



Appeal Decision

Site visit made on 13 November 2024

by **O S Woodward MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal A - Ref: APP/B1930/W/24/3342814

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 Andrew Ayres against St Albans City Council.
 - The application Ref is 5/2023/2291.
 - The development proposed is the reconstruction of former East Range Cart Lodge.
-

Appeal B - Ref: APP/B1930/Y/24/3342820

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 5/2023/2369.
 - The works proposed are the reconstruction of former east range cart lodge.
-

Decision

1. Appeal A is dismissed, and planning permission is refused.

Preliminary Matters

2. The proposed building is within the garden of the listed building. However, it would not touch the building and nor would it involve the demolition or other works to any structures or objects within the garden. The proposal is therefore related to the setting of the listed building but not to works to the listed building. Listed building consent is not, therefore, required and I have taken no further action with regard to Appeal B. With regard to Appeal A, I have had special regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. A revised National Planning Policy Framework (the Framework) was released in December 2024 and further updated in February 2025. I provided the main parties with the opportunity to comment and have based my Decision on the revised document.
4. Another scheme is currently being proposed in relation to the appeal site, for a new building in the garden area to the west of the listed building. This is also the subject of ongoing appeals¹. The schemes are clearly severable from one another and could, if necessary, be controlled by condition so that not they

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

could not be built out at the same time. I have therefore considered the schemes independently of one another.

Main Issues

5. The appeal has 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 the planning application due to the proposal detracting from the special architectural or historic interest of the Grade II listed building, 'Pollards Farmhouse'² with regard to its setting, and 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.
6. The main issues are, therefore:
 - whether or not the proposal would preserve the Grade II listed building, 'Pollards Farmhouse' or its setting or any features of special architectural or historic interest which it possesses;
 - the effect of the proposed development on the character and appearance of the area;
 - whether or not the proposal would be inappropriate development in the Green Belt, including, if necessary, consideration of the effect of the works on the openness of the Green Belt; 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 proposed development.

Reasons

Listed building

Significance

7. 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 and barns retain a strong architectural expression of a traditional farmhouse both intrinsically and because they are laid out around a typical courtyard layout. This positively contributes to the significance of the building, albeit tempered by the loss of its original use and the functional divorce from surrounding farmland.
8. The farmhouse is surrounded by garden land to the east, west and south. The garden land to the east contains a tennis court and other landscaping. Historic mapping and photographs show that there were two substantial outbuildings in this area in the 19th Century, likely ancillary to the farmhouse. They were demolished, likely in the early 1960s, as part of the conversion of the farm into residential use. Some brickwork foundations remain, but there is no

² List entry number 1102967

remaining above ground archaeology and no meaningful remaining physical evidence of the former buildings.

9. The loss of the buildings has resulted in a slight lessening of the contribution of this area to the former courtyard layout. However, a strong courtyard feel remains from the remaining extensions/ranges which wrap around the west and part of the north borders of the courtyard. This is visible from the various buildings within the complex and from surrounding areas, in particular The Common. Overall, therefore, this area is neutral with regard to how the setting contributes to the significance of the building.

Assessment

10. The proposed single-storey structure to the north and east of the main farmhouse would be close to the northern boundary of the garden and to the west of the tennis court. The building would be a timber-clad 'L-shaped' structure with hipped roofs. The building would have two elements, a taller garage/storage element on a roughly east-west axis, with a linked workshop on a roughly north-south axis. The garage element would have an open front.
11. The materiality and overall design approach is very similar to the existing ranges, is broadly of agricultural character and is therefore acceptable. However, the building would have a substantial footprint, in particular being deeper on the northern wing than any of the existing ranges. This, in combination with it being partially an enclosed structure, would create a building of unacceptable scale and bulk that would compete with the main farmhouse building. I acknowledge that it is smaller than the previous outbuildings. However, those were clearly ancillary agricultural buildings which have, in any event, long been demolished.
12. The proposal would partially restore the original courtyard layout of the farm. However, the building would be further north and would not extend as far south towards the farmhouse as the previous outbuildings, so this would only be a partial re-instatement. In addition, the use as a farm has long ceased and current proposals must be considered in the context of its current residential use. In this context, there is limited value in trying to recreate the former courtyard layout. The proposal would also partially obscure views of the farmhouse from the road and The Common, harming its setting.

