



Appeal Decisions

Site visit made on 23 May 2025

by **Tom Bristow BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th June 2025

Appeal A Ref: APP/T0355/W/24/3354672

Callin's Cottage, Beenham's Heath, Shurlock Row, Reading RG10 0QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant planning permission.
 - The appeal is made by Alan Fall against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application is ref. 22/02728.
 - The development proposed is described in the application form as the 'conversion and extension of former implement shed (building H) to dwelling'.
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Appeal B Ref: APP/T0355/Y/24/3354673

Callin's Cottage, Beenham's Heath, Shurlock Row, Reading RG10 0QD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 'LBCA') against a refusal to grant listed building consent.
 - The appeal is made by Alan Fall against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application is ref. 22/02729.
 - The works proposed are described in the application form as the 'conversion and extension of former implement shed (building H) to dwelling'.
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Decisions

1. Appeals A and B are dismissed.

Preliminary matters

2. Various statutory duties apply to my determination of these appeals. The proposal relates to Callin's Cottage, the name given to the grade II listed building referred to in the relevant historic list entry as 'Implement shed and adjoining cottage...'.¹ There are various other listed buildings nearby. The site also falls within the Beenham's Heath Conservation Area ('BHCA'). I have therefore approached the appeals in the context of sections 16(2), 66(1) and 72(1) of the LBCA.
3. I am also bound by the general biodiversity duty in section 40 of the Natural Environment and Rural Communities Act 2006 as amended. Moreover each planning proposal must be determined in accordance with the development plan unless material considerations indicate otherwise, as in section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended. The development plan includes policies of the Borough Local Plan 2013-2033 (adopted 8 February 2022, the 'BLP') and of the Hurley and the Walthams Neighbourhood Plan (made as part of the development plan on 12 December 2017). The site falls within the Green Belt, to which BLP policy QP5 relates in particular.

¹ List entry no. 1117510.

4. I have taken account of all relevant material considerations. Those include the National Planning Policy Framework (published 7 February 2025, the 'NPPF'), the Planning Practice Guidance ('PPG') and Historic England's Best Practice Guideline for Adaptive Reuse (published 20 October 2017, 'HEAN9'). There is nothing to indicate that work towards any emerging plans is of significance as yet in the context of these appeals. Whilst I have reached an independent view on the proposed development and works, I note that the Council previously granted listed building consent for the conversion of the implement shed to a dwelling via decision dated 10 March 2021,² albeit that the parallel planning application was refused.³

Main issues

5. Against the context above, the main issues are:
 - (i) whether the appeal site would be a suitable location for the proposal in terms of vulnerability to flooding,
 - (ii) the effect of the proposal to historic significance,
 - (iii) the effect of the proposal to ecology and biodiversity, and
 - (iv) whether the proposal would be acceptable in terms of achieving climate change objectives.

Reasons

Flooding vulnerability

6. The appeals relate to the implement shed element of the listed building, along with associated land, as on plan no. 172/33. The implement shed, to the south-east of the adjoining cottage, is also referred to in the evidence before me as 'barn H'.
7. Around 1 April 2025 the Environment Agency updated its flood mapping hereabouts. Updating mapping now identifies the site as within flood zone 1, an area at low probability of flooding. Rationally therefore the Council no longer maintain an objection to the scheme on the basis that the appellant had failed to demonstrate that the site fell outside of the functional floodplain, flood zone 3b, as previous mapping had suggested.
8. Having reviewed both the Environment Agency's earlier observations on this matter and the appellant's evidence, there is nothing to indicate other than that residential use here would be acceptable in this respect in line with the relevant provisions of BLP policy NR1 and of NPPF paragraph 170.
9. That is a position arrived at both setting aside the provisions of NPPF paragraph 176, and that, even had there been some greater vulnerability to flooding, there would nonetheless have been a balance to be struck between that and the benefits of establishing an active use to part of the listed building (with associated implications for structural soundness in the long term).
10. Part of the Council's objection to the scheme in terms of heritage effects concern the approach taken to mitigating flood risk, notably the proposed creation of a floodable void beneath the shed. Evidently such mitigation is no longer necessary.

² Ref. 20/01573/LBC.

³ Ref. 20/01572/FULL.

