



Appeal Decisions

Site visit made on 14 January 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal A Ref: APP/P0240/W/24/3344854

The Crows Nest, Goose Green, Hockliffe, Central Bedfordshire LU7 9NH

- 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 Mrs J Twitchell against Central Bedfordshire Council.
 - The application Ref is CB/23/00534/FULL.
The development proposed is a single storey side extension with basement, refurbishments to The Crows Nest and a new detached garage.
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Appeal B Ref: APP/P0240/Y/24/3344715

The Crows Nest, Goose Green, Hockliffe, Central Bedfordshire LU7 9NH

- 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 Mrs J Twitchell against Central Bedfordshire Council.
 - The application Ref is CB/23/00535/LB.
 - The works proposed are a single storey side extension with basement, refurbishments to Crow's Nest and a new detached garage.
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Decisions

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

Preliminary Matters

3. The appeal results from the Council's failure to reach decisions on the applications submitted by the appellant. Consequently, there are no formal decisions from the Council, as jurisdiction over that was taken away when the appeals were lodged. However, as part of the appeals the Council has prepared officer delegated reports that set out its concerns about the proposals.
4. It also lists putative reasons for refusal, had it been able to make formal decisions. For the planning application the Council consider the proposed development would be inappropriate development in the Green Belt and the proposed garage and driveway would have an adverse impact on landscaping and the character and appearance of the Conservation Area. For the listed building consent (LBC) application, the Council's reason was that because the planning application was unacceptable, listed building consent was not required and would carry no purpose.
5. In light of this, the Council was given the opportunity to comment on the relevant statutory duties set out in sections 16(2) and 66(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990 (the Act). The Council's response does not materially expand on its reasons or discuss the details of the proposed development and works in relation to the listed building or its setting or any features of special architectural or historic interest which it possesses.

Nonetheless, as the proposal includes internal works and external development, and works to a listed building located within a conservation area, I am required as decision-maker in determining the appeals to discharge the relevant statutory duties set out within sections 16(2), 66(1) and 72(1) of the Act. Given that the appellant has addressed these matters in their Heritage Impact Assessment (the HIA) and identified there would be harm to heritage assets, I am satisfied that their interests are not prejudiced by this approach.

6. On my site visit I was advised by the agent that it was unsafe to go inside the building, although there were no health and safety issues highlighted on the appeal forms. Therefore I have not undertaken an internal inspection of the listed building and will make my decisions based on the evidence before me, which includes descriptive text and photographs of its interior.
7. The appellant's evidence refers to agreeing to omit the garage from the proposal to reduce built areas. The Council have responded that no amended plans were received during the course of the applications to show the garage omitted from the scheme. The plans before me and submitted with the appeals clearly show a proposed large detached double garage. Therefore, I shall assess the proposals based on the plans before me which include the detached garage.
8. During the course of the appeals a revised National Planning Policy Framework (the Framework) was published in December 2024 and replaces the previous version published in December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decisions.
9. As the two applications concern the same scheme but under different complementary legislation, I have dealt with them both together to avoid unnecessary duplication.

Main Issues

10. In light of the above, the main issues are:-

For Appeals A and B:

- Whether the proposal would i) preserve the Grade II listed building known as "Crow's Nest Cottage"¹ or its setting or any feature of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of Church End Hockliffe Conservation Area.

Additional main issues for Appeal A are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and the effect on the openness of the Green Belt and purposes of including land within it; and

¹ National Heritage List for England: list entry number 1158638

- If it is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

11. The appeal site comprises an unoccupied and dilapidated Grade II listed detached, timber-framed, thatched-roof cottage. The garden, mainly lawn, is somewhat overgrown and there are a number of single storey extensions, including a conservatory, which have been added over time and which are also in a poor state of repair.
12. The site is located within the older part of Hockcliffe, known as Church End, which comprises a small number of dwellings and the Grade II* listed Church of Saint Nicholas², which are located within Church End Hockcliffe Conservation Area (the CA), although the current main village of Hockcliffe is located about 1 mile away straddling the A5.
13. The proposal would involve the removal of the existing extensions and the erection of a single storey extension with basement providing 2 floors of habitable accommodation that would be attached to the listed building by a glazed link. A detached double garage would also be erected away from the dwelling and a new reconfigured tarmac driveway would be formed from the existing access point to the new garage.

