



Appeal Decision

Site visit made on 25 July 2024

by Tom Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/F1610/Y/23/3333512

Lane Cottage, Barnsley, Cirencester GL7 5EF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 'LBCA Act') against a refusal to grant listed building consent ('LBC').
- The appeal is made by Stephanie Cushing against the decision of Cotswold District Council ('CDC').
- The application ref. is 23/01528/LBC.
- The works proposed are described in CDC's decision notice of 7 September 2023 as 'Removal of section of stone wall between two rooms, installation of steel supporting beam, relocation of kitchen, installation of partition wall, and replacement of existing French door set with steel/ aluminium frame door set...'.

Decision

1. The appeal is allowed and LBC is thereby granted for the works described in the banner heading above at Lane Cottage, Barnsley, Cirencester GL7 5EF, in accordance with the terms of application ref. 23/01528/LBC subject to the conditions below.

Preliminary matters

2. CDC's description of the proposed works reproduced in the banner heading is more precise than that given in the application form. The sole matter in dispute between CDC and the appellant is, however, the effect of the 'removal of a 2.5 metres section of [original] gable end wall...'.¹ As set out in the associated officer report, that would effectively enlarge an existing opening between the study and studio from around 0.8m to some 3.3m.
3. The proposal relates to grade II listed Lane Cottage.² I have therefore approached the appeal in the context of section 16(2) of the LBCA Act and have taken account both of the National Planning Policy Framework (20 December 2023, 'NPPF') and the development plan. In recognition that heritage assets are irreplaceable resources, the NPPF set out how great weight should be given to their conservation (relative to their importance).
4. Reinforcing the bounds of the dispute as above, the appellant explains how application ref. 23/01528/LBC 'follows the grant of planning permission for the external alterations to which this application in part relates.'³ Whilst not strictly emulating an historic aesthetic, subject to conditions controlling the design and installation of the replacement door set, CDC do not object to that aspect of the

¹ CDC decision notice, 7 September 2023.

² List entry no. 1155139.

³ Correspondence of 5 May 2023, permission ref. 22/03555/FUL.

scheme. I note that this proposal also follows an earlier application for LBC (albeit withdrawn).⁴

5. Whilst each scheme must be determined on its merits, there is some further noteworthy planning history here. Lane Cottage has successively been much altered, as set out in the appellant's Built Heritage Assessment ('BHA') in particular. Various internal alterations and the construction of a rear addition were undertaken around 1991.⁵ Those alterations, I understand, entailed the removal of an original section of wall and 'winder' staircase to provide for an open plan kitchen and dining area to the north of the property.
6. Around 2008 further internal and external alterations took place.⁶ In short, an extension to the south of the property was added in place of a former outbuilding, with the existing doorway between the study and studio now proposed for enlargement created as it is then too.⁷ Whether by virtue of those works or otherwise, a second internal staircase previously in existence near to that doorway has also been removed.⁸ There is no indication, however, that the existing nature of Lane Cottage is in any respect unauthorised.

Main issue

7. Against the foregoing, the main issue is whether the works proposed would preserve Lane Cottage, its setting, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

8. Lane Cottage occupies a corner plot formed by Cow Lane and the B4425, the central route through the Village. The former spurs westwards off the latter, with the Dower House and Barnsley Park beyond to the north.⁹ The B4425 at Barnsley is flanked by various listed buildings and forms the axis around which the Barnsley Conservation Area ('BCA') is loosely drawn. Lane Cottage therefore, although trite to say, falls in an area with a strong history integrity (and also relative harmony in respect of character and appearance).
9. The list entry aptly describes Lane Cottage as originating from the late seventeenth or early eighteenth century, and that it is built principally of 'random coursed rubble stone with alternating flush quoins, stone slate roof with central stone ridge stack...'. In era, materials and craftsmanship, again a bland observation, there is a clear consistency between it and other buildings hereabouts. Externally alterations have essentially maintained the aesthetic and overall form of the property, albeit inherently reflecting a process of evolution over time.
10. Belying a more intricate history, however, the list entry describes the listed building as a 'large detached cottage'. Map regression in the BHA shows that

⁴ Ref. 22/03556/LBC.

⁵ Pursuant to LBC and planning permission ref. CT.LBC467/A and CT6803.

⁶ Pursuant to LBC and planning permission ref. 08/01799/LBC and 08/01798/FUL.

⁷ BHA paragraphs 3.13 to 3.14.

⁸ The BHA also refers to permission for alterations to a chimney and door, ref. CT.6803/A, to the demolition of a section of boundary wall (ref. LBC 467), the alteration of a garden wall (ref. 05/02394/FUL), all of which are of little importance relative to the scheme before me.