11. The use of certain materials as part of the conversion may, potentially, also not be necessary by consequence. In that respect I note the concerns of the Council and of the Waltham St. Lawrence & Shurlock Row Preservation Society in terms of the compatibility of certain modern materials with the listed building's traditional construction (in respect of permeability or building pathology).
12. That puts me in a quandary. On the one hand, it would appear unfair to the appellant to assess any implications of the proposal insofar as they relate to mitigating flooding vulnerability.
13. On the other hand, however, the proposed creation of a floodable void served by cast iron air bricks means that the finished floor level internally would be significantly higher than currently. That has implications for the design of the scheme overall, including the proposed creation of several steps with balustrades to make up the differential between the internal floor level and existing ground level.
14. NPPF paragraph 56 sets out how consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. It seems to me that a schedule of works, alongside the use of agreed materials and working practices secured via conditions could readily and fairly address any conversion methodology (to ensure that any materials and interventions integrate suitably with the fabric of the existing building).
15. Nevertheless, to attempt to disambiguate or sever elements of the scheme related to flood risk relative to others more broadly is simply not possible; the scheme as a whole would not hold together if selective elements were discounted. Moreover, attempting to do so risks making the development substantially different from that set out in the application,⁴ and that which was subject to public consultation. Consequently my assessing the scheme in its entirety is the only reasonable approach to take.

Special interest and significance

16. The listed building was first listed on 14 October 1986, at which point it, and the 'very small cottage' attached to it, were disused. The listed building now forms part of a private polo facility purchased by the appellant in 2005 for such purposes. The implement shed has evidently not been used as part of a working farm, or for the functions for which it was originally established, for several decades. It has long since become surplus to use by modern equipment or vehicles on account of its modest scale, a trend referenced in HEAN9. I understand instead that the implement shed has, more or less, been used since 2005 as it is now. At the time of my site visit the implement shed hosted a miscellany of items related to the upkeep of the land and surrounding buildings.
17. The south-western elevation, or 'front', of the listed building is essentially symmetrical. Within that elevation there are 6 equally sized and equally spaced window openings or blind windows, 3 either side of a central blind pedimented arch. Within that building either the cottage originated as accommodation or became used as such by occupying part of the original building.

⁴ In which respect PPG Reference ID: 21a-012-20140306 is relevant.

18. The cottage, now in use, is of one-and-a-half storeys with modest casement windows. Historically it has been extended towards the north-east by way of a single storey outshoot beneath a shallow-pitched roof; map regression in the Design, Access and Heritage Statement ('DAHS') suggesting this occurred between 1872 and 1897. Relative to more steeply pitched elements of the cottage's roof, that now gives the cottage something of a catslide roof or saltbox form. Both the cottage and its extension are of red brick with vitrified headers typically arranged in Flemish bond, set with lime mortar.
19. There is, however, some variety in the bond pattern at the cottage, notably to the south-eastern element thereof. In that location towards the ridge there appears to be stretcher bond, with various or random patterns present at ground floor level. That variance is suggestive of either a later date to that element of the listed building, or of subsequent change. Potentially the cottage grew by occupying an additional bay of the building. The principal element of the cottage has a crown roof: sections of hipped roof with a flat central element.
20. The relevant list entry refers to the listed building as having simply a 'gabled roof'. That is likely shorthand notation for a more complex form. There is nothing to indicate that listed building is in any sense unauthorised. Across a relatively narrow shared access or driveway which eventually leads to the road apparently named Beenham's Heath, is a separately listed former cowshed.⁵ The cowshed is referred to in the relevant list entry as having a hipped roof. In actuality it has, and had, a similar crown roof as at the cottage. That is evidenced in documentation associated with planning permission and listed building consent secured in 2019 for its conversion to a dwelling ('barn I' as in the evidence before me).
21. The timber frame of the implement shed now separates internal space there into 5 section or bays. That arrangement strongly indicates that it was originally designed to accommodate carts or wagons or was potentially for stabling. To the north-east or rear- in the direction initially of an area of hardstanding, land now given over to equestrian use thereafter, with the Twyford Brook beyond- bays are open. Posts demarcating the division between bays rise to join beams, bolstered by curved braces. Beams spanning the width of the shed return to the wall plate atop the south-western brick elevation. The appellant's planning statement indicates the existing floorspace is approximately 84 square metres ('sqm').
22. There are only rafters spanning the south-western roof slope, and there is only one purlin supporting rafters at the north-eastern roof slope. The list entry notes that there is a tympanum or recessed void above the beam adjacent to the cottage. Some timbers are historic, others are historic but have likely been repurposed or relocated, and yet others are modern and machine-finished. Any alterations to the listed building over time appear simply to reflect the accretion of incremental change (rather than anything done by virtue of active agency with the intention of making consent or permission easier to gain). Older timbers are, on occasion, in poor condition. That is particularly the case in respect of the wall plate and timbers joining it near hit-and-miss brickwork providing for openings within the pediment.

