



Appeal Decisions

Site visit made on 23 April 2025

by **R C Kirby BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal A Ref: APP/W1850/W/25/3358955

3 Portland Street, Weobley, Herefordshire HR4 8SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jason Key and Ms Sharon Wynne against the decision of Herefordshire Council.
 - The application Ref is 241286.
 - The development proposed is erect a fence.
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Appeal B Ref: APP/W1850/Y/25/3360033

3 Portland Street, Weobley, Herefordshire HR4 8SB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Jason Key and Ms Sharon Wynne against the decision of Herefordshire Council.
 - The application Ref is 241287.
 - The works proposed are erect a fence.
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Decisions

1. Appeal A is allowed and planning permission is granted to erect a fence at 3 Portland Street, Weobley, Herefordshire HR4 8SB in accordance with the terms of the application, Ref 241286, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with drawing nos. Location and site plan (TQRQM21280114809423); Block Plan – Scale 1:500 (dated 31 May 2024); Typical Construction Details; Proposed Fence Line.
 3. Notwithstanding the details shown on drawing ‘Proposed Fence Line’, prior to the fence being attached to the rear elevation of No 3 Portland Street, Weobley, detailed drawings at a scale of 1:20 shall be submitted to the Local Planning Authority for approval showing the fence post and how it will be affixed to the building. The development shall be carried out in accordance with the approved details.
2. Appeal B is allowed and listed building consent is granted to erect a fence at 3 Portland Street, Weobley, Herefordshire HR4 8SB in accordance with the terms of the application, Ref 241287 and the plans submitted with it subject to the following conditions:

1. The works hereby permitted shall begin not later than three years from the date of this decision.
2. Notwithstanding the details shown on drawing 'Proposed Fence Line', prior to the fence being attached to the rear elevation of No 3 Portland Street, Weobley, detailed drawings at a scale of 1:20 shall be submitted to the Local Planning Authority for approval showing the fence post and how it will be affixed to the building. The works shall be carried out in accordance with the approved details.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
4. The appellants have asked that I consider a revised drawing showing a shorter length of fencing. The Council and others have not had the opportunity to comment on this and in the interests of fairness I have assessed the appeals on the same basis that the Council did when it took its decisions on the applications.

Main Issues

5. The main issues are whether the proposed development/works would preserve the Grade II listed building known as No 3 Portland Street, or its setting or any features of special architectural or historic interest which it possesses, and whether they preserve or enhance the character or appearance of the Weobley Conservation Area.

Reasons

Listed Building

6. The statutory list description identifies No 3 Portland Street as Southern Half of Weobley Stores, 3, Portland Street¹. At the time of listing the property was described a shop, formerly a house dating from the 17th century, refronted in the early 19th century with some mid 20th century additions. It is now in use as a house.
7. No 3 is a handsome 2 storey property located within an irregular short terrace of residential and commercial uses, fronting Portland Street. Despite alterations and extensions it expresses the architectural attributes of early 19th century architecture. The significance and special interest of the listed building are derived in part, from its aesthetic, architectural style, surviving historic fabric and layout. Special interest is also formed from the intrinsic value it has as part of a group of listed buildings fronting the street. An enclosed garden to the rear of the property and No 4 with a wall of some age between Nos 4 and 5, whilst altered and now larger than the historical medieval burgage plot, forms part of the surroundings in which the heritage asset is experienced and is thus part of the setting and significance of the listed building.
8. At No 4 Portland Street is the Grade II* black and white, timber framed property, listed as the Northern Half of Weobley Stores. It dates from the 15th century with additions and alterations in the 17th, late 19th and mid 20th centuries. Formerly a

¹ List Entry Number 1081872

house, at the time of listing the property was a shop. It is now 2 dwellings (No 4 at the front and 3A at the rear). No 2 Portland Street is a grade II listed house dating from the early 19th century with some mid 20th century additions. The rear garden of the appeal property also forms part of the setting of these nearby designated heritage assets and contributes to their significance.