⁹ A grade II building (list entry no. 1089467) and a grade II* registered park and garden (list entry no. 1000753).

the property was historically two dwellings, from the first through to the third edition of Ordnance Survey ('OS') mapping around the turn of the nineteenth century. It is noteworthy, with the exception of its depiction on the first edition OS map, there is some form of structure illustrated as attached to, or close by, the southern elevation of the listed building. The former outbuilding referred to above was therefore likely a vestige of an historic structure.

11. As referenced in paragraphs 5 and 6 of this decision, although possessing a strong historic integrity externally particularly in its frontage to the B4425, the listed building has been much altered internally. Although significance may not lie solely in the original form of a building, and the existence of previous alterations do not intrinsically justify more, aside from internal rooms honestly reflecting the structural limitations and qualities building materials historically at hand, there is now a qualified sense of integrity internally.
12. I saw how only 'nibs' of an historic wall are present between what is currently used as a kitchen/ dining area.¹⁰ As above, two historic staircases have been removed; accessing the first floor has fundamentally changed. As part of earlier works it appears almost all ceiling joists have been replaced or overlain with modern timbers. Infill between them also appears modern. I was only able to discern one clearly historic joist in the study close to the existing door with the studio (though more may be concealed). Internally walls, in any event plain and functional consistent with a loose rural vernacular, reflect little in their materials or finish which speak to history.
13. CDC state that 'the original layout or plan of a listed building is one of its most important characteristics'. That position, however, is somewhat simplistic in overemphasising the importance of the plan form of a building relative to other qualities (which inevitably vary in different instances). Furthermore, were CDC's logic in that respect true here, the question would arise as to why extensive alteration to the plan form have previously been authorised since the building was listed on 4 June 1952?
14. Moreover the historic layout of the property has been much altered and, although not unimportant, contributes relatively little to an understanding of history (other than reflecting that once people occupied smaller houses than often now exist). That is not uncommon in respect of rural areas, and there is no indication that the existence of two former dwellings in place of one now has any particular resonance, for example in terms of associative significance.
15. CDC accept, moreover, that the earlier Tithe Map (1840s) appears to depict a single building. Whether or not that is attributable to mapping or an accurate reflection, in any event it raises a real question as to what can legitimately be alluded from the subdivision or amalgamation of the property? I note that, in many other instances historic buildings were grander than modern buildings tend to be, and therefore the opposite is commonly argued (i.e. that in order to maintain optimum viable use subdivision is necessary).
16. Summarising the foregoing, insofar as this appeal is concerned, the significance of the listed building derives as much from its materials, craftsmanship and

¹⁰ Not, ostensibly, originally an external wall but rather continuation of the smaller inset area absent buildings shown on the first edition OS map.

relationship to its surroundings as from its original or historic layout (notwithstanding that mapping before me only goes so far back). In turn, and in conjunction with the surroundings to the listed building, those characteristics reflect authenticity broader and intangible historic trends in physical form.

The proposed works

17. Simply the proposal includes increasing the width of the existing opening between the studio and study by 2.5m. Small sections, nibs, would be retained. The kitchen would be relocated to the resultant open plan space to the south of the property. A section of formerly removed wall in the northern end of the building would be 'reinstated'. Glazed doors facing towards the rear garden would also be replaced with aluminium versions.¹¹ Some tying in with the existing structure of the building, making good and cosmetic finishes would inevitably be required.

The effect of the proposed works

18. The proposal would, I acknowledge, entail the loss of historic fabric and create an anachronistic internal arrangement. Open-plan spaces are now only readily achievable by virtue of modern construction techniques, as opposed to relying on the mass of historic walls and structural limitations of timber. CDC describe the intention to reinstate part of the wall removed to create the existing kitchen and dining area around 1991 as 'disingenuous'. That potentially alludes to that element of the scheme being proposed to offset the enlarged opening proposed, or to its being constructed anew.
19. At some point the accumulation of modifications to historic buildings crosses a line and even ostensibly very minor alterations entail harm. We may be approaching that juncture in respect of Lane Cottage given the extent of changes to it over time. However, for 4 principal reasons, that threshold would not be crossed in this instance.
20. Firstly, the loss of historic fabric would be limited in both absolute terms and relative to that which would remain at Lane Cottage. There is no indication that section of wall proposed for removal is particularly valuable in and of itself in terms of its embodied materials or craftsmanship. The southern gable of the property has, moreover, become internal by virtue of previous works. Furthermore, in all likelihood, that element of the property was historically of qualified significance and visual prominence by virtue of its relationship to buildings or structures beyond it within the plot of the listed building.
21. Secondly, in my view, existing alterations to the listed building legitimately form the baseline relative to which effects of the scheme should be pegged. The historic layout of the property has been extensively altered. All told the direct effect of the development proposed would have little discernible additional effect in that context. As the appellant explains nibs of the affected wall would be retained and a ceiling 'downstand' would be created. That, alongside with the inevitable breadth of the proposed opening reflecting the mass of the affected wall, would ensure that an ability to discern the historic plan form remains somewhat preserved.