⁵ List entry no. 1319411.

23. The floor of the implement shed appears to be, as with hardstanding in front of it, concrete. That is now in a relatively poor state of repair. I saw that the south-western and north-western walls to the implement shed are in reasonably good condition, consistent with the observation in the appellant's General Structural Inspection ('GSI'). The south-eastern elevation is in poorer condition, with cracks and spalled bricks present around where the roof structure now ties in with it.
24. There is a clear distinction between the front and rear facing roof slopes of the implement shed. The front roof slope, clad in plain tiles, is relatively steeply pitched (thereby, in all likelihood, reflecting the original pitch). The pitch of the rear roof slope is shallower. That results in a somewhat awkward asymmetry relative to the historic form of the listed building, and a confused junction with the cottage.
25. Judging by different mortar visible at the south-eastern gable end of the implement shed to elsewhere, the rear roof slope has been altered. That hypothesis is reinforced by the presence of pantiles there which are not historic. I note that the DAHS explains that the implement shed and cottage were substantially renovated around 1996, at which point the former was in a parlous state.
26. As above, the nearby cowshed has now been converted to a dwelling. So too has a further separately listed former cartshed, 'barn J', a short distance away from the listed building near to Beenham's Heath.⁶ In their origins, materials, and broadly in terms of form, barns H, I and J are similar (notwithstanding some differences in stature). The respective list entries for the cottage and implement shed, cowshed, and cartshed indicate that all trace their origins to the early eighteenth century; they evidently were established and evolved in conjunction with one another.
27. All are relatively simple buildings designed to serve primarily functional purposes. Despite their age, however, there is nothing truly vernacular about them (aside from their construction of bricks likely made locally given underlying London Clay hereabouts). The use of brickwork patterns, arched headers, and dentil courses present at both the implement shed and cowshed indicate that the buildings were always relatively high status or originated at a time of prosperity.
28. In that respect they contrast with more matter-of-fact responses to the practicalities of agriculture that often characterise rural vernacular buildings elsewhere. The DAHS explains that they were established in order to serve a manor house which had thirteenth century origins, but which was subsequently demolished around the nineteenth century. That demolition would reflect a relatively common phenomenon of that era associated with a buoyant rural economy supporting an increasingly urbanised population, along with polite architectural tastes of the time.
29. The list entry for Beenham's Farmhouse, some distance away on the opposite site of Beenham's Heath, indicates that elements of it trace their origins to the sixteenth century. There are a further scattering of listed buildings to the east of Beenham's Farmhouse hereabouts. The BHCA is centred on Beenham's Farmhouse, albeit encompassing the listed buildings referred to immediately above and barns H, I and J (and extending northwards approaching Callin's Bridge).

⁶ List entry no. 1117509.

