



Appeal Decisions

Site visit made on 11 August 2025

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal A Ref: APP/W1850/W/25/3366270

Cowleigh Gate Farm, Cradley, Malvern WR13 5HW

- 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 and Mrs Gilbert against Herefordshire Council.
 - The application Ref is P243188/FH.
 - The development proposed is proposed side and rear single storey extensions, refurbishment and alterations to existing farmhouse and associated extensions and landscaping works.
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Appeal B Ref: APP/W1850/Y/25/3366273

Cowleigh Gate Farm, Cradley, Malvern WR13 5HW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) 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 and Mrs Gilbert against Herefordshire Council.
 - The application Ref is P243189/L.
 - The works proposed are proposed side and rear single storey extensions, refurbishment and alterations to existing farmhouse and associated extensions and landscaping works.
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Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. In the interests of clarity and conciseness, I have used the site address given by the Council when advertising the proposals as opposed to that given on the application forms. I am content that no party with a potential interest in the outcome of these appeals is prejudiced by me taking this approach.
3. These decisions address planning and listed building consent appeals for the same site and the same scheme. Whilst the remit of each regime is different, the main issues set out below relate to both appeals. To reduce repetition, I have dealt with both appeals together within a single decision letter. As the appeal property comprises a listed building, I shall have regard to the statutory duties that apply under Sections 16(2) and 66(1) of the Act.
4. The Council has indicated that it would have refused planning permission and listed building consent had it been in a position to do so. Its main concerns relate to an alleged failure to preserve the relevant listed building, including as a consequence of what it regards inadequate information to assess impact. I shall formulate the appeal's Main Issues accordingly, whilst also recognising the site's position within the Malvern Hills National Landscape (MHNL).

5. As was apparent upon inspection, works comprising alterations/refurbishments have commenced. Such works, which are the subject of a live enforcement case opened by the Council in April 2024, have included the removal of historic timbers said to have rotted, the removal of a considerable extent of internal plasterwork said to have decayed/deteriorated, the lifting of floor coverings, and the removal of a fireplace. I shall thus consider the proposals on a part-retrospective basis.

Main Issues

6. The main issues are:

- Whether the development and works would preserve the Grade II listed building known as 'Cowleigh Gate Farmhouse' (the LB) and any features of special architectural or historic interest that it possesses; and
- The effect upon the MHNL.

Reasons

The LB

Significance and special interest

7. The LB is Grade II Listed and comprises a timber-framed farmhouse that, according to the statutory list description, dates to the early 17th-century. It exhibits extensive external timbers, a mixture of infill brickwork and original daub panelling to elevations, an end cross wing and stone plinth, as well as a large rubble-constructed Victorian extension to the rear with canted bays, timber sash windows, and decorative stone quoining/window architraves. Further, the historic timber-framed part of the asset incorporates a two-storey former brewhouse/washhouse (the brewhouse), that was most likely originally detached.
8. The LB's significance and special interest as a designated heritage asset is drawn, in-part, from its age, its surviving historic fabric, its diverse range of traditional materials and architectural details, the simple linear plan form of its historic timber-framed core, its alterations over time, and its relevance to the historic evolution of the rural area.

Refurbishment and alterations – external works

9. Firstly, in response to concerns raised with specific respect to original daub infill panels being potentially lost from the LB's original eastern elevation, it has been confirmed that no undamaged daub panels would be replaced under any circumstances. This is an outcome that could be satisfactorily secured via condition(s) in the event the appeals be successful.
10. Of the initial works undertaken to date, the most substantive have been focussed to the southern gable end where a not inconsequential extent of historic timber framing said to have been at an advanced state of decay has been removed. In association, infill brickwork and a former brick-built chimney stack have also been omitted. Having taken account of submitted records of loose timbers from said gable end and undertaken my own internal inspection, I am satisfied that unauthorised works to remove timber framing were undertaken with suitable justification. Further, I am content from the submitted evidence that the patten/specification of replacement timber framing proposed would, in conjunction

with replacement infill panels of lath and lime plaster composition, hold the potential to satisfactorily recreate the gable end's original general form. This subject to the full details being comprehensively secured via condition(s) in the event the appeals be successful.

