



Appeal Decision

Site visit made on 9 May 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/H1840/W/23/3335640

Brockington Cottage, Kington Lane, Kington, Worcestershire WR7 4DH

- 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 Ms B Kuypers against the decision of Wychavon District Council.
 - The application Ref is W/23/00306/FUL.
 - The development proposed is a replacement dwelling and carport.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal on the Council's decision notice related only to the loss of the non-designated heritage asset 'Brockington Cottage'. However, the related planning officer's report and the Council's subsequent appeal submissions, also deem there to be harm to the setting of Lower Farmhouse (a Grade II Listed Building). In any case, I have a statutory duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, to have special regard to the desirability of preserving the setting of the listed building. My decision has therefore been made on this basis.
3. The Council's reason for refusal, as stated on the decision notice, references sections of the National Planning Policy Framework (the Framework) relating to the historic environment and Policy SWDP 27 of the South Worcester Development Plan (SWDP) (adopted 2016), which relates to renewable and low carbon energy. However, it is clear from the reason for refusal's wider text (and the Council's accompanying evidence) that the relevant SWDP Policies that should have been referred to are SWDP6 and SWDP24.

Main Issue

4. The main issue is the effect of the proposal on heritage assets, namely Brockington Cottage and Lower Farmhouse.

Reasons

5. Brockington Cottage is a two-storey, red-brick built dwellinghouse, likely originating as a rural workers cottage in the mid-19th Century. The front of the dwelling displays a symmetry in design, with the frontage laid in Flemish bond and containing a decorative string course below the eaves. The brickwork in other elevations is laid out in a variety of styles with simpler string and dentil courses below the eaves. The property has a clay tiled roof and three gable

- brick chimney stacks. Although in a state of disrepair and not presently occupiable, it remains a characterful and attractive building.
6. Main parties do not dispute that the appeal building should be considered a non-designated heritage asset (NDHA). From the evidence before me and my observations on site, I have no reason to reach an alternative view and consider the appeal building to have sufficient heritage significance to warrant NDHA status. I find its significance to derive from its local historic and architectural interest as a good example of a relatively unaltered rural dwelling from the 19th Century, as well as its potential for archaeological interest.
 7. The proposed development would involve the complete demolition of Brockington Cottage. Regardless, of the appropriateness of the design of the proposed replacement dwelling, the entire historic fabric of the NDHA would be lost. Consequently, the scale of harm to the asset would be substantial.
 8. Turning to the setting of Lower Farmhouse, the appeal site shares a rather close relationship, including clear intervisibility, with the Grade II listed building. Lower Farmhouse is a 17th Century timber framed farmhouse, albeit largely rebuilt in roughcast brick. I find its significance is derived from its age, architectural qualities, as well as its likely historic associations with the area. The setting of Lower Farmhouse remains largely rural in character, however, built form surrounds much of the listed building. This includes several dwellings (which can be viewed alongside the listed building) that are of a rather modern appearance and of varying design and aesthetic quality.
 9. Whilst the NDHA would be replaced by a dwelling of a modern construction, the proposed dwelling would retain a general rural vernacular and be of an appropriate scale for its site. Furthermore, it would remain within the same use as the building it would replace and would share a similarly close relationship to Lower Farmhouse. Indeed, given the variety of built form within the near vicinity of Lower Farmhouse, and the design of the proposed replacement dwelling, I do not consider that the appeal scheme would cause harm to the setting of the listed building. Its setting would therefore be preserved.

Planning Balance

10. Paragraph 209 of the Framework states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. As detailed above, the proposal would lead to substantial harm to the NDHA through its total loss. This is a matter to which I attach significant weight.
12. The appellant contends that it is unviable to undertake the works required to bring the property back into a safe and occupational condition. To support this view, the appellant has provided a detailed structural report, prepared by a qualified structural engineer.
13. The structural report illustrates that there is significant movement in the building including to its roof due to the timber purlins and rafters sagging/creeping under the weight of the clay tile roof. Additionally, there is cracking and distortion to the external walls throughout the building, which is likely to have largely resulted from the settlement of its foundations. The structural report further highlights that a significant extent of works will be

required to prevent the ongoing movement of the roof and subsidence of the building, as well as to address other building defects. The works would include strengthening the roof's purlins and rafters, addressing failed sections of the ceiling and unevenness of the floor at first floor level, remedial/underpinning of walls as well as likely partial demolition/reconstruction in places, and replacement of decaying timber joists and beams to the ground floor above the basement.

14. There are no robust reasons for me to refute the findings of the structural report, including the level of works necessary to enable the existing building to be refurbished and retained for future occupation. However, I am not persuaded that the appellant has suitably demonstrated that the required works to the property are unviable. Only a single estimate of the costs of works to rebuild/refurbish the existing dwelling has been provided. Although the estimate contains a breakdown of headline costings it remains rather limited in detail. Furthermore, the estimate of the cost of the works has been prepared by a building firm that is a shared project owner for the proposed development. Without the benefit of further independent detailed estimates from suitable professionals, I cannot be satisfied that the estimate provided represents a reasonable level of cost to remedy the existing building's defects.
15. Additionally, the appellant has not provided robust supporting information to verify the suggested market value that could be achieved should the existing dwelling be rebuilt/refurbished. For example, the appellant's stated market value has not been corroborated by a relevant independent professional. Nor has any data on the sales values of similar properties in the wider area been provided or analysed.
16. As such, based on the information before me, it has not been suitably demonstrated that the existing building is unviable to be brought back into use.
17. The proposed development may result in other potential benefits, including economic benefits associated with the construction process, as well as environmental benefits through the delivery of a more energy efficient dwelling. However, similar benefits may also be achievable through a scheme involving the retention/refurbishment and sensitive adaption of the NDHA.
18. The appellant also suggests that the siting of the proposed dwelling further back from the road would alleviate a current 'pinch point' in the road network. Be that as it may, no highway safety issues associated with the current siting of the dwelling have been demonstrated. I therefore give this potential benefit very limited weight.
19. Whilst the proposed development may comply with various other planning policy requirements, this is to be expected of development proposals and therefore does not weigh in favour of the appeal scheme.
20. Drawing the above together, I find that the merits of the proposal, as set out by the appellant, do not provide sufficient justification for the demolition of the NDHA or outweigh the harm that would arise through its loss. Accordingly, the proposal is contrary to Policies SWDP 6 and SWDP 24. Together the policies, amongst other matters, seek for development proposals to conserve and enhance heritage assets in line with national policy. It also does not accord with the aims of the Framework in respect of conserving the historic environment.

Conclusion

21. For the reasons given above, the appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR