



Appeal Decisions

Site visit made on 13 November 2024

by **O S Woodward MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal A - Ref: APP/B1930/W/24/3342833

Pollards Farm, The Common, Kinsbourne Green, Harpenden, AL5 3PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Ayres against St Albans City Council.
 - The application Ref is SADC/5/2023/2287.
 - The development is the reconstruction of the old pig sty.
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Appeal B - Ref: APP/B1930/Y/24/3342834

Pollards Farm, The Common, Kinsbourne Green, Harpenden, AL5 3PE

- 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 A Ayres against St Albans City Council.
 - The application Ref is LB/5/2023/2368.
 - The works are the reconstruction of the old pig sty.
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Decisions

1. Appeal A is dismissed and planning permission is refused.
2. Appeal B is dismissed.

Preliminary Matters

3. The development has been undertaken. I have amended the descriptions of development to reflect this. The works broadly match those on the submitted drawings but there are discrepancies. I have based my Decisions on the submitted drawings. Whether or not the development is a re-construction of the old pig sty is also a matter in dispute. I deal with these factors as appropriate in my Decisions below. I also use the term 'development' to refer to both the works the subject of the listed building consent and the development the subject of the planning applications, for consistency.
4. The development is for a structure that is directly attached to the listed building and includes an access that has been formed in the side wall of the listed building, largely using a pre-existing doorway. The development is therefore part of the listed building, rather than being within its curtilage or setting. Therefore, because the appeals relate to works to a listed building including an application for listed building consent, I have had special regard to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

5. A revised National Planning Policy Framework (the Framework) was released in December 2024. I provided the main parties with the opportunity to comment and have based my Decisions on the revised document.
6. Two other schemes are currently being proposed in relation to the appeal site. One is for the construction of a new building to the west of the Listed building and the other is for a new building to the east of the Listed building. Both are the subject of ongoing appeals¹. The proposals are clearly severable from one another and could, if necessary, be controlled by condition so that not all could be built out at the same time. I have therefore considered the three schemes independently of one another.

Main Issues

7. The appeals have been made against the failure of the Council to determine the applications within the statutory period. The Council has since confirmed that it would have refused both applications due to the development detracting from the special architectural or historic interest of the Grade II listed building, 'Pollards Farmhouse'² and, with regard to the planning application, due to it being inappropriate development causing harm to the Green Belt. The Council also confirms that the less than substantial harm to the heritage asset is not outweighed by the public benefits and that the 'very special circumstances' necessary to justify the harm to the Green Belt have not been demonstrated.
8. The main issues are, therefore:
 - whether or not the development preserves the Grade II listed building, 'Pollards Farmhouse' or any features of special architectural or historic interest which it possesses (Appeals A and B);
 - whether or not the development is inappropriate development in the Green Belt, including, if necessary, consideration of the effect of the development on the openness of the Green Belt (Appeal A); and,
 - if inappropriate development, whether or not any harm by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the works (Appeal A).

Reasons

Listed building

Significance

9. The building is a 16th Century farmhouse with attached (former) barns. It is a timber framed building with significant surviving historic fabric, which contributes to the significance of the building. The building was converted into residential use and separated from the functioning surrounding farmland in the 1930s. The building retains a strong architectural expression of a traditional farmhouse. This contributes to the significance of the building, albeit tempered by the loss of its original use and the functional divorce from surrounding farmland.

¹ Refs APP/B1930/W/3342814, APP/B1930/Y/3342820, APP/B1930/W/3342824, APP/B1930/Y/3342830

² List entry number 1102967

10. Historic mapping and other evidence demonstrate that there was a building attached to the east wing of the farmhouse since at least the 19th Century. This was probably used for general agriculture works such as milling and then later it was potentially used as an animal shelter, including pigs. This was then likely used as a garage after the conversion into residential use, although potentially in a different physical structure. The previous structures were ancillary in both use and architecture to the main farmhouse and would likely have positively contributed to the significance of the building, albeit to a limited degree.
11. However, importantly the evidence is that any meaningful structure had been demolished prior to the development being undertaken. All that remained was a concrete base and some brick walls, particularly to the front and east elevation. There was no other walls or roof and it did not even constitute a shell of any former structure, just the remnants. The remnants provided a degree of legibility of the history of the building, contributing, albeit only to a limited degree, to its significance.

