard and maintains the cottage as the primary focus, preserving its historic interest.
9. The barn includes red plain tiles on the main roof that are consistent with the 18th Century addition of the cottage and subtly assist with creating an architecturally cohesive and sympathetic context. The grey roof tiles on the lower section of the main barn and the single storey offshoot gives these elements a secondary focus and allows for differentiation between the buildings.
10. There are no detailed plans showing the extent to which the roof of the single storey offshoot facing the courtyard would be covered in solar panels. The information provided, and specification of up to 20 panels, indicates that it would be most of it.
11. The proposal would introduce a material to the roof that would be stridently incongruous with the traditional pallet of materials that characterise the courtyard. The panels would also be reflective in appearance.
12. The panels would harm the appearance of the offshoot by detracting from its simple traditional character and materials. It would give unwelcome prominence to the roof within the courtyard and compete visually with the cottage, drawing attention away from it and significantly eroding its appearance and importance as a focal point within the courtyard. The black colour of the proposed panels would not reduce that impact.
13. I do not have details of how the panels would connect to the building's services. As such, I cannot draw any conclusions on whether this element of the proposal may impact on the fabric of the building. This undermines the Appellant's argument that the works would be reversible. Nevertheless, reversibility after an undetermined time period does not of itself justify harm while in situ.

14. The Appellant references extent of public visibility. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views of a building, or any alterations, can be gained. As such, I do not consider this matter further.
15. The Appellant failing to follow the Council's preferred sequential approach is a consideration of limited significance. My decision is based on the merits of the proposal and limited information has been given about alternatives.
16. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
17. Paragraph 205 of the National Planning Policy Framework (Framework) advises that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset from its alteration should require clear and convincing justification.
18. In this case, the harm would be less than substantial but nevertheless of considerable importance and weight. In these circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. Localised energy production would bring indirect benefits in climate change mitigation terms and be a public benefit. The contribution would be small but, nevertheless, attracts significant weight in accordance with paragraph 164 of the Framework. This does not, however, disapply those parts of the Framework set out above or the need to give any resulting heritage harm great weight in the public benefit balance.
20. Weighing these matters up, I do not find that the public benefits are sufficient to outweigh the harm that I have identified. I also note that the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
21. In conclusion, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 203 of the Framework and conflict with policy ENV2 of the Uttlesford Local Plan that seeks, among other things, to ensure that development affecting a listed building is in keeping with its scale, fabric, character, and surroundings. As a result, the proposal would also not be in accordance with the development plan.

Other Matters

22. The Appellant has provided an article relating to a Local Listed Building Consent Order issued by the Royal Borough of Kensington and Chelsea. This Order allows the installation of PV panels on certain listed buildings. It is no relevance to these appeals as it no legal effect or weight outside the area to which is applies.

Conclusion

23. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

D R McCreery

INSPECTOR