9. The Weobley Conservation Area within which the appeal site is located covers the built form of the village along with surrounding agricultural fields and parkland. Its significance is derived from its range and quality of historic buildings and their built evolution, materials, status and market place which denote the areas rich architectural, economic and social history. Burgage plots are a characteristic of the area as illustrated on the Ordnance Survey Plans accompanying the statutory list descriptions, and as shown on the Weobley Conservation Area plan. Those in Broad Street and Portland Street are aligned east to west. Originally accessed from the rear from Back Lane, this has now, in part been developed with housing resulting in an erosion of this historic layout. Being centrally located within the conservation area, the appeal property makes a positive contribution to its character and appearance as a whole. The rear garden to the appeal property makes a positive contribution to the character and appearance of the area, providing open space between the built form of the village, despite the historic burgage plots upon the appeal site having been altered.
10. Given the above, I am mindful of my statutory duties under Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in respect of listed buildings and their settings and Section 72 (1) of the Act in relation to the conservation area. Paragraph 212 of the National Planning Policy Framework (Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework also makes clear that the significance of a designated heritage asset can be harmed from alteration or destruction or from development within its setting.
11. The appeal site includes No 3 and the rear part of No 4, now known as No 3A Portland Street, an independent dwelling with pedestrian access between Nos 3 and 4 from Portland Street. At present the rear garden to No 3 and 3A appears to be a shared space, with a historic boundary wall along the party boundary with No 5 and modern fencing between No 2 and 3 and between the appeal property and the properties to the rear.
12. The proposed fence would run between Nos 3 and 3A at the rear. Although its position would not reflect the boundary of the historic burgage plots to the rear of these properties as identified by the Council, on the ground there is no evidence of such plots on the appeal site. There is no burgage plot to preserve in this case. There is no suggestion that there has been deliberate neglect of, or damage to the historic layout in this case.
13. The proposal would create a narrow rear garden to the rear of 3A when compared to nearby properties, including the retained area to the rear of No 3, but its rectangular, narrow shape would reflect the varying widths of rear gardens along Portland Street within the vicinity of the site. The subdivision of the rear garden would respect the residential uses that are now occurring within the respective buildings and would reflect the historical evolution of them; uses that have previously found to be acceptable from both a planning and listed building point of

view. Moreover, the new fence would be attached to a more recent extension to the rear of No 3, such that subject to further details, which could be controlled by condition, the historic fabric of the listed building would be preserved.

14. Taking the above matters together, I find that the proposal at 1.8 metres high would continue to allow the rear of the listed buildings at Nos 3, 4 and 2 Portland Street to be appreciated. It would have a neutral effect on the architectural and historic interest and setting of the listed building at No 3. It would also have a neutral effect upon the settings of the listed buildings at No 4 and No 2 Portland Street.
15. Bearing in mind the planning history of the site and the residential uses that have been granted by the Council, it seems reasonable to allow private gardens to be created. The proposal would be in keeping with nearby boundary treatments, would be of a similar height and would respect the character and appearance of the area.
16. Given my findings, I conclude that the proposed development/works would preserve the special architectural and historic interest of the listed building at No 3 and there would be no harm to its significance through development/works within its setting. Moreover, the setting of Nos 4 and 2 would be preserved by the proposal. The character and appearance of the conservation area as a whole would be preserved. There would be no harm caused to its significance as a designated heritage asset. Accordingly, no conflict arises with the statutory duties contained within the Act, or with Policy LD4 of the Herefordshire Local Plan Core Strategy 2011-2031 which seeks to protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance, or Policy WE07 of the Weobley Neighbourhood Development Plan 2011-2031 which requires the significance of heritage assets and their settings to be conserved and enhanced. There would also be no conflict with the Framework insofar as it relates to conserving the historic environment.

Conditions

17. The Council has not suggested any conditions it would wish to see imposed if the appeals were allowed. A condition referring to the approved drawings is however necessary for the planning permission as this provides certainty. Details of how the fence will be affixed to the listed building are also necessary for certainty and to ensure that the significance of the listed building and its setting is preserved.

Conclusion

18. For the reasons given above and having regard to all other matters raised, both Appeal A and Appeal B are allowed.

RC Kirby

INSPECTOR