Heritage issues

14. Crow's Nest Cottage is a Grade II listed timber-framed, colour-washed single storey cottage with attic and gabled dormers that dates from the 16th century. The property currently has a thatched roof, although the listing description from 1980 refers to a corrugated tin roof, and photographic evidence from the 1960s in the appellant's Heritage Impact Assessment (HIA) shows a tin covering over a thatched roof. It was not uncommon for thatched roofs to be covered in tin to avoid the costs of rethatching while keeping the building dry. Further photographic evidence from about 1986 shows the property in good condition with a thatched roof. The property has been unsympathetically extended in the past and some of these structures remain in situ. The property is now unoccupied and is now dilapidated and in a poor state of repair, as are the various extensions.
15. I have to rely on the appellant's Design and Access Statement, the HIA and the various submitted photographs for details of the interior of the building. It retains historic fabric and features such as historic timber framing, ceilings and winder staircase. Most infill panels have been replaced by brick although small areas of wattle and daub survive. The historic core and the 3 bay timber formed structure of the property is also largely preserved. Most of the extensions have been added to the eastern end of the building, such that this end has seen the greatest loss of historic fabric. It appears that at one stage the property had been divided into two dwellings, hence the two staircases, but was later returned to a single dwelling.
16. From the submitted evidence and my observations, the special interest and significance of the listed building, insofar as it relates to these appeals, are largely

² National Heritage List for England: list entry number 1114693

derived from its architectural, historic and archaeological interests in illustrating a 16th vernacular dwelling and a surviving feature of the late medieval settlement at Church End. The building's age, use of traditional materials and construction and surviving historic plan form and fabric make important contributions in these regards.

17. The special interest and significance of the asset are also derived in part from the building's setting. The heritage interests of Crow's Nest Cottage are best experienced and its heritage merit appreciated from the simple lawned grounds that surround the property. Hence, the building's immediate garden setting positively contributes to its special interest and significance. Crow's Nest Cottage also forms part of a small group of buildings centred around the Grade II* listed Church of Saint Nicholas that sits on the other side of the small triangular green on elevated ground.
18. Crow's Nest Cottage and the Church are also located within the CA, which is a small area centred on St Nicholas Church, the small triangular green and about a dozen properties. It also includes the Scheduled Monument at Church Farm, a fortified medieval moated site and associated settlement. Properties in Church End range in size, design and stature from the Church to a pair of semi-detached Edwardian brick built cottages. Most properties are set in mature and spacious grounds with mature trees and hedgerows that contribute significantly to the verdant character and appearance of the area. From the evidence before me and what I saw during my site visit, I consider the character and appearance of the CA and thus its special interest and significance, are in part derived from its sylvan surroundings and the architectural variety of its surviving historic buildings, and its historic and archaeological interest that reveal the development, growth, decline and relocation of a medieval settlement. Whilst Crow's Nest Cottage is set back from the road and largely screened by boundary trees and hedgerow, it is nonetheless a significant component of the village and its evolution. Its heritage merit as well as its aesthetic charm means that the listed building positively contributes to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.
19. The proposal would involve some repairs and restoration including re-thatching the roof. The works would also involve removal of some of the later interventions, and sub-division of the internal layout with the insertion of partitions, and insertion of a bathroom and ensuite upstairs. The appellant's HIA concedes that there would be harm to the timber-framing and historic plan form of the building. Whilst the Council has no issue with the works, the proposed internal alterations would nonetheless result in the loss of more historic fabric and, of itself, would not preserve the special interests of the listed building.
20. The new extension would be separated from the cottage by a glazed link. This is a common design device to indicate junctions between older and new building fabric and to reveal a modern phase of intervention in the building's history. The link would be on the east end of the cottage already most altered and which has seen the loss of most of the historic fabric of the building. In that way externally the proposed glazed link and extension would have limited direct impact on the cottage itself.
21. However, there is limited information or details about the extent of the proposed works. There are no details or sections to show how the glazed link would be

physically attached and secured to the listed building. There is limited knowledge of the condition of the timber framing, for example, as the HIA states that the loss of historic timberwork could be necessary depending on the condition of the timber. The energy efficiency of the building would be improved, but no substantive details have been submitted to indicate what this would entail and the impact the works might have on the historic fabric of the building. Therefore, I find there is deficiency of detail such that it is not possible to fully determine the effects of the proposed works to the listed building. The Council has suggested a number of conditions which would require submission of significant details which are not on the plans, including even reference to possible steelworks. In my view these would go to the heart of understanding the proposed works, the impact on the historic fabric and any effects they may have on the special interest and significance of the listed building, such that it would not be acceptable to leave such fundamental matters to condition.