30. The BHCA is aptly summarised in the Conservation Area Appraisal (May 2008, the 'CAA') as an isolated group of predominantly brick buildings set within flat open countryside. The CAA describes that, when the BHCA was first designated in 1968, the farmhouse and outbuildings were in single ownership and still a working farm.
31. The CAA further sets out that 'in 1721 the coach house, stables and wagon shed on the north side of the Conservation Area were constructed', and that the area to the north of Beenham's Heath would have been the site of the now-demolished manor house. At paragraph 7.3 the CAA explains that barns H, I and J would have been 'buildings serving the main [manor] house and they have a more sophisticated detailing reflecting the former importance of this area'.
32. Although views and significance differ, noting the map at CAA page 17, there is highly limited visibility of the implement shed from public vantage points along Beenham's Heath on account of screening afforded by hedgerows, brick boundary walls now overgrown with vegetation, and the built form of the cartshed and cowshed. There are also few public rights of way in the wider countryside, none apparently from which a meaningful view of the listed building can be obtained.
33. In summary, and insofar as relevant to these appeals, the special interest and significance of the listed building derives from its materials, construction, form, and interrelationship with its 'natural' and man-made surroundings. Those characteristics are interwoven with the setting of other listed buildings and the character and appearance of the BHCA, collectively reflecting a complex overlay of historical change in physical form and landscape context. In turn those attributes attest to intangible forces spanning at least from thirteen century, through the evolution of agriculture and architecture, to latter redundancy and re-use.

The proposal

34. As on plan no. 172/204B the existing layout of the listed building would, broadly, be maintained in the arrangement of the proposed dwelling. As on plan no. 172/205B the south-western elevation of the listed building would appear essentially the same, although there would need to be some works making good the structure to ensure that it was fit for occupation. Similarly, aside from maintenance and the provision of parking, access to, vehicle manoeuvring space around, and the plot of the proposed dwelling would be little altered as on plan no. 172/208B.
35. It is proposed to extend the implement shed to the rear by way of an addition measuring approximately 1.1m deep, a similar projection as previously granted consent. That addition would be accommodated as a logical consequence of altering the dual-pitched roof form to a crown roof aligned the cottage. The extension would encompass some hardsurfacing to the rear of the property.
36. Plan no. 172/211 shows that existing plain tiles, or handmade plain clay tiles, would be used, and that a brick dentil course emulating that which already exists would be incorporated. The scheme would inevitably entail some tying in and making good to the existing structure as well as cosmetic finishing (which could be suitably sensitively undertaken subject to adherence to conditions were the scheme acceptable as a whole).

37. Returning to my reasoning in respect of flooding vulnerability, the scheme has consciously been designed to mitigate implications in this regard. As on plan no. 172/209 a floodable void has been designed between the variable existing ground level and finished floor level proposed. As on plan no. 172/205B, that would be served by 15 cast iron air bricks in the rear elevation allowing for the passage of water into and out of the void. As also shown on plan nos. 172/205B, 172/206C and 172/208B, to make up the differential in natural ground level and the raised internal finished floor level proposed, several steps with balustrades are proposed beyond the line of the extended north-eastern elevation.

The effect of the proposal

38. Article 5 of the 1964 Venice Charter sets out how conservation is facilitated by make use of heritage assets for some 'socially useful purpose'. The PPG says similar.⁷ More broadly, and in the context of meeting the challenge of climate change, NPPF paragraph 161 also encourages the reuse of existing resources, including the conversion of existing buildings.
39. In that context, although the implement shed emerged at a time when the English economy was far more heavily geared towards agriculture, it also served as an adjunct to a manorial property. The listed building was also historically partially, and potentially progressively further, used as accommodation over time. Residential use would not be antithetical to that history, provided that the authenticity embodied in the building and its design is suitable preserved. I have noted above that the implement shed has effectively become redundant over time to the detriment of its condition in the absence of an incentive for undertaking ongoing maintenance.
40. Moreover the nearby cowshed and cartshed have also recently been converted to dwellings, such that residential use here would neither be in any sense atypical or jarring. Whilst development which has been detrimental to significance does not justify further harm, evidently the conversion of nearby listed buildings which emerged in a similar context to the implement shed, and to serve similar functions, has been accepted as suitable by the Council. Accordingly, in my view, the use of the implement shed and site for residential purposes would result in no harm to special interest or significance in and of itself.
41. I acknowledge that the proposal would change the roof form of the implement shed as it stands. As set out above, however, the north-eastern roof slope is already much altered. In terms of form, the establishment of a crown roof would not be inconsistent with that of the adjoining cottage or cowshed. There is no clear meaning that can be derived from a different historic roof form at the implement shed specifically. Moreover, the front elevation of the listed building would be essentially unaltered. Furthermore, alterations to the roof would enable the use of plain tiles consistent with those used historically. In respect of the proposed roof, overall the proposal would therefore have a neutral or slight positive effect.
42. In several respects the scheme has evidently been sensitively designed relative to the existing layout of the implement shed (which, as above and in line with other nearby buildings, is somewhat characterised by symmetry). Partitions proposed would, broadly, reflect the 5 bay layout which remains. As shown on plan no.

