



Appeal Decision

Site visit made on 27 February 2024

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/Y2620/W/23/3327146

Banes Cottage, Blacksmiths Lane, Hindringham, Norfolk NR21 0QA

- 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 C Tucker against the decision of North Norfolk District Council.
 - The application Ref is PF/22/2657.
 - The development proposed is a replacement dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling house at Banes Cottage, Blacksmiths Lane, Hindringham, Norfolk NR21 0QA in accordance with the terms of the application, Ref PF/22/2657, subject to the conditions in the attached schedule.

Preliminary Matters

2. The parties state that Banes Cottage is a non-designated heritage asset¹. Although there is no evidence before me which confirms that it is formally included on any local list, I have no reason to question this evaluation. There is no statutory duty to the considerations of the impacts of a proposal on a non-designated heritage asset, however given the proposal and the representations received I have considered this as a main issue. Given that the parties have made representations in relation to the non-designated heritage asset, despite it not forming part of the reasons for refusal, I am satisfied that the interests of the parties would not be prejudiced by its inclusion as a main issue.
3. The property is located within the setting of the Grade II* listed property Hindringham Hall, and it falls within the Hindringham Conservation Area. Given the site's location, I have had special regard to Section 66(1) and paid special attention to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The original refusal of the application included reason 2 which related to impacts of the development on the trees and hedgerows within the appeal site. Subsequently, further information has been submitted which the Council consider has addressed this reason for refusal. I will return to this later on.
5. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a

¹ Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. PPG Paragraph: 039 Reference ID: 18a-039-20190723

different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

6. The main issues are i) the effect of the proposal on the significance of Banes Cottage as a non-designated heritage asset, ii) whether the proposal would preserve the setting of the Grade II* listed building, Hindringham Hall; and iii) whether the proposal would preserve or enhance the character or appearance of the Hindringham Conservation Area.

Reasons

Special interest and/or significance

Banes Cottage as a non-designated heritage asset

7. Banes Cottage is a modest, detached, two storey property positioned within associated garden land. It is accessed via a small bridge over a ditch and is currently in use as a holiday let.
8. It dates from around the early 19th century and is mostly constructed of brick and flint. It has been subject to a number of additions and alterations throughout the years, using brick and elements of timber cladding and is stated to be in a poor structural condition, which was evident on site. This has created, what the Council's Conservation Officer describes as 'something of a hybrid structure which has an obvious and significant want of repair' and I would agree.
9. It is situated in proximity to, but oriented to face away from, the Grade II* listed building, known as Hindringham Hall. There is no substantive evidence before me which demonstrates any associative connections of Banes Cottage with the Hall.
10. Having regard to the above, from the evidence before me, I find the significance of Banes Cottage as a non-designated heritage asset to be largely derived from its illustration of a vernacular 19th century cottage which displays the use of traditional local materials. This has been eroded to an extent by the changes to and current condition of the property.

Listed Building

11. Hindringham Hall is an impressive property with ample curtilage and a moat around. It is constructed of flint with striking red brick detailing and red pantile roofs. The hall has many historical features and detailing including impressive gables, projecting wings and chimney stacks. Its special interest and significance largely stem from it being an extremely well-preserved example of a historic Tudor manor house of an impressive scale with distinctive historic features and detailing remaining. Pertinent to the appeal, Hindringham Hall also derives special interest and significance from its setting. The land enclosed by the moat which includes formal, well laid out, landscaped gardens are the primary surroundings within which the asset is experienced and contribute considerably to its significance.
12. Beyond this, the open verdant parkland landscape, which includes the appeal site and building, form part of the Hall's wider setting. The largely undeveloped

and verdant character of the site positively contributes to the asset's special interest and significance. However, given the aforementioned deficit of any evidence which connects the cottage to the Hall, and mindful of its historic alteration and current poor condition, I find that, in itself, the appeal property as part of the Hall's wider setting, makes a neutral contribution to its special interest and significance.

Conservation Area

13. The site is within the Hindringham Conservation Area which is divided into two parts, one encompassing a large proportion of the main village and one to the south west along Wells Road and parts of Great Snoring Road and Harvest Lane.
14. The appeal site is located in the westernmost part of the main village conservation area which mainly sits around Hindringham Hall. The conservation area in its totality is relatively large in relation to the size of the village, encompassing a large number of properties. It reflects the historic linear growth of the village along the main roads as well as more open areas around some farmsteads and Hindringham Hall itself.
15. Similar to above, the largely undeveloped and verdant character of the site positively contributes to the character and appearance and thus the special interest and significance of the conservation area as a whole. However, whilst I acknowledge the building's status as a non-designated heritage asset, its historic alteration and current poor condition mean that I find that the property itself makes a neutral contribution in these regards.

