
Appeal Decisions

Site visit made on 10 July 2024

by I. A. Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal A: APP/C1570/W/23/3333617

The Dairy, Grange Green, Tilty, Essex CM6 2EQ

- 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 Sarah Forrester against the decision of Uttlesford District Council.
 - The application reference is UTT/23/2389/HHF.
 - The development proposed is installation of 3 no. conservation-style rooflights on a courtyard-facing roof-slope of the dwelling.
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Appeal B: APP/C1570/Y/23/3333616

The Dairy, Grange Green, Tilty, Essex CM6 2EQ

- 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 Sarah Forrester against the decision of Uttlesford District Council.
 - The application reference is UTT/23/2390/LB.
 - The works proposed are installation of 3 no. conservation-style rooflights on a courtyard-facing roof-slope of the dwelling.
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Decisions

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 (as amended) (the Act).
4. During my site visit I observed that roof lights had already been installed on the building. However, the appellant says that, whilst rooflights would be retained in the position of those installed, the existing rooflights would be replaced with units of a different design. The proposal before me is, therefore, part retrospective and I have dealt with these appeals on this basis.
5. In its reason for refusal, the Council has referred to the appeal property as a "curtilage listed" Grade II asset and highlighted the harm that would be caused to the setting of the principal building with which it is associated. As the appeal property and the wider farmstead contribute to the special interest of

the former farmhouse, I have considered the asset as a whole which includes how the works would be experienced in relation to the principal building.

6. The appeal building was the subject of a previous appeal¹ (the previous appeal) for a scheme to install a single roof light. This roof light would have been located on the same roof, but on the other face.

Main Issue

7. The main issue is whether the proposal would preserve a Grade II listed building known as "Tilty Grange" (Ref: 1169130) (the LB) and any of the features of special architectural or historic interest that it possesses as a former farmhouse associated with a wider farmstead.

Reasons

8. The LB is a farmhouse dating from the early 16th Century. It is a two-storey, rendered, timber framed farmhouse associated with a group of agricultural buildings, set around a series of yards. This group includes the separately listed "Seven Bay Barn to West of Tilty Grange" (Ref: 1112184). The historic context of this building is part of a working farmstead, set within an agricultural hinterland. The current context in which it is experienced comprises the group of historic farm buildings, the barns of which, including the appeal building, have been redeveloped for residential use². Nonetheless the form of the farm buildings, set around the spaces of the former farmyards and lying within the surrounding fields provides easy understanding of its historic functional layout and thereby contributes positively to the special interest of the LB.
9. Given the above, I find that the special interest of the LB, insofar as it relates to these appeals and its setting, to be primarily associated with the legibility of the buildings as a functional group of agricultural buildings set within an agrarian landscape. This makes a direct positive contribution to the special interest of the LB for the reasons given.
10. The appeal property (the Dairy), formed of a series of linked single-storey barns, constitutes part of this functional group, albeit that it has now been converted for use as a dwelling. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. As structures within the curtilage that have a principal and accessory relationship to the main building, the outbuildings are also consequently listed. Whilst not in the list description, listings are primarily for identification purposes and do not necessarily provide an exhaustive or complete description of the special interest.
11. The Dairy is identified by the LPA as a curtilage listed structure associated with the LB. I note that the previous Inspector considered this to be the case and, on the basis of the evidence before me, I see no reason to disagree with that finding in the absence of substantiated evidence to the contrary.
12. As I have identified above, historically the Dairy had a close functional relationship to the farmhouse. Whilst currently used as a dwelling, it is laid out around a central courtyard, which would have operated as a farmyard. Whilst this courtyard currently forms part of the residential garden associated with the