Overall

13. As set out above, the proposed development would fail to preserve the Grade II listed building and its setting, thus failing to satisfy the requirements of the Act. The proposal is also therefore contrary to Policy 86 of the St Albans District Local Plan Review 1994 (the LP), which reflects the provisions of the Act. I assess the level of harm to be less than substantial.

Character and appearance

14. This part of Kinsbourne Green is characterised by large detached dwellings and small estates of still relatively substantial dwellings in extensive gardens situated along linear development to the south side of The Common. They all have large open areas lining The Common that are distinct from the private, more formal front gardens of the relevant properties. To both the east and west is more traditional suburban development. It is mostly open, rural land to the north. The appeal site is similar to the rest of the development along The

Common in being for residential dwellings set in substantial grounds and with the open space to the front beyond the formal garden areas.

15. As set out above, the proposed building would be relatively large. It would also be awkwardly sited slightly set away from the existing buildings that directly surround and create, the courtyard. It would partially obscure views of the Grade II listed building and would not be suitably subservient to the building and its extensions. There would be partial screening from landscaping between the proposed building and the road but it would still be visible above such landscaping. That the characteristic open land to the front of the more formal garden areas would be retained would not mitigate the above harms.
16. Overall, therefore, the proposal would harm the character and appearance of the area. It therefore fails to comply with Policy 69 the LP and Policies ESD1, ESD2 and ESD9 of the Harpenden Neighbourhood Plan 2018-2033, all of which require high quality design. Although listed in the Council's putative reasons for refusal, Policy 72 of the LP only relates to extensions to existing buildings and is not therefore relevant to the proposal.

Inappropriate development

17. The appeal site is within the Green Belt. Paragraph 154 of the Framework states that the construction of new buildings as inappropriate in the Green Belt. This is subject to a number of exceptions.
18. With regard to exception (c), in relation to what previously existed on the site on 1 July 1948, a proposal cannot extend an existing building if that building no longer exists, irrespective of what existed in 1948. The proposal is not, therefore, for a direct, physically attached extension or alteration of a building. However, outbuildings can still be considered, in-principle, as extensions to buildings for the purposes of this exception test. It is a matter of fact and degree.
19. In this instance, the proposed accommodation would be ancillary to the main residential use. I therefore view it as falling within exception (c). In addition, the proposal is to replace buildings as existing in 1948. I have not been provided with full details of the footprint, bulk and mass of the buildings as they were in 1948, but the evidence is that they were of a similar size to that as proposed. It would not, therefore, result in disproportionate additions over and above the size of the original building. The proposal is not, therefore, inappropriate development in the green belt and I do not need to consider matters relating to the green belt further.

Planning Balance

20. 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 above to the listed building. Because of the importance of high quality design as set out in the Development Plan and the Framework, I place significant weight on the harm to the character and appearance of the area.
21. That the proposal is not inappropriate development in the green belt is a neutral matter.

22. The proposal would provide a carport, garage, and workshop. These are ancillary facilities to the main residential use of the farmhouse. This provides some, but limited, utility to the occupiers of the farmhouse. However, no new, independent, residential accommodation is proposed. It would be 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. There would also be short term economic benefits to the local area from construction of the building, but these would be limited because only one building is proposed.
23. Overall, the harms are weighty and the benefits are minor and the proposal would conflict with the Development Plan as a whole. An important material consideration is the Framework. 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 their optimum viable use. The harm to the significance of the designated heritage asset that I have identified clearly outweighs the limited public benefits. There is no substantive evidence before me, or, given the size of the existing house any reason to believe, that the extension is required to secure the asset's optimum viable use as a residential dwelling. There are therefore no material considerations in this case which indicate that a decision should be made other than in accordance with the Development Plan.

Ecology

24. The site falls within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation. 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.

Conclusion

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

O S Woodward
INSPECTOR