11. There is somewhat limited information before me as regards the former composition of the southern chimney stack now removed, although it has been retrospectively illustrated/recorded from physical fragments and partial photographic coverage. There is no clear reason for me to doubt that said chimney was a non-original feature, nor that it has been at least in-part responsible for damage caused to the timber frame. However, these points do not establish the chimney to have contributed no significance or special interest. Moreover, it comprised an historic addition to the oldest and most significant part of the LB and would have added visual interest and offered an insight into the manner in which usage of the property's internal spaces has evolved historically. To my mind, its full loss and lack of a proposed replacement has not been satisfactorily justified and would lead to an erosion of the LB's special interest.
12. The planned arrangement of window openings to the LB's southern elevation also raises concern. For the avoidance of doubt, these openings comprise the new windows intended to the timber-framed gable end as well as enlarged timber sash windows to the canted bay of the Victorian extension at ground floor.
13. As regards the proposed openings to the timber-framed gable end, it is my understanding that the intended windows have been sited based upon the best endeavours of the appointed heritage specialist to replicate where windows would likely have been positioned in lieu of any indication offered by either the remnants of the timber frame that survive or the remainder of the property. However, this approach has not been extensively or persuasively evidenced and would appear not fully consistent with retrospective record drawings¹ submitted whereby some vertical separation between suggested probable openings is illustrated.
14. Furthermore, the remainder of the 17th-century elevations in-situ exhibit sporadic and typically small-sized apertures in conjunction with timber framing and extensive infill panelling/brickwork. Indeed, present circumstances do not, in my view, offer any meaningful assurance that the compact amalgamation of numerous glazed apertures intended would be authentic or appropriate. To the contrary, the arrangement would appear as unexpected, excessively busy, and as an uncharacteristic addition unsympathetic to the LB's special interest.
15. The enlarged glazing to the aforementioned canted bay is sought on the basis of promoting garden views and access to natural sunlight even though sizeable glazing panes are already in-situ. The intended installation would fail to suitably respect the size/design of other window openings serving the Victorian extension and would result in an unjustified loss of historic fabric. Accordingly, the reconfigured canted bay as proposed would appear incongruent and result in a loss of heritage significance.

Refurbishment and alterations – internal works

16. As regards the considerable extent of deteriorated internal plasterwork that has been stripped out, including from the lath and plaster walls of the oldest part of the

¹ Figure 11, Cowleigh Gate Farm Heritage Statement, 5 December 2024

building, the level of serviceability of said former plasterwork is disputed by the main parties. The Council has referred to photographs contained in 2020/22 sales documentation for the purposes of seeking to illustrate that the majority of internal dilapidation has occurred post-purchase. However, I see merit in the point raised that sales particulars are designed to present a property in the most attractive way possible.

17. Moreover, from my own inspection, it was possible to ascertain that the LB has been the subject of long-term neglect, whereby the remnants and odours of rotted/damp/degraded building materials were prevalent, and signs of disregarded property maintenance were far-ranging. In any event, whilst it is in-part with good faith that I accept the appellants' assertions that no plaster/infill panels of an original and undamaged/non-deteriorated type have been removed, I am satisfied that lath and plaster/masonry plaster finishes of appropriate historic specifications could be suitably secured via condition(s) in conjunction with full intended insulation details in the event the appeals be successful so as to safeguard significance.
18. In terms of alterations intended to the internal layout, the proposed reconfiguration of the main staircase that is sited within the Victorian extension does not raise undue concerns. Indeed, its existing central positioning would be retained, and the works would not necessitate amendments to the adjacent oldest part of the property. It is also important to note that it exists as a staircase of inelaborate design and specification that contributes in no meaningful way to the significance or special interest of the LB when taken as a whole. Furthermore, I am satisfied that fireplace reinstatement, oven retention, and floor covering details could be suitably conditioned so as to safeguard special interest in the event the appeals be successful.
19. Nevertheless, there are elements of the proposed internal layout that raise concerns. Most particularly with respect to the brewhouse, where a re-organisation of both its floors is intended in conjunction with a staircase to be newly installed. Even though it may be possible to justify the principle of providing a staircase on a standalone basis on the grounds of enhanced floorspace useability and internal circulation, an addition of this type would inevitably lead to a not inconsequential loss of historic floor joists/boarding and thus to some degree of harm.
20. Further, the series of sub-divisions that are planned to the brewhouse would fail – in my view – to suitably sympathise with the simple linear plan form of the LB's original part and would inhibit an appreciation of historic fabric and traditional finishes as is currently experienceable from within the brewhouse's internal spaces as a consequence of their inherent openness. Whilst extant traces of original stud walling have been referenced within the submitted evidence, the positions/forms of any such feature(s) have not been clearly established through supporting evidence. Thus, notwithstanding any assertion made to the contrary, it has not been suitably substantiated that a restoration of the brewhouse to match original (or similar) is proposed. It is therefore my view that this part of the proposals, focussed upon a 17th-century part of the asset, would fail to preserve the LB taken as a whole.
21. In addition, comprehensive alterations are proposed within the Victorian extension at first floor level. These include the reprovisioning of the hallway, various modifications to the masonry walls (including apertures) that presently delineate the hallway, and the insertion of a number of new stud walls. Whilst these particular proposals would not impact the 17th-century part of the LB, they would necessitate