The effects of the proposal

16. The proposal would involve the demolition of the existing property and its replacement with a two-storey detached dwelling. The proposed dwelling would be slightly realigned to take into account the adjacent walnut tree. It would replicate the overall massing, scale, materials and detailing of the historic cottage, thus reflecting its existing character.

Banes Cottage

17. The demolition of the property would result in a total loss of its significance as a non-designated heritage asset. Nevertheless, I note that Policy EN8 of the North Norfolk Core Strategy (2008) (Core Strategy) states that where it makes little contribution to the area, consent will be given provided there are acceptable and detailed plans for any redevelopment. I find that the property in its current form makes a neutral contribution and that the proposed redevelopment plans would be acceptable.

Listed Building

18. The proposal would not affect the physical fabric of the asset and the majority of the Hall's setting would remain unchanged. Moreover, the open and verdant qualities of the appeal site would be largely maintained.
19. Given the neutral contribution of the appeal property to the setting and thus significance of the Hall, its demolition and replacement with a building, where the overall design of which is considered acceptable by the Council, would not alter how the listed building would be experienced or alter the ability to

appreciate its significance. As such it would preserve the special interest of the Hall and would not harm its significance as a designated heritage asset.

Conservation Area

20. In relation to the Hindringham Conservation Area, the proposal would be largely screened by existing buildings and hedgerows and is set back from the road by a significant amount. The main views of the property are from within the access driveway. The proposed materials would reflect those of traditional Norfolk cottages and although there would be some alterations to bring the property up to modern standards, such as raised ceiling heights and eaves, and therefore the loss of some traditional proportions, the proposal would be a sensitive replacement, achieving a balance between the visual and character impacts on the surroundings and providing a property suitable for permanent habitation. The overall positioning, scale and design would not be wholly dissimilar to the existing cottage and therefore, on balance, given the cottage's neutral contribution, its loss would have a neutral effect on the character and appearance of the Hindringham Conservation Area as a whole in this instance and would not harm its significance as a designated heritage asset.
21. Accordingly, I conclude that the proposal would preserve the setting of the Grade II* listed building, Hindringham Hall, and preserve the character and appearance of the Hindringham Conservation Area. In doing so, it would not harm the significance of these designated heritage assets and, in this regard, the proposal would not conflict with the statutory presumptions of sections 66(1) and 72(1) of the Act. In this regard it would also comply with Policy EN8 of the Core Strategy and the provisions of the National Planning Policy Framework (2023) (the Framework) which seek to conserve and enhance the historic environment.
22. The proposal would, however, result in the loss of a non-designated heritage asset which would result in the total loss of its significance.

Other Matters

Trees

23. Refusal reason 2 on the original decision notice, dated 22 March 2023, related to insufficient information having been submitted to allow an assessment of the impact of the development on the trees and hedges within the appeal site.
24. Following the Council's decision, further information has been submitted including a letter from an Arboricultural Contractor, Tree Constraints Plan Rev B and Arboricultural Method Statement. The Council consider that the amended information is now satisfactory to address the reason for refusal².
25. I have considered the level of detail submitted which includes details of protection works during demolition and construction works. I note the Council's revised position and I have little before me that would lead me to conclude differently. Therefore, I find that the proposal would comply with Policies EN2 and EN4 of the Core Strategy insofar as these seek to ensure that development would protect, conserve and where possible enhance landscape features, including trees and retain existing important landscaping and natural features,

² Appendix C of Council's Statement of Case – Email from Senior Landscape Officer

amongst other things. It would also meet the aims of paragraph 180 of the Framework.

Protected Species

26. The Appellant has provided a Preliminary Roost Assessment, Summer Bat Surveys and Great Crested Newt Scoping Survey³ which has undertaken the necessary surveys and proposed measures for mitigation and further surveys. The Council have raised no concerns with the content or level of information, and I have not been provided with any evidence that would lead me to conclude that there would likely be any harmful impacts on protected species and their habitats as a result of the proposed development. The Council have suggested conditions to ensure that the works carried out adhere to the document which I consider would be sufficient to secure the necessary protections in accordance with the Habitat Regulations.

Representations

27. I have had regard to the consultation response provided by Historic England which raises concerns about the loss of the property and highlight that it forms a positive element within the conservation area and the setting of the listed building. However, for the above reasons I have found that the property makes a neutral contribution to the conservation area and that its loss would not result in harm to the setting of the listed building. There is little evidence of any historic links between the property and the listed building and I have had regard to the current condition of the property and the unsympathetic additions that have occurred over time which I find have undermined its historic value and contribution.
28. The Parish Council have raised concerns in relation to, in addition to the above matters, retaining as much of the original cottage as possible to preserve the building's history. I have considered the proposed design above and find it to be a suitable replacement and the Appellant has demonstrated why the retention and repair of the property would not be viable in this instance.

