



Appeal Decision

Site visit made on 29 May 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2024

Appeal Ref: APP/V0510/W/23/3328585

Prickwillow Baptist Church, Main Street, Prickwillow Cambridgeshire

- 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 Richard Lines of Tanner House Properties Ltd against the decision of East Cambridgeshire District Council.
- The application Ref is 23/00007/VAR.
- The application sought planning permission for conversion of church into a dwelling, alterations to access and removal of layby without complying with a condition attached to planning permission Ref 22/00992/FUL, dated 8 December 2022.
- The condition in dispute is No 1 which states that: Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
22072-1000	Rev D	2nd December 2022
22072-0000	Rev B	23rd August 2022
22072-1100	Rev A	23rd August 2022
22072-1101	Rev A	23rd August 2022
22072-1200		23rd August 2022
22072-1300	Rev A 2	3rd August 2022
22072-1301	Rev A	23rd August 2022
Flood Risk Assessment		23rd August 2022
22072-8201		1st November 2022
22-0072-8200		1st November 2022.
- The reason given for the condition is: To define the scope and extent of this permission.

Decision

1. The appeal is allowed and planning permission is granted for conversion of church into a dwelling, alterations to access and removal of layby at Prickwillow Baptist Church, Main Street, Prickwillow Cambridgeshire in accordance with the terms of the application, Ref 23/00007/VAR, dated 8 December 2022 and subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have taken the address of the appeal site from the decision notice on the original permission in the interests of consistency.
3. The application was to vary the approved plans condition following the grant of planning permission. It is on this basis I have determined the appeal, notwithstanding the appeal form described it as being against the refusal to approve any matter required by a condition on a previous planning permission.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with specific regard to the effect on the non-designated heritage asset.

Reasons

5. The appeal site is a former Baptist Church adjacent to Main Street in Prickwillow. It is a prominent building due to its scale and the open nature of the land around it. The Council's statement of case confirms they consider it to be a non-designated heritage asset (NDHA). From the evidence before me and my observations on site, I concur with this assessment. Its significance, as it relates to this appeal given that the change of use to a dwelling has been allowed, lies in its architectural significance from its design, brick detailing and pattern of fenestration.
6. The front and side elevations of the two storey building have a regular pattern of fenestration with the windows being of the same style and with the same contrast brick lintel detailing. Brick detailing adds further interest to these elevations. The brick lintel also features above the door in the side elevation of the single storey mono-pitch roof projection. The rear elevation has two windows at ground floor level which follow this pattern, and modern, uncharacteristic windows in the more recent projection. There are no first floor windows in the rear elevation, nor is the first floor finished in brick. As a result, this elevation makes only a very limited contribution to the significance of the NDHA.
7. The approved plans show the retention of the two windows in the rear elevation which follow this pattern, with a modern, double door inserted between them. The modern windows would be replaced with windows to match the rest of the building and this would remain the same in the appeal proposal.
8. The proposed alteration would see the installation of unashamedly modern bi-folding doors. Brick lintel detailing is proposed, although this would be straight as opposed to the slight curve of the original. The loss of the original fenestration and the connection it provides to the appearance of the other elevations of the building would, as a point of principle, result in harm to the significance of the NDHA. However, given the very limited contribution this elevation makes to that significance, this harm would be less than substantial.
9. The Council has referred to a Historic England publication 'Methodist and Nonconformist Chapels in Cornwall Guidance and Assessment Framework'. However, this does not prescribe particular alterations but sets out advice on what to consider when proposing changes and alterations to such buildings. This does not change my assessment of the effect of the proposal on the significance of the NDHA.
10. The proposed amendment would not affect the setting of the building. The fact the elevation is not readily visible from any public area does not alter my assessment, nor does the age of the single storey component of the building. The Council's officer report confirms that the approved proposal was for the insertion of French doors, meaning the principle of the additional opening and the light it would provide has been established. While the width of the proposed doors may not be achievable in traditional loadbearing masonry construction, I

have concluded that the proposed alterations would be acceptable in character and appearance terms. Any issues relating to the construction of the opening would be addressed through the building regulations.