Assessment

12. The significance of the former structure on the east wing of the building was lost through its demolition prior to the development. The construction of a new building in the same location, even if it is of very similar footprint and scale, cannot replicate this significance. Instead, the baseline is the remnants, as set out above. In this regard, some of the remaining bricks have been retained and used in the new building. However, its overall appearance is a fairly substantial modern structure and the rear elevation has significant fenestration. This combination of the fairly large footprint of the structure in comparison to the farmhouse and the fenestration has resulted in a structure which competes with the main building and is significantly less subservient than the remnants, or even the previous structures.
13. The new building is internally linked to the main farmhouse through a door in the east gable ended wall. There was a door previously, likely providing access to the former garage building and subsequently used as an external door. However, the drawings indicate that the insertion of the new door is within the previous doorway³ and has not, therefore, resulted in the loss of historic fabric. I also acknowledge that the use of the farmhouse has already changed to residential. However, these are not justifications for a development that otherwise causes harm to the architectural and historic significance of the building, as set out above.

Overall

14. As set out above, I conclude that the development fails to preserve the special historic interest of the Grade II listed building. It thus fails to satisfy the requirements of the Act and Policy 86 of the St Albans District Local Plan Review 1994 (the LP). I assess the level of harm to be less than substantial.

Inappropriate development

15. The appeal site is within the Green Belt. Paragraph 154 of the Framework states that development is inappropriate in the Green Belt, subject to a

³ See Od Pig Sty – Plans Ref PL004

number of exceptions. Those relevant to the appeals are exceptions (c), (d), (e) and (g). Only one of the exceptions must be met.

16. With regard to exception c), the original building is defined in the Framework as being as it existing as of 1 July 1948. This would therefore include the previous structure to the east wing which was demolished after this date. It is difficult to be precise about the volume and footprint of the structure as it existed in 1948 but it was likely a very similar footprint and of slightly lesser volume in comparison to the development the subject of these appeals. I do not view the development as a disproportionate addition over and above the size of the original building.
17. There are other structures and extensions to the farmhouse, or within its curtilage. I therefore need to also consider the cumulative effects since 1 July 1948. However, my conclusion above that the development the subject of the appeals is not a disproportionate addition to the building remains the same irrespective of any other changes to the building since 1948. This is because the volume and footprint of the relevant structure has not materially changed and therefore cannot be considered as making a disproportionate addition, whatever the baseline for the original building is considered to be.
18. The development is therefore the extension or alteration to a building that is not a disproportionate addition over and above the size of the original building. It is not, therefore, inappropriate development. I do not, therefore, need to consider matters related to the Green Belt further, and the proposal complies with Policies 1 and 13 of the LP which, when read together, reflect the provisions set out at exception c) of Paragraph 154 of the Framework. Although listed in the Council's putative reasons for refusal, Policies 69 and 72 are not relevant to this consideration because they relate to design and not the Green Belt.

Heritage Balance

19. In accordance with Paragraph 212 of the Framework, I place great weight on the conservation of designated heritage assets. Although less than substantial, I place considerable importance and weight on the harm that I have identified to the listed building. As set out at Paragraph 215 of the Framework, where there is less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. In this case, the public benefits are that a slightly larger house is created which is a societal benefit because of an improvement to housing stock. However, the house is already large so this is a very limited benefit, which is largely private in nature in any event. A further benefit has been the short term economic benefit from constructing the works. However, because it is a relatively small proposal, the corresponding economic benefits are also low.
21. The appellant has stated that the extensions are required to provide suitable accommodation for the family. However, there is no substantive evidence before me which demonstrates that the extension is required to secure the asset's optimum viable use as a residential dwelling.
22. Therefore, the harm to the significance of the designated heritage asset that I have identified clearly outweighs the limited public benefits.

Ecology

23. The site falls within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken an AA.

Conclusions

24. For the reasons above, Appeal A is dismissed and planning permission is refused.
25. For the reasons above, Appeal B is dismissed.

O S Woodward
INSPECTOR