Planning Balance and Benefits

29. I have identified that the proposal would result in the loss of significance of a non-designated heritage asset.
30. Paragraph 209 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and a balanced judgment will be required having regard to the scale of any harm of loss and the significance of the heritage asset. Policy EN8 of the Core Strategy also requires a balanced approach when considering the demolition of non-listed buildings.
31. In this instance, whilst there would be a total loss of the non-designated heritage asset, the current property makes a neutral contribution to the Conservation Area and there is little evidence of a historic relationship with Hindringham Hall. The proposed replacement property would be of a sensitive design which would be appropriate to its surroundings and I have found that there would be no adverse effects arising in relation to the trees and hedges in and around the appeal site. I have also concluded that the proposal would

³ Eco Check Rev 1.1 Dated September 2022

preserve the character or appearance of the Hindringham Conservation Area and would preserve the setting of the Grade II* listed building, Hindringham Hall.

32. Benefits would arise from the proposal through the removal of the unsympathetic additions which detract from the historic character and the wider views of Hindringham Hall. The slight relocation of the property would ensure that there would be no adverse pressures on the nearby walnut tree. It has been demonstrated that the costs to repair the property and maintain it in a habitable standard for use as a holiday let would potentially make the continued use unviable and that a new dwelling would provide an environmentally sustainable property suitable for permanent habitation. In addition, the Appellant has stated that this development would allow for the future maintenance of the Hall and gardens ensuring that they could remain open to the public, however I have no mechanism, such as a legal agreement, before me that would secure this and I therefore only give this limited weight.
33. When balancing the benefits against the identified harm, I find that these would outweigh the harm arising from the loss of a non-designated heritage asset in this instance.
34. I therefore find that the proposal would comply with the Act. It would also comply with Policy EN8 of the Core Strategy and the provisions of the Framework. Policy EN8 refers to the demolition of non-designated heritage assets and states that they will be assessed against the contribution to the architectural or historic interest of the area made by that building. It highlights that buildings which make a positive contribution should be retained and where it makes little contribution to the area, consent will be given provided there are acceptable and detailed plans for any redevelopment.

Conditions

35. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. The Council have provided a list of suggested conditions which I have considered against the tests in the Planning Practice Guidance. They have also provided a series of Advisory Notes relating to the demolition and asbestos.
36. Conditions relating to the external materials, window details, and rainwater goods details are necessary in the interests or ensuring a suitable appearance to accord with the property's location in the Conservation Area and in proximity to Hindringham Hall. I have imposed conditions relating to protected species in order to ensure no harm would arise to the species or habitats as required by the Habitats Regulations. A condition in relation to the development being carried out in accordance with the Arboricultural and Tree submissions is necessary to ensure that the trees on site are sufficiently protected.

Conclusion

37. For the reasons given above, and having had regard to all matters raised, the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 3-422-1; 3-422-2 and 3-422-3.
- 3) Prior to their use on site, full details of the bricks, flint and tiles to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall then be constructed using only the approved materials.
- 4) Prior to their first use on site, a sample panel of external flintwork of at least 1m x 1m and showing the proposed bricks/flints, face-bond and pointing mortar, shall be provided on the site for inspection and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved sample panel.
- 5) Before installation a 1:10 scaled drawing, including a section, of the windows and doors shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and retained thereafter in accordance with the approved details.
- 6) Prior to their installation, details of the rainwater goods to be used on the proposed dwelling hereby permitted shall have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 7) The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in Section 5 of the Preliminary Bat Roost Assessment undertaken by Eco Check dated September 2022. The specific details of all of the required mitigation and enhancement measures, including dimensions, location and construction methodology together with a scaled plan or drawing illustrating the requirements, shall be submitted to and approved in writing by the local planning authority prior to installation. The mitigation and enhancement measures shall be carried out prior to the first occupation of the development, in accordance with the approved details and thereafter maintained in a suitable condition to serve the intended purpose.
- 8) The development hereby approved, which includes any demolition, modification or building work, to the building identified as Banes Cottage within the Preliminary Roost Assessment, Summer Bat Surveys and Great Crested Newt Scoping Survey report (September 2022 – Rev 1.1) prepared by Eco-Check Ltd, shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a. A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or

- b. A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.
- 9) The development hereby approved shall be carried out in strict accordance with the measures laid out in the Tree Constraints Plan Rev B, Tree Survey and Arboricultural Method Statement undertaken by Greenleaf Planning Ltd, received by the local planning authority on 2 August 2023.