⁷ Reference ID: 19a-002-20190723.

172/204B certain posts would be retained. Visually the north-eastern elevation proposed would be of an understated rural aesthetic reflecting that of the building's erstwhile use; oak boarding and posts subdividing bays, each accommodating simple rectangular windows or doors. The historic nature of the building would therefore remain legible.

43. As above, some timbers are historic, some are historic but have been repurposed or relocated, and some are modern. In that context the DAHS sets out how 'the internal character of the buildings will be maintained with the use of vaulted ceiling where possible with the timber frames exposed internally where possible'. Nonetheless, plan no. 172/206C includes the annotation 'existing timber removed'. Neither the GSI, nor any other evidence before me, details precisely what of the existing timber structure is historic or not. Nevertheless a schedule of works and provision for retention or re-use of historic fabric could be secured via condition (thereby avoiding adverse effects to significance in that respect).
44. As above, listed building consent was previously secured for works that would have enabled the conversion of the implement shed to a dwelling. Whilst the previous consent has lapsed, the appellant aptly sets out how consistency in decision-taking is important in terms of the integrity of the planning system. Accordingly a central plank of the appellant's argument is that 'it is reasonable for the appellant to expect that resubmission of a planning application and LBC application for similar proposals for the building would be determined in a consistent manner'.
45. That is, however, an oversimplification. There is an awkwardness between the argument that I should find against the Council in this instance, but find in line with their previous position. Section 79 of the 1990 Act sets out that I may allow or dismiss an appeal, reverse or vary any part of it, and may deal with the application as if made to me in the first instance.
46. More significantly, however, is that there are differences between the previous scheme and the proposal before me in respect of addressing flood risk. Previously a retaining wall was proposed, with ground floor levels proposed to have been reduced rather than raised. The previously approved scheme did not include the void, air bricks, or raised external steps now proposed. I have reasoned above that those elements of the scheme are indivisible from the scheme overall.
47. In my view those elements of the scheme related to addressing vulnerability to flooding specifically would be to the detriment of an understanding of the historic function of the implement shed. Differential ground levels would reduce an appreciation or reading of how the implement shed emerged and functioned to accommodate carts, wagons or other items related to the land. That, alongside steps with balustrades, would interfere with how the building sat in, and related to, its surroundings historically. There is the potential for loss or obscuring historic fabric by virtue of the foregoing elements to the scheme.
48. The installation of air bricks would also be anachronistic, and again confuse an understanding of integrity; none are apparently present at nearby listed buildings nor are they consistent with building typologies of this era. Elements of the scheme designed to mitigate flooding vulnerability would, moreover, add complexity to the existing form of the listed building (which has stood the test of time). Although a

consequence of revised flood mapping, neither the cowshed nor cartshed have been converted with comparable interventions as are proposed in this regard.

Consideration

49. As above in all respects other than measures related to addressing vulnerability to flooding, the proposal would have at least a neutral effect in respect of significance, or a neutral effect could be secured through the imposition conditions. However the implications of the scheme as set out in paragraphs 47 and 48 of this decision cannot be described other than as harmful to special interest and significance, in conflict with the clear expectations of the LBCA.
50. It is for the decision-taker, having established that harm would result, to gauge its extent or magnitude. In that respect the proposal would be capable of being undertaken in such a way so as to preserve much of the existing fabric and integrity of the listed building and its surroundings. Consequently it is fair to categorise the harm that would result to the listed building as 'less than substantial' with reference to NPPF paragraph 212, and somewhere between the middle and lower end of a spectrum within that categorisation. Logically the adverse effect of the scheme in relation to the cowshed, cartshed and BHCA would increasingly diffuse in that order (tending towards negligible in respect of the latter).
51. BLP policy HE1 criterion 2 sets out that there should be 'clear justification' for any heritage harm in accordance with legislation and national policy. In summary, NPPF paragraph 215 sets out that where less than substantial harm would arise that should be weighed against the public benefits of the proposal (including securing optimum viable use). That is a balance to which I will return, noting also that NPPF paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage should require 'clear and convincing justification'.