11. It is not proposed to alter the permission as it relates to the windows in the front and side elevations. The Council have referred me to another application¹, however I do not have any details of that proposal and in any event all decisions must be taken on their individual merits.
12. Paragraph 209 of the National Planning Policy Framework (the Framework) confirms that in such circumstances, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This harm would be limited in its scale, given that the windows do not make a strong contribution to the pattern of fenestration given the markedly different appearance of the rear elevation to the rest of the building. A modern insertion would reflect the next stage of the use of the building and would not detract from the value of the front and side elevations.
13. The proposed development would therefore accord with East Cambridgeshire Local Plan (2015, as amended 2023) Policy ENV 2 which requires all development to be designed to a high quality and the advice in Section 16 of the Framework with respect to non-designated heritage assets.
14. The Council has referred to Policy ENV 1 in their reason for refusal. This relates to landscape and settlement character. The effects of the proposed development would be very localised to the rear elevation of the building which does not form the settlement edge. Nor is it visible in any key views. The NDHA is distinctly different from the surrounding development and the proposed alterations would not affect its relationship to those properties. I therefore find this policy is not of direct relevance to the proposal before me.

Conditions

15. In allowing this appeal, a new planning permission is granted. The Planning Practice Guidance advises that such decisions should restate the conditions imposed on earlier permissions that continue to have effect. I have made minor amendments in the interests of clarity and precision. The approved plans condition is imposed to define the permission and to reflect the amended plans. As I cannot be certain that the development has commenced in planning terms, I have imposed a time limit condition. It is not possible to extend the time limit for the planning permission to be implemented, therefore I have amended the Council's suggested condition to reflect the date of the original permission.
16. It is reasonable and necessary to require details of foul water drainage to be approved before the development commences in the interests of water quality. Recording the heritage value of the property is reasonable and necessary in light of the advice in section 16 of the Framework. Compliance with the submitted flood risk assessment, the access being provided to a specified gradient and provision of a flood contingency plan are reasonable and necessary to ensure the safety of future occupiers in a flood event. Provision of parking and turning space, and the positioning of any gates at a sufficient distance to allow vehicles to be free of the public highway are both reasonable and necessary in the interests of public safety.

¹ 23/00681/FUL

17. Securing landscaping and biodiversity enhancement of the site is reasonable and necessary in the interests of the character and appearance of the area. Given the proximity of the site to other residential properties, controls over construction works and deliveries are necessary. Given that the significance of the NDHA is, at least partially, derived from its prominence, regular layout and pattern of fenestration, the removal of permitted development rights is considered to be reasonable and necessary in this case.

Conclusion

18. I therefore conclude that the appeal should be allowed and grant a new planning permission which varies the disputed condition.

J Downs

INSPECTOR

Schedule of Conditions

- 1) Development shall be carried out in accordance with the drawings and documents listed below.

Plan Reference	Version No	Date Received
22072-0000	Rev B	23rd August 2022
22072-1100	Rev B	4th January 2023
22072-1101	Rev A	23rd August 2022
22072-1200		23rd August 2022
22072-1300	Rev B	4th January 2023
22072-1301	Rev B	4th January 2023
Flood Risk Assessment		23rd August 2022
22072-1000	Rev E	4th January 2023
22072-8201		1st November 2022
22-0072-8200		1st November 2022
- 2) The development hereby permitted shall be commenced within 3 years of 8th December 2022.
- 3) No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation.
- 4) No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of historic building recording, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a) the statement of significance and research objectives;
 - b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The timetable for the field investigation as part of the development programme;
 - d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.
- 5) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) V1.0 170822, by UNDA, dated August 2022 and the following mitigation measures detailed within the FRA:
 - o Finished floor levels will be set at no lower than 1.2m AOD.
 - o Flood resistance measures will be implemented into the development.
 - o Implementation of a flood warning and evacuation plan post development, and subscription to the EA's flood warning service
- 6) Prior to first occupation or commencement of use, a Flood Contingency Plan for the development, which should include an appropriate method of flood warning and evacuation to ensure the safe use of the development in extreme circumstances, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details before the development is occupied or the use commenced.

- 7) Prior to occupation any gate or gates to the vehicular access shall be set back a minimum of 5 m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.
- 8) The gradient of the vehicular access shall not exceed 1:12 for a minimum distance of 5m into the site as measured from the near edge of the highway carriageway and thereafter retained in this form.
- 9) Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 22072-1000 Rev E and thereafter retained for that specific use.
- 10) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11) Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B, C, D, E, G and H of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 13) The biodiversity improvements outlined in drawing number 22072-8200 shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.