



Appeal Decision

Site visit made on 2 July 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/W0530/Y/23/3324212

40 Church Street, Thriplow, Royston, Cambridgeshire SG8 7RE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Jeffrey Anderson against South Cambridgeshire District Council.
 - The application Ref is 22/04002/LBC.
 - The works proposed are addition of solar panels to the south facing roof of the existing car port at the front of the property.
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Decision

1. On the basis of my conclusions below, no further action will be taken in connection with this appeal.

Procedural Matters

2. The appeal relates to an application for listed building consent for solar panels on a car port to the front of the grade II listed building known as 40 Church Street. A separate householder planning application was submitted for the proposed solar panels on the car port as well. That application (Ref: 22/04158/HFUL) was determined and refused planning consent by the Council on the 29 December 2022. No appeal has been lodged in relation to the refused decision. Accordingly, my consideration in this appeal is purely in relation to the Council's failure to determine the application for listed building consent within the prescribed period.
3. The Council's statement of case confirms that its concerns relate to the effects of the solar panels on the setting of the listed building and the Thriplow Conservation Area. Accordingly, I must have special regard to my duties under section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. However, both parties have confirmed in their submissions that the car port is a modern structure and is not listed and I have no reason to disagree. In this regard I am mindful that section 1(5) of the Act defines what 'listed building' means and at subsection (b) it states that 'any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, shall be treated as part of the building'.
5. In this instance, the car port is a free-standing structure detached from the dwelling and from the evidence before me was a modern structure erected after 1 July 1948. As the car port is not treated as part of the listed building for consent purposes, it follows that listed building consent is not required for the

works proposed. As such there is no mechanism for an appeal to be determined under S20 of the Act.

Conclusion

6. To conclude the carport is not part of the listed building and listed building consent cannot be required for the proposed works. Consequently, I do not intend to take any further action in respect of this appeal. In reaching this conclusion I make no comment on the merits of what is proposed.

Mr R Walker

INSPECTOR