Ecology and biodiversity

52. Notwithstanding the encouragement given to increasing biodiversity in NPPF paragraph 187.d) and BLP policy NR2 criterion 3, applications ref. 22/02728 and 22/02729 were made on 5 October 2022, before the commencement of the statutory requirement for biodiversity net gain ('BNG') for minor development on 2 April 2024. Accordingly, the Council no longer oppose the proposal on the basis of a failure to demonstrate how BNG would be achieved. That is notwithstanding the present *de minimis* exemption in respect of BNG in any event.⁸
53. Having joined the District licensing scheme in respect of great crested newts and obtained relevant certification, following the appellant's great crested newt eDNA Assessment of 21 December 2023 (the 'GCNA'), the Council's objection to the scheme in respect of biodiversity centres on the absence of 'reports' related to the appellant's Phase 1 Habitat survey. In summary, paragraph 99 of Government Circular 06/05 'Biodiversity and geological conservation' sets out that the presence of, and implications of development to, protected species should be established before planning permission is granted.
54. As above, the proposal is for the alteration, conversion and extension of an existing building in a somewhat dilapidated state. Potential implications in respect of

⁸ PPG Reference ID: 74-003-20240214.

ecology and biodiversity are therefore confined to the existing structure and an area of hardstanding by it. Whilst now in a poor state of repair and partially overgrown in places, hardstanding is evidently of little ecological value. There is no indication that the site falls within or close to an area of particular ecological sensitivity, albeit the wider area and landscape contains various features of value to biodiversity including hedgerows, trees and waterbodies.

55. Logically, therefore, the principal potential implications of the scheme relate to great crested newts as addressed above, bats and potentially birds. As with bats, in respect of birds that may make use of the implement shed, I note that there are parallel protections under the Wildlife and Countryside Act 1981 as amended as regards their safeguarding. Those are independent of planning, and there is no indication that the implement shed is now of particular value to birds.
56. In relation to bats, there is a Phase 1 Daytime Bat Assessment before me (21 September 2022, the 'DBA'). That identified some, albeit relatively low, potential for the implement shed to be used by bats. The DBA contained a recommendation that there be a phase 2 (dusk emergence) bat survey for greater precision. There is also Phase 2 bat emergence survey before me based on surveys conducted on 19 July, and 12 and 27 August 2023 (September 2023, the 'BES').
57. It is unexplained why the BES was not before the Council at the time of their appeal statement of 23 December 2024. Whilst an appeal should not be used to evolve a proposal, the BES pre-dates the Council's decision notice of 30 April 2024, with the appeals being made on 29 October 2024. That appears also to be the case of the GCNA, which resulted in the amended position of the Council as above. Procedurally there has been the opportunity for comment on the BES at appeal.
58. The BES identified the presence of several bat species during the study period, noting observations of 'a single Common pipistrelle, Myotis sp. and brown long-eared bats use the loft for roosting'. Rationally with reference to Natural England's guidance on bat mitigation, the BES sets out that a low Impact Bat Class License is considered to be appropriate, along with compensation measures to make up for any roost loss, and that an appropriate approach to lighting should be taken.
59. The foregoing evidence paints an appropriate detailed picture of the ecological and biodiversity value of the site. In my view an appropriate approach to mitigation could readily be secured via conditions in that context were the scheme acceptable as a whole. Such conditions, subject to any necessary further studies to establish whether circumstances remain as previously assessed, alongside the protections in parallel regimes, would secure accordance with BLP policy NR2 and NPPF paragraph 187.d).

Climate change objectives

Local context

60. The Council declared a climate emergency in June 2019 and adopted the Environment and Climate Strategy 2020-2025 in December 2020 (the 'ECS'). The Council endorsed an Interim Sustainability Position Statement in March 2021 ('ISPS') before the adoption of the BLP on 8 February 2022.