22. The roof of the extension would sit lower and separate from the main building and would create some degree of subservience. However, the extension would be large and massive, more than half the size of the existing cottage. The extension would be set at a slanted angle to the glazed link and main cottage. Whilst this may maximise views for future occupiers, the extension and angled link would fail to respect the simple linear form of the listed building. Instead the glazed link and extension it would be a contrivance and jarring addition that would sit uncomfortably.
23. Moving to the rear (east) the extension reveals its two storey form with the sunken terrace, albeit it is partly below ground level. The size, scale and orientation of this part of the extension would negate any claims to subserviency in my view. The south elevation is awkwardly extended by the cranked extensions and the gable end of the extension is at odds with the linear pitched roof slopes.
24. Whilst the use of black horizontal weatherboarding might have some rural vernacular, I did not see it as a prevailing building material in Church End that would indicate a necessary use.
25. The deep excavations and the groundworks for the basement and sunken terrace and the garage block on undisturbed ground have the potential to disturb/remove any archaeological remains in the area, and further erode the significance of the heritage asset. The extension of the hardstanding area for the drive also has the potential to do this. The appellant's HIA includes discussion of archaeology and the Archaeology Officer is satisfied that a pre-commencement condition could be imposed, should planning permission be granted.
26. Overall I find there is a design-disconnect between the listed building and the proposed extension. I have no reason to doubt the extension would be built to a high quality. However, the size, siting, form and orientation of the proposed extension together with the use of the chosen materials would represent an unsuitable addition to the listed building.
27. Whilst the extension would not be very visible from the street, the garden contributes to the special interest and significance of the listed building. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not there are close public views of the building. The design, orientation and location of the extension would weaken the authenticity of

how the listed building is experienced and negatively affect the ability to appreciate its significance from the surrounding garden and grounds. Furthermore, the proposed garage would be a large structure in the grounds of the listed building. It would erode the verdant surroundings to the listed building, which is part of its historic curtilage and setting which in turn contribute to its special interest and significance. Whilst the proposed extension would have a more harmful effect, the garage and driveway would still cause harm.

28. Crow's Nest Cottage is one of a number of listed buildings within the CA and an integral and important element of its character and appearance. Given that the extension would have harmful effects on the listed building, it follows that this would diminish the contribution the listed building makes to the CA. As a result, the proposed extension would fail to preserve or enhance the character and appearance of the CA as a whole and would result in some residual harm to its significance.
29. The proposed garage would be more visible in the CA as views of it would be opened up with the alterations and reconfiguration made to the enlarged driveway, which would extend out into a substantial area of hardstanding in front of a wide garage, somewhat disproportionate to the footprint of the listed building. The plans show that some trees would be removed, the garage would extend into the boundary hedge and the altered driveway would sit beneath a tree canopy. Trees are protected by virtue of being with the CA. There is no tree survey and no proper justification for tree and hedge removal. Their loss would reduce the verdant character and appearance of the CA.
30. I understand that in the past a detached garage has been approved as have a number of extensions, none of which have been implemented. Whilst I am informed they were similar to the proposal before me, I note the applications were for slightly different things – for example one application was for a single storey extension and glazed link to the dwelling, another for a single storey extension, glazed link and basement. I have not been presented with the plans of any of these schemes so I am unable to make any meaningful comparisons regarding their size, form, design and location with the appeal proposal before me. In any event these were determined in 2004, 2007, and most recently in 2010. They have not been implemented and the permissions are no longer extant. Coupled with the significant passage of time they are no longer material fallback positions.
31. In finding harm to the significance of a designated heritage asset, Framework paragraphs 214 and 215 set out that the magnitude of that harm should be assessed. The appellant states that there would be no harm to the heritage assets or surroundings. This conclusion runs contrary to the findings of their own HIA. The HIA finds there would be no harm from indirect impacts to Crow's Nest Cottage, the Church and the CA, but that there would be less than substantial harm caused to the listed building and the Conservation Area. Given my findings above and taking account of the nature and extent of the proposal and the advice in the Framework I find the harm to the significance of the listed building and the CA would be 'less than substantial', but nevertheless of considerable importance and weight.
32. In such circumstances, paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use. Public benefits, as described in the

national Planning Policy Guidance (PPG), can be anything that delivers economic, social or environmental objectives. Benefits do not have to be visible or publicly accessible and can include works to a listed private dwelling, for example, which secure its future as a designated heritage asset.