¹ PINS Ref: APP/C1570/D/22/3303140

² Council Ref: UTT/0946/94/FUL

- dwelling, the original functional layout of the building group is readily apparent. The land around the farmstead remains open land in agricultural use.
13. The proposal would replace the three roof lights that I saw during my visit with 'conservation' style rooflights, with a lower profile. The rooflights would be located in the slope of the roof facing into the dwelling's courtyard garden. Whilst the rooflights fitted have an upstand, the proposed units would sit flush with the adjacent roof slates.
 14. The conversion of the group of farm buildings associated with the LB has preserved much of their character as former agricultural buildings and retained the readability of their relationship to each other and the contribution that they make to the form and layout of the rural farmstead. The substantial preservation of their traditional pitched roofscape in a relatively unaltered form, with only minor interventions for flues and vents contributes to their legibility as former agricultural buildings.
 15. The rooflights are a modern, domestic feature and are an incongruous and inauthentic addition within the historic roofscape. Their reflectivity, during the day, has an intrusive effect, interrupting the traditional roofscape, drawing the eye and providing a stark contrast with the surrounding slates. At night any illumination from within the building would attract attention to the installed features. Being located in a roof slope the illuminated area would be suspended above ground level, giving an awkward and inauthentic appearance to the simple form of the farm building.
 16. The replacement units would be flush with the surface of the roof slates, and this would assist in reducing the disruption of the roof. Nonetheless, the difference in materials and internal illumination during the hours of darkness would remain as a disruptive feature and would not reflect the simplistic and traditional nature of the Dairy.
 17. These elements would undermine the visual appreciation of the building's former agricultural use, increasing the visual appearance of domesticity with detrimental effects on the historic and architectural interest of the buildings that make up this historic farmstead.
 18. The appellant has suggested that the proposal would not harm the listed building because, as the rooflights are sited on a rear roof-slope, the proposal would not be more widely visible and is only visible from the private courtyard garden. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or any of their curtilage structures can be gained. Whilst the previous Inspector identified that the roof light that was before him lay on a prominent face of the building, in so doing he identified the full circumstances of that proposal, including more general harm. I see nothing in that decision that would persuade me to come to any decision other than that which I have done.
 19. The appellant has identified that the building suffers from condensation, accumulating within the building and resulting in issues with excessive humidity and damp. Historic England identifies³ that damp is a significant problem in many buildings and causes decay of building fabric and contents, in addition to

³ Historic England: "Damp in Historic Buildings" (2022)

unhealthy conditions for occupants and makes buildings more expensive to heat. Historic England goes on to advise that as we adapt to climate change, we need to reduce energy consumption so dealing correctly with damp in old buildings has never been more important. The appellant identifies that the installation of the rooflights provides greater ventilation and that this is needed to combat the condensation and resulting damp. However, other, less intrusive interventions, such as tile vents would be less invasive and visually intrusive. There is no evidence before me to rule such options out on grounds of impracticability.

20. The appellant has drawn my attention to several recent decisions of the Council⁴ and Inspectors⁵. They have also drawn my attention to the guidance provided by the local authorities⁶ and Historic England⁷ in regard to modifications to buildings.
21. The appellant considers that they have, through the use of 'conservation' style rooflights, the exact design of which could be controlled by a suitably worded planning condition, addressed concerns raised by the previous Inspector regarding the effect of that proposal on the roofscape. They further argue that the total percentage of roof covered by the roof lights is modest.
22. The appellant identifies that 'conservation' style rooflights have been installed on nearby buildings⁸. Having regard to the adjacent Great Barn and the nearby Grange Green Cottages, the appeal documents do not illustrate the reasoning or considerations as to why these roof lights have been installed, or indeed whether they have any form of consent. However, whilst the previous Inspector did raise concerns about the profile of the roof light, and the upstand from the face of the roof, this was a part of wider concerns regarding the form, positioning and materials of the roof light before them. I have, in reaching my decision, had regard to the merits of the case overall, and even given the relatively small proportion of the total roof area to be replaced, for the reasons given above, identified that they would harmfully disrupt the roof and its appearance. I note that the previous Inspector found that the presence of these rooflights did not persuade them that further domestic type alterations such as present at that time on the Dairy would be acceptable when considering the significance of the Dairy and that of the historic farmstead.
23. Whilst I note that the parts of the local authorities' guidance provided by the appellant do not refer specifically to heritage assets, the Historic England documents do provide guidance in regard to such assets. However, this is general guidance from which it should not be assumed that rooflights are acceptable for all buildings, and it should be applied to each case having regard to the individual circumstances. In determining these appeals, I have considered the individual merits of the proposal against the background of this advice.
24. The decisions identified by the appellant as supporting the proposal all refer to the installation of 'conservation' style roof lights and so have a superficial

⁴ Council Refs: UTT/20/1991/LB; UTT/22/1550/LB; UTT/20/0937/HH; UTT/20/2615/HHF, UTT/20/2616/LB; UTT/21/1500/HHF and UTT/21/1501/LB

⁵ PINS Refs: PINS Ref: APP/C1570/D/20/3254673 and APP/C1570/D/19/3240872

⁶ Uttlesford District Council: "Home Extensions Supplementary Planning Document" (2005) and Essex County Council: "Essex Design Guide"

⁷ Historic England: "National Farmstead Assessment Framework" (2015); "Adapting Traditional Farm Buildings" (2017); and "Investigation of Moisture and its Effects on Traditional Buildings" (2022)

⁸ Identified by the appellant as "Great Barn" and Grange Green Cottages (now known as "Pumpkin Hall")

similarity to the proposal before me. However, I have limited information regarding the full planning histories of these sites and am not familiar with the details of their surroundings and context.