61. BLP policy SP2 sets out how, with reference to various considerations, 'all developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change'. Criterion 3 to policy SP2 refers to the ECS and to the then extant Sustainable Design and Construction Supplementary Document, which at that juncture dated to 2009 (the '2009 SPD'), and to 'successor documents'.
62. There appears to be no reference to the ISPS in the BLP, despite the former pre-dating the latter. There is no reference to specific energy efficiency or carbon reduction targets, metrics or figures in BLP policy SP2. There is also no reference to the mechanism by which measures are intended to be secured.
63. On 24 July 2024 the Council adopted the Sustainability Supplementary Planning Document (the '2024 SPD'). The Council explain that the 2024 SPD 'aims to contribute towards attaining the Council's commitment to delivering carbon reduction and improving biodiversity'. It superseded the ISPS and the 2009 SPD, and is therefore arguably a successor document as envisaged by BLP policy SP2.
64. The 2024 SPD is framed as providing guidance to assist in demonstrating compliance with the BLP. On the face of it that framing is consistent with the statutory footing of supplementary planning documents, i.e. that they are not part of the statutory development plan,⁹ and their purpose as articulated in the glossary to the NPPF. I note that the NPPF explains that supplementary planning documents are capable of being material; they are not automatically so (and the degree of weight they may legitimately be attributed is a matter of planning judgement).
65. At page 4, the 2024 SPD sets out that 'new development is expected to be able to exceed Building Regulations and achieve a minimum 35% reduction in carbon emissions over Part L 2021 and aim for 50% reduction.' Paragraph 55 of the 2024 SPD sets out that 'to achieve net zero regulated carbon, residential regulated carbon emissions that cannot be mitigated on site (having exhausted all viable opportunities to mitigate regulated carbon emissions on-site by following the energy hierarchy) are offset via a financial contribution to RBWM Council's carbon offset fund...'. That is reiterated in 'Requirement Box 1', criterion g.

The proposal

66. Against that context, there is a Sustainability & Energy Statement before me (21 November 2024, the 'SES'). As with other documents, and in this instance post-dating 29 October 2024 when the appeals were made, the Council object to its introduction at appeal. The SES sets out how upgrading would inevitably be required to achieve Building Regulations Part L 2021 U-values in respect of thermal efficiency. Combined with the intended installation of a heat pump, the SES calculates that 95.94% of total energy usage would be renewable.
67. There is also a unilateral undertaken under section 106 of the 1990 Act before me dated 13 January 2025 (the 'UU'). The UU is interlinked with the SES in seeking to fulfil the requirements of the ISPS in terms of achieving zero carbon via carbon offsetting in relation to buildings emissions, the activities of residents, and to

⁹ As set out in the Town and Country Planning (Local Planning)(England) Regulations 2012 as amended.

address the eventuality that there is a shortfall in terms of environmental performance relative to that anticipated via the SES.¹⁰

68. Whilst, again an appeal should not be used to evolve a proposal, the SES and UU rationally seek to overcome an alleged shortcoming of the scheme in line with NPPF paragraph 56. As above in respect of the GCNA there has been the opportunity to comment on both at appeal. I also note that the Council are of the view that, subject to a suitable obligation securing both conformity to the approach in the SES and any necessary offsetting, the scheme would be acceptable.

Consideration

69. Turning to national policy, NPPF paragraph 161 sets out how the planning system should support the transition to net zero by 2050, with paragraph 167 setting out that significant weight should be given to the need to 'support energy efficiency and low carbon heating improvements to existing buildings'. Elsewhere in England there are development plan documents which aim towards ambitious standards in terms of building efficiency or carbon reduction. However the Written Ministerial Statement of 13 December 2023 on 'Local Energy Efficiency Standards Update' remains Government policy in this respect (the 'WMS').¹¹
70. In fairness to the Council, the 2024 SPD will have had to have been prepared in line with statute and subject to consultation. There is, by contrast, no information before me in respect of the processes by which the ISPS was prepared. The adoption of the 2024 SPD also post-dates, and references, the WMS. Nevertheless, the SPD was consulted upon in October and November 2023. That part of its formative process cannot, therefore, have been informed by the WMS.
71. The WMS sets out that in the light of the 2021 Part L uplift to the Building Regulations and further changes then planned for 2025, 'the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations'. As set out above, the 2024 SPD expects development now to exceed existing building regulations and achieve net zero regulated carbon in contrast to the approach in the WMS.
72. The WMS further sets out that 'any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures: that development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework, the additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).'
73. On a plain reading, references to viability in the 2024 SPD are an inversion of the WMS in respect of viability, instead placing the onus on an applicant to demonstrate that the 2024 SPD approach is unviable. Aside from a reference to best practice in box 3, there is no reference to TER or SAP in the 2024 SPD.