33. There would be some short-term economic benefits to the wider local economy from jobs and the supply chain during the construction phase. There would also be social benefits from improvement of the housing stock in the village by bringing the currently unoccupied and dilapidated building back into active residential use, for which it was originally intended.
34. The proposal would involve the repair of the historic fabric of the listed building, including rethatching, which would be further public benefit as listed buildings are an irreplaceable resource and recognized for their national importance. Whilst the proposed repairs and re-thatching would incur costs, these works could be undertaken independently of the proposed development. There would also be an improvement to the building's immediate setting and hence its heritage significance by the removal of the various dilapidated extensions. However, these extensions could be removed at any time and are not dependant on the proposed development and works to the listed building.
35. The appellant has submitted a Viability Appraisal. Based on average sales prices it presents three scenarios, namely refurbish the existing dwelling; refurbish and extend (without the basement); and refurbish and extend as per the current proposed development. According to the appellant's evidence, only the last option with a basement would be financially viable. That may be so, but the design of the extension and the amount and configuration of the proposed accommodation is the choice of the appellant. The PPG advises it is important that any use is viable for the owner as well as the future conservation of the heritage asset, but that the optimum viable use may not necessarily be the most economically viable one. There is no substantive evidence before me to demonstrate that the listed building can only be extended in the manner presented and that there are no other designs or configurations that would provide alternative viable solutions or the same benefits as the scheme before me. In these respects, clear and convincing justification for the harm to the significance has not been provided.
36. The public benefits identified above, which include bringing a derelict heritage asset back into active use, weigh strongly in favour of the proposals. However, the weight I ascribe to them is not sufficient to outweigh the considerable importance and great weight I attach to the harm that would be caused to the designated heritage assets. Accordingly, the proposal would fail to preserve the Grade II listed building known as Crow's Nest Cottage, or any features of special architectural or historic interest which it possesses and would not preserve the character and appearance of the CA. As a result the proposal would fail to satisfy the requirements of the Act and the relevant provisions of the Framework.
37. Accordingly, the proposal would conflict with Policies HQ1, EE4 and HE3 of the Central Bedfordshire Local Plan 2015-2035 (the Local Plan). Collectively these seek, amongst other things, to ensure that where possible development preserves, sustains or enhances the special character, significance or architectural or historic interest; preserves the setting of heritage assets; that removal of trees and hedges are justified; and that proposals are of a size, scale, massing, materials and orientation that relate well to existing local surroundings.

Other Heritage Matters

38. The Grade II* listed Church of St Nicolas is located opposite the appeal site. Built of Totternhoe stone and ironstone it is a well preserved example of a 14th and 15th century church with surviving medieval features and association with the ecclesiastical legacy of the medieval period. The building's age, historic fabric, traditional construction methods and materials contribute to its special architectural and historic interest as part of the evolution of Hockliffe.
39. The Church has a well-defined church yard, mainly laid to grass, which stops at the road and lychgate from which the Church's significance can be appreciated. The Church is also experienced from the wider village setting from the road and the green, and where the Church's location on elevated ground makes it a prominent feature of Church End. There is limited intervisibility between the church and Crow's Nest Cottage due to boundary trees and hedge that now surround the property. Given the nature and extent of the proposals, I am satisfied the proposed development and proposed works would preserve the setting of the Grade II* listed Church and would not harm its heritage significance.

Green Belt issues

40. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate unless one of the exceptions listed in paragraph 154 applies. As the proposed development would be an extension to a building, it falls to be considered under exception 154c) provided the extension or alteration does not result in a disproportionate addition over and above the size of the original building. The term 'original building' is defined in the Framework Glossary as the building as it existed on 1 July 1948, or if constructed afterwards, as it was built originally.
41. Under Local Plan Policy SP4 development proposals in the Green Belt will be assessed in accordance with government guidance in the Framework and Planning Practice Guidance. Hence the policy is in general conformity with the Framework.
42. Neither the Framework nor Local Plan define 'disproportionate'. The Framework refers to size, which requires consideration of external dimensions, floor area, footprint and volume. It can also involve consideration of matters such as scale, bulk and massing. The Council's Design Guide³ provides further advice for assessing whether extensions to dwellings in the Green Belt are 'proportionate'. The guiding principle is that the original building should not be added to by more than 60% of its footprint, floorspace and volume. The impact in terms of massing and design will also be considered.
43. The calculations of the parties differ slightly based on what they deem to be the 'original' footprint and floor area. The appellant includes the 'entrance hall' or porch, whilst the Council does not. The appellant's 'Phase Plan' shows the entrance hall as being part of the "Modern, post 1926, pre 1970s" phase of the building, but there is no substantive evidence to suggest the porch was built pre-1948. Nonetheless, whichever stance I take the footprint and floor area of the

³ Central Bedfordshire Design Guide - August 2023

proposed extension would exceed the size of the original building by more than the Council's 60% guidance. In addition to extending the linear dimensions for footprint and floor area, the proposed extension would have two floors of accommodation, even if one is subterranean, and this would increase the volume of the property, although no calculations have been provided.