25. From the information before me, in regard to UTT/20/1991/LB the proposal was for the replacement of existing roof lights and so the principle of the presence of roof lights was established and the point at issue was the design of their replacement. The roof lights that are being replaced on the Dairy, do not have permission and so I have not considered the proposal as being a replacement. I do not, therefore, consider that the details of the proposal are directly comparable to that before me.
26. Moving on to UTT/22/1550/LB, I note, in that case, the building already had several roof lights installed, and the proposed additional roof light related to a need to regularly clear a gutter to prevent harm to the building through water ingress. Whilst it is evident that the gutter had been accessed and cleared on previous occasions using scaffolding, such practices involve working at height, and significant inconvenience, this would be likely to discourage ongoing, regular maintenance, leading to the decay of the heritage asset. No such necessity has been demonstrated in the case before me and so, again, I do not consider that it bears direct comparability to the proposal before me.
27. UTT/20/0937/HH sought to add two large additional 'conservation' roof lights to an extensive roof slope at 4 Battles Barn. The opposite roof slope already accommodated three smaller roof lights. This followed the dismissal at appeal, APP/C1570/D/19/3240872, of an application to install roof lights. The Council refused UTT/20/0937/HH, but a subsequent appeal, APP/C1570/D/20/3254673, was upheld. In that appeal the Inspector identified that the proposed roof light would provide the sole point of light and ventilation to a bedroom. That is not the case in the proposal before me. I also note the Inspector's consideration of the distinctly domesticated residential appearance in reaching their conclusion. I do not have full details of the context of that appeal site and so I cannot draw a direct comparison between the two but as will be seen from my reasons above, I have found that, in regard to the proposal before me, the Dairy, including its roof form, retains much of its historic agricultural appearance and has not been overwhelmed by domestic features. Further, the Inspector considered that "the pair of roof lights would be located directly next to each other. Their strong vertical proportions would create a slim vertically proportioned injection into the roof slope discretely towards one end (the southern end) of the appeal property's lengthy roof axis". They further considered that "in the overall context of this lengthy north-south roof axis the proposed roof lights would be a minor intervention into the roof slope". The proposal before me spreads the roof lights along much of the roof slope, rather than affecting a single end. Thus, the proposal before me is more linear with a wider impact on a roof of significantly lesser scale and I do not find that this site provides a direct comparison to the proposal before me.
28. UTT/20/2615/HHF, UTT/20/2616/LB, UTT/21/1500/HHF and UTT/21/1501/LB also relate to the site at 4, Battles Barn. UTT/20/2615/HHF and UTT/20/2616/LB sought to install a fourth roof light on the roof slope that already had three and UTT/21/1500/HHF and UTT/21/1501/LB sought to add a roof light at the opposite end of the slope containing the roof light permitted by APP/C1570/D/20/3254673. Unlike the proposal before me those proposals were for additional roof lights on roof slopes that already contained similar

features. I do not, therefore, find that those proposals are directly comparable to that which is before me.

29. Whilst I note that in regard to 4 Battles Barn the heritage officer considered that the roof lights permitted constituted the maximum number that that roof could contain, this is clearly a comment made in regard to the specifics of that roof, which has more extensive slopes than that before me. It is, in these appeals, necessary to consider the effect of any roof lights in context of the specifics of the proposal site.
30. It is clear from the above that in coming to their various conclusions the Council and Inspectors considered the proposals in context and on their own individual merits. I have carried out a similar exercise in reaching my decision and have considered the proposal on its own merits, albeit reaching a different conclusion to those examples cited.
31. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that any such harm should have a clear and convincing justification.
32. Given the scope of the works and that they affect how a curtilage listed building is experienced, rather than the principal building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The residential use of the building would not cease, should these appeals be dismissed.
33. The appellant is of the opinion that the proposal would be beneficial because, as identified by the previous Inspector, it would provide some public benefit from the short-term employment opportunities in installing the roof lights, as well as facilitating the improved usability of the building. Given the scale of the proposal, the economic benefits from such employment would be small.
34. The improved ventilation provided by the roof lights would be likely to alleviate the problems associated with condensation within the building and thus improve the energy efficiency of the building. However, as I have identified above, this could be provided by other, less invasive or visually intrusive means. I therefore give limited weight to the additional employment opportunities and negligible weight to the improvement of ventilation as public benefits supporting the proposal.
35. The space beneath the roof, to which the roof lights provide natural light is a small, cramped space with a low ceiling and I have not been presented with any substantive evidence on how the proposed roof lights would facilitate the usability of the barn or how this would benefit the wider public. At the time of my visit, it was unfurnished and used for storage, although a telescope was

present, aimed through one of the roof lights. The provision of additional accommodation within the Dairy would, therefore, be a solely private benefit.

36. I do not find that the public benefits are sufficient in this instance to outweigh the harm that I have identified. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building.

37. This would fail to satisfy the requirements of the Act, paragraph 206 of the Framework and conflict with policy ENV2 of the Uttlesford Local Plan (2005) in as much as this seeks, among other things, to protect listed buildings against development that adversely affects the setting or impairs the special characteristics of the listed building.

Conclusion

38. Given the above and considering all other matters raised, the appeals should be dismissed.

I. A. Dyer

INSPECTOR