¹⁰ Which, incidentally, is not agreed by the Council in the light of the adoption of the 2024 SPD superseding the ISPS.

¹¹ Official record HLWS120 and HCWS123.

74. Moreover, inherent in the wording of the WMS is the expectation that the examination of development plan documents will test the soundness of any approach in this respect. The PPG furthermore sets out that 'it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.'¹²
75. Although the 2024 SPD purports not to set new policy and references the WMS, in my view it goes beyond the remit set for it by BLP policy SP2 and approach in the WMS. That is even if looked at in a generous way. Whilst in some respects it sets helpful guidance within the ambit of policy SP2, in other respects the 2024 SPD effectively sets new policy (without the opportunity for comment on the WMS during consultation on it, nor scrutiny of it at examination).
76. Although my reasoning above is independent, it is nonetheless aligned with other Inspectors who determined appeals elsewhere brought to my attention in relation to the ISPS.¹³ I note that RBMW have not put forward countervailing appeal decisions, nor ostensibly engaged with the foregoing debate at appeal.
77. The logical corollary of the above reasoning is that I cannot rationally conclude that the obligations in the UU are necessary to make the development proposed acceptable or fairly and reasonably related in scale and kind to it. Instead in my view adherence to applicable Building Regulations and the SES would be sufficient to achieve accordance with the climate change objectives in BLP policy SP2, the WMS and NPPF paragraph 161 (however that were to be secured).

Other matters

78. In part the previous planning application related to the conversion of the implement shed to a dwelling was refused on the basis that it was contended to represent inappropriate development in the Green Belt. BLP policy QP5, criterion 1, sets out how national Green Belt policy will be applied to such development. NPPF paragraph 154.c) sets out that one exception to the general position that development in the Green Belt is inappropriate is where a building is extended or altered 'provided that it does not result in disproportionate additions over and above the size of the original building'. Waltham St. Lawrence Parish Council contend that would remain the case of the scheme before me.
79. Nevertheless, the current proposal is significantly lesser than the former scheme; no accommodation is proposed at first floor level. The extension proposed would be approximately 16sqm relative to the existing 84sqm floorspace of the implement shed, numerically around a 20% addition. Neither volumetrically or spatially, nor visually on account of the extension being tucked to the north-east of the property and given the paucity of viewpoints referenced above, would the extension be disproportionate. Whilst arrived at independently, my view in that respect accords with that of the Council.

¹² Reference ID: 23b-004-20190901.

¹³ APP/T0355/W/22/3309308, and linked appeals APP/T0355/W/23/3333834 and APP/T0355/W/23/3333831.

The planning balance

80. Although there is some give and some take, other than in respect of the implications of measures to mitigate vulnerability to flooding, the effect of the scheme to special interest, significance and historic integrity would be at least neutral. The scheme would be clearly beneficial in bringing the implement shed back into active use. As above the implement shed has been disused for decades, resulting in adverse consequences for its condition. The benefits of the scheme in that respect are public benefits with reference to NPPF paragraph 215, NPPF paragraph 202 setting out that heritage assets are an irreplaceable resource.
81. That said, and although I empathise with the appellant in respect of the circumstances which have led to this point in time, there are elements of the scheme set out in paragraphs 47 and 48 above that would be harmful. Inherent in my reasoning in paragraphs 6 to 15 of this decision, those elements of the scheme are unjustified in the light of current circumstances. In other words I cannot be satisfied that equivalent benefits could not be achieved via a less harmful scheme; the evidence before me pointing very much to the contrary.
82. As such, notwithstanding the degree of harm that would result as articulated in paragraph 50 above, the public benefits of the scheme do not represent clear and convincing justification relative to the harm that would result in conflict with the approach in BLP policy HE1 and NPPF paragraph 213. Although I have not found that the scheme would be unacceptable in any other respect, nonetheless no other material considerations justify allowing the proposal in that context.

Conclusion

83. For the above reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeals should be dismissed.

Tom Bristow

INSPECTOR