44. The submitted evidence indicates that the existing extensions already exceed the Council's footprint and floor area 60% guidance. Even taking a compensatory approach to account for the removal of the existing structures and their replacement with a single extension and glazed link, the total floor area and footprint (using the glazed link and basement) of the proposed extension would still be greater than the structures it would replace.
45. Furthermore, the extension would have a different form, bulk and massing compared to the existing single storey extensions that would be removed. The proposed extension would be designed and built as a single block, whereas the existing extensions are located around the building and read as separate, smaller, low key elements.
46. Whilst the proposal is described as a single storey extension with basement, it would effectively be a two storey extension attached to the listed building by a glazed link. This sets the proposed extension away from the building. Combined with its size and orientation on an angle to the main building, coupled with design details such as a pitched roof, timber weatherboard cladding, projecting gable and balcony, the proposed extension would read as a very separate entity, almost another detached building in close proximity to the dwelling, that would accentuate the resulting increased bulk and massing of the property.
47. Taking all these factors into account, the proposed extension would be a disproportionate addition over and above the size of the original building, and hence would be inappropriate development as described in exception paragraph 154c) of the Framework.
48. The proposed detached garage building would be sited some 11m away from the main dwelling. Due to the separation distance and spatial relationship between the buildings, the Council has determined that the garage building would not be a domestic adjunct and hence not regarded as an extension to the main building. I have no reason to take a different view. Hence, the erection of the proposed outbuilding does not fall under any of the exceptions listed in Framework paragraph 154. Thus the proposed detached garage would also be inappropriate development in the Green Belt.
49. As the proposed extension and detached garage would be inappropriate development in the Green Belt, consideration needs to be taken of their effect on the openness of the Green Belt. The Framework states that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the Framework or the development plan, but the courts have established that openness has both a spatial and a visual aspect and a number of factors are capable of being relevant to openness, depending on the particular facts of a specific case. Hence the effect on openness is a matter of planning judgement. Whilst the appeal site is within a

small hamlet, there are open fields to the rear and the openness of the Green Belt is clearly evident.

50. The footprint and orientation of the proposed extension would not fully correspond to the footprint of the existing extensions which would be removed. Hence part of the proposed extension, including for the basement and sunken terrace that would extend out beyond the footprint of the actual extension, would occupy space that is currently free of development. The proposed extension would be a substantial three dimensional structure that would have floor area, height, mass, bulk and volume that is greater than the existing structures that would be removed and this would further erode openness. Furthermore, the proposed extension would appear somewhat detached from the main property by the glazed link, appearing as almost a separate building, and this would further reduce the visual openness.
51. The subterranean basement part of the extension would not be easily visible from Church Lane or by users of the nearby public footpath. However, it would be visible from the adjacent field as the excavated sunken terrace would create space around the building. Furthermore, light from inside the lower ground floor would emanate up from the ground, particularly at night, and affect visual openness.
52. The proposed new garage building, which is of a substantial size, footprint and volume, would introduce new built form within the grounds of the property where none currently exists and this would reduce openness. There would also be a loss of openness arising from the reconfiguration of a large hard surfaced driveway on the grass that would extend in front of the house to the garage and be visible from Church Lane.

Other Considerations and Green Belt Balance

53. The development would constitute inappropriate development in the Green Belt, as described in paragraph 154 of the Framework. Furthermore, the proposed extension and detached garage building would reduce spatial and visual openness. Framework paragraph 153 states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, including its openness, and should not be approved except in very special circumstances. Very Special circumstances will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
54. In addition to harm to the Green Belt and its openness, the proposal would also fail to preserve the Grade II listed building, its setting or any features of special architectural or historic interest which it possesses. It would also fail to preserve the character and appearance of the CA. Hence the proposal would cause harm to the significance of these designated heritage assets, to which I must give great weight. As already set out above, the harm to their significance is not sufficiently outweighed by the public benefits accruing from the proposal.
55. There are no other considerations in support of the proposal that clearly outweigh the totality of the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Accordingly the proposal would be contrary to Local Plan Policy SP4. It

would also conflict with the Council's Design Guide for extensions in the Green Belt.

Conclusion

56. Green Belt matters are determinative in their own right. Moreover, had the site not been in the Green Belt, the harm I have identified to the listed building, its setting and the CA would, in itself, also be determinative.

57. Thus for the reasons above:

For Appeal A the proposal would conflict with the development plan when taken as a whole and there are no material considerations that outweigh this conflict. Therefore, the appeal should be dismissed and planning permission refused.

For Appeal B, the appeal should be dismissed and listed building consent refused.

K. Stephens
INSPECTOR