



Appeal Decision

Site visit made on 30 July 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2024

Appeal Ref: APP/K0235/Y/24/3340059

Justins Farm, Annexe, West End Road, Kempston, BEDFORD, MK43 8SA

- 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 Mrs Sadler against the decision of Bedford Borough Council.
 - The application Ref is 23/00540/LBC.
 - The works are single row of 15 solar panels (portrait) to south facing roof pitch.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The submissions make clear, as I also saw to be the case at my site visit, that the works concerned have been carried out.

Main Issue

3. The appeal property is a Grade II listed building known as Justin's Farmhouse (the LB). The works concerned are positioned on what is included in the Official List Entry as a 19th century outbuilding to the 17th century house. In that context, the main issue is the effect of the works, that have already been completed, on the special architectural and historic interest of the LB.

Reasons

4. The LB derives its significance from its historical 17th century timber framed farmhouse and albeit later 19th century outbuilding, including the use of traditional brickwork and roof tiling. The brickwork has now been covered over by painted render or, in the case of the south facing elevation of the outbuilding, just paint. However, the old clay tiles on the roof to the main house and the pantiles on that of the outbuilding are still clearly evident.
5. The outbuilding is now occupied as a residential annexe to the main house and is connected to the latter via a roof above an otherwise open access to the rear yard area. That connecting roof comprises a pitched roof that ties in with the north-facing roof slope of the outbuilding at a lower ridge height level and with what appear to be more modern tiles. Additionally, the rear of the current outbuilding, beyond the section containing the solar panels, appears to be a more modern addition comprising painted blockwork walls and roof tiling with a flatter profile.
6. Also in respect of the outbuilding, as well as the addition of the solar panels, there are some other modern fixtures such as satellite dishes, ventilation outlet and UPVC framed windows and doors. I also note the Council's reference to

other relatively modern features on the site generally, including the front and side boundary treatment. There are therefore various features on the site which deflect from the significance of the LB. Nevertheless, the outbuilding's simple single storey gable ended form with pantile roof still contributes to an understanding of the historical evolution of the LB as a whole comprising what was a traditional farm complex within, and what continues to be, an open rural setting surrounded by agricultural fields on three sides. That setting therefore also contributes to the significance of the LB.

7. The works, consisting of a single row of solar panels, are positioned on the outbuilding and therefore not physically affecting the main original farmhouse. They are also positioned noticeably within the lines of the south facing roof slope of the outbuilding. Nevertheless, they occupy a significant proportion of that roof slope, projecting slightly away from it and with a modern smooth, black finish that strongly contrasts with the existing orange colour and curved profile of the traditional pantiles over which it is positioned.
8. As such, despite those other more recent additions to the outbuilding and site generally referred to above, the solar panels represent a dominant and incongruous feature that disrupts the architectural integrity of that roof elevation and the simple traditional design of the former outbuilding generally. Such harm is not dependant on whether the works are visible from public vantage points. Nevertheless, that harmful nature of the works is also visible, including in the context of the LB's open rural setting, from outside of the site on the adjacent West End Road, albeit that it is a no through road and therefore unlikely to attract a large number of passers-by. Such views are both from the close proximity to the site and more distantly from the south across adjacent fields, albeit to varying degrees due to some intervening trees and other vegetation.
9. The existing roof tiles have been retained with the solar panel fixings appearing not to have caused any significant loss of fabric to that roof covering. Furthermore, I acknowledge that the panels could be removed when no longer required without a likelihood of significant loss or damage to the fabric of the LB. However, that does not diminish the harm that I have otherwise found would be caused in the meantime and there is also no certainty as to whether or when the panels would be removed.
10. There are other properties in the vicinity, however, despite their varying sizes and any changes, additions and boundary treatments, those nearby, comprising Old Farm and Old Farm Cottage are clearly set apart from and on the opposite side of the road from Justins Farm. The latter therefore retains its clear detached nature on the eastern side of the West End Road with the fields on three sides.
11. For the above reasons, the works fail to preserve the special architectural and historic interest of the LB. The works therefore fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, for the same reasons, they are contrary to policies 29 and 57 of the Bedford Borough Local Plan 2030 (the Local Plan) which, amongst other things, state that new development should protect and where appropriate, enhance heritage assets and their settings and successfully integrate with the historic environment and character; and that specifically in respect of development involving the provision of renewable and/or low carbon energy

generation, this will be supported subject to the acceptability of their wider impacts including, amongst other things, potential impacts on heritage assets and their settings. The works are also contrary to paragraph 203 of the National Planning Policy Framework (the Framework) which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.

12. Whilst the Council's decision notice also includes reference to policy 41S of the Local Plan, that policy generally relates to the requirements for submitting, and the processes involved in determining, applications concerning the historic environment and heritage assets.
13. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
14. Given the relatively small-scale nature of the works in the context of the LB as a whole, the harm caused is less than substantial in this case. Although, for the above reasons, such harm would be limited, it is nevertheless of considerable importance and weight. Having regard to paragraph 208 of the Framework, as I have found there to be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. The works concerned have the public benefit of contributing towards environmental sustainability in providing low carbon energy, and I note the Appellant's references to the Council's strategy towards delivering renewable energy to tackle climate change. In this respect, I have had regard to paragraph 164 of the Framework and afford significant weight to the need to support energy efficiency and low carbon heating improvements. However, the extent of that contribution in this case is at a relatively small scale such that the public benefits are of a limited extent.
16. I note the Appellant's claims relating to the Council's assessment of the application, particularly in respect of the balancing exercise, and the relative responses of the Council's Conservation Officer to other similar applications in terms of that exercise. Regardless of this, I have determined the appeal on its own merits and come to my own conclusions based on the evidence submitted and my observations.
17. I also note the Council's reference to another appeal decision¹ relating to a proposal for the installation of a photovoltaic array to a LB at 2 Regent Square in Penzance that was dismissed. Notwithstanding the differences between the two appeals including in terms of location; that the appeal at hand relates to a later outbuilding, albeit still listed; and that the other decision pre-dated paragraph 164 of the Framework; I have insufficient details of that other proposal to enable me to make a proper comparison. I have in any case determined this appeal on its own merits based on all the evidence provided and my observations.

¹ Appeal Ref APP/D0840/Y/22/3303771

18. For the above reasons, the public benefits are insufficient to outweigh my finding that the works fail to preserve the special architectural and historic interest of the LB.

Conclusion

19. For the reasons given above the appeal should be dismissed.

A Dawe

INSPECTOR