¹¹ As shown on the proposed western elevation on plan no. '377 03E INT REMODEL A3'.

22. I acknowledge that smaller openings or doorways are, in broad terms, more consistent with historic methods of construction. Nevertheless, thirdly, there is no indication that before 1991 there was an entrance or doorway through the southern gable of the property.¹² As with my reasoning in paragraph 13 of this decision, if in CDC's view the plan form here is 'one of its most important characteristics', the further question arises as to why that was justifiably eroded previously? In my view a sense of intimacy within the property would remain by virtue of low ceilings and the ability to discern the historic size and layout of rooms.
23. Fourthly, in any event, I have reasoned above that the degree of significance embodied in the plan form is qualified. Externally the proposal would inherently preserve significance. Moreover the effective reinstatement of an historic wall previously removed would be positive in respect of emulating the historic plan form. Some 'disingenuity' understandably contended by CDC in that respect could be moderated by virtue of requiring that materials salvaged from the enlarged opening proposed here are re-used in the reconstruction of that wall.
24. Consequently, in my view, the works proposed would have such limited effect so as to be fairly characterised as neutral in respect of the significance of the listed building (as opposed to resulting in any meaningful adverse implications to historic integrity). I therefore conclude that the proposal would, on balance and subject to adherence to conditions requiring that a sensitive approach to construction is undertaken, accord with the clear expectations of statute,¹³ and with the relevant provisions of the NPPF and policy EN10 of the Cotswold District Local Plan 2011-2031 (adopted 3 August 2018).

Other matters

25. As a riposte to the appellant referencing successful appeals related to alterations at Flowers Cottage,¹⁴ CDC have cited an unsuccessful appeal at Mullions.¹⁵ In respect of the appeal at Mullions, however, there is little evidence before me in respect of the comparability of the existing listed building to circumstances here, or to the relative importance of an historic plan form. From what I can judge from that decision, contrasting with my reasoning here, the Inspector ascribed a greater degree of importance to historic layout of that property.¹⁶
26. In respect of Mullions the Inspector also described that listed building as having 'modest proportions'. That appears in contrast to Lane Cottage, a 'large detached cottage'. There was also evidently some ambiguity there as to whether historic lintels would have been affected, in respect of which there is no indication in this instance. Having reached an independent view on the effects of the works proposed here, entirely setting aside the appeal decisions at Flowers Cottage, schemes elsewhere in essence underscore the axiom that each proposal turns on its merits.

¹² Although there is reference to a 'blind' doorway in CDC's statement of case.

¹³ Noting that Lane Cottage falls within the BCA and setting of various other heritage assets (noting the duties under section 66(1) and 72(1) of the LBCA Act in that respect).

¹⁴ Ref. APP/J3720/W/20/3258023 and APP/J3720/Y/20/3258022.

¹⁵ Ref. APP/F1610/E/14/2227099.

¹⁶ Ibid., paragraphs 6 to 8.

Conclusion

27. For the above reasons, and having taken account of all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

28. In addition to requiring commencement within the relevant statutory period, I have, for certainly as so as to ensure the works are implemented as assessed above, imposed conditions requiring that works are carried out in accordance with the supporting plans and in respect of making good. In imposing conditions I have had regard to the tests in the NPPF, the Planning Practice Guidance, and to relevant statute. Accordingly I have amended the wording of certain conditions proposed by CDC to ensure that they are appropriate, without altering their aims.¹⁷

Tom Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby authorised shall be carried out in accordance approved plans: '377 07A LOCATION A3' and '377 03E INT REMODEL A3'.
- 3) Within 3 months of undertaking the works hereby authorised, the hatched 'pre-1990 wall' illustrated on approved plan no. '377 03E INT REMODEL A3' shall have been reinstated using principally materials salvaged from the creation of the opening of the stone wall shown on the same plan, unless demonstrably unachievable, and any effects of undertaking the works hereby authorised shall have been made good. That reinstatement, along with any making good to any existing fabric of the listed building, including tying in, repairing and finishing, shall use methods, materials and detailing to match that of historic elements of the listed building.
- 4) What is illustrated on approved plan no. '377 03E INT REMODEL A3' as the 'crittall style French door set' shall be installed in line with details of its design previously submitted to, and approved in writing by, the local planning authority. Details shall include the door set's materials, construction and finish in the form of scale drawings and sections or manufacturer's specification/technical details. Once installed in line with the details thus approved, that element of the works hereby authorised shall be retained as such.
- 5) Notwithstanding conditions 2 and 4, what is illustrated annotated on approved plan no. '377 03E INT REMODEL A3' as the 'crittall style French door set' shall be recessed a minimum of 75mm back from the plane of the external wall of the building in which it is to be installed.

¹⁷ Notably requiring that materials salvaged from the enlargement shall be used in reinstatement if achievable, following my reasoning in paragraph 23 of this decision.