the loss of Victorian fabric and lead to a manipulation of the building's internal layout to the detriment of it offering a clear understanding as to how the LB has evolved historically over time. An associated loss of heritage significance, albeit somewhat minor in degree, would result due to these first floor changes which have not been demonstrated to be essential for the purposes of liveability.

Side and rear extensions

22. The Council, when assessing the merits of extensions, would appear to have focussed upon the rear extension intended to be positioned to the approximate southwest of the LB. Nevertheless, it is my responsibility in line with statutory duties that apply to also consider any heritage effects stemming from the proposed side extension to the north of the LB.
23. Turning to the rear extension first of all, although to be single-storey and to exhibit a finished floor level beneath that of existing built form, it would cover an expansive footprint and thus represent an addition of considerable scale and consequence. Moreover, although logically positioned in so far as it would be stepped away from original timber-framed elements and lead to somewhat limited concealment of historic Victorian fabric, the rear extension would unduly distort the compact and historically linear plan form of the LB and comprise an incongruent and domineering addition that would fail to suitably respect the manner in which the asset has historically evolved.
24. I acknowledge that some design cues have been taken from the LB, more specifically its existing Victorian extension. For example, an interlocking pitched roof form is proposed, and stone quoining and clay tiles comprise part of the intended material palette. Even so, whilst recognising that a clear distinction between old and new elements of a LB should not necessarily be discouraged, the proposed fenestration, which is dominated by sizeable expanses of glass set out in a somewhat incoherent pattern, would not promote the achievement of a complementary or well-designed addition to the LB.
25. As regards the proposed side extension, this would replace a modern and somewhat dilapidated lean-to porch feature. Whilst the loss of this feature – which has no heritage value per se – does not raise concern, it must be noted that its replacement would be larger in both footprint and volume terms, exhibit a somewhat unsympathetic flat-roofed form, and offer a greater impression of permanence in lieu of its intended solid stone-built elevations.
26. Moreover, the current porch feature, being principally glazed and of lightweight construction, does not unduly inhibit an awareness or visibility of the featureful former external elevations of either the brewhouse or Victorian extension sited behind. To the contrary, the proposed side extension would enclose and conceal a not inconsequential extent of featureful historic fabric. A further unfortunate symptom of this is the associated intention to install an additional north-facing opening, seemingly for the purposes of replacing lost outlook and access to light, which would result in a loss of historic fabric – albeit modest in extent. Thus, the intended side extension would cause harm to heritage significance.

Conclusions on the first main issue

27. In summary, I have found that elements of the proposed development and works would – when taken in isolation and considered separately – preserve the LB. It is

also noteworthy that where any individual facet of the proposals is not specifically referenced in my reasoning above it can be surmised that I do not take issue with it from a heritage impact standpoint. Further, for the avoidance of doubt, I am satisfied that I have sufficient evidence before me to enable a suitably clear understanding of impact upon heritage significance.

28. Even so, for reasons that are set out above and in the absence of satisfactory justification to the contrary, the proposed development and works would fail to preserve the significance or special architectural or historic interest of the LB due to: the loss and non-replacement of a southern chimney stack; the proposed arrangement of new and remodelled window openings to the southern elevation of existing built form; intentions for the brewhouse internally; the proposed modified internal layout of the Victorian extension at first floor; and the implications of proposed side and rear extensions.
29. It follows that conflict arises with Sections 16(2) and 66(1) of the Act. Bearing in mind the scale and nature of the works, the degree of harm to the significance of the LB as a designated heritage asset, is, under the terms of the National Planning Policy Framework (December 2024) (the Framework), less than substantial. The Framework requires less than substantial harm to a designated heritage asset to be weighed against the public benefits of the proposal, which I shall return to in my Heritage and Planning Balance below.

The MHNL

30. The site is located within the MHNL, an area designated for its outstanding natural beauty. Section 245 of the Levelling-up and Regeneration Act 2023 sets out that a relevant authority must seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
31. The scheme is centred upon the intended refurbishment of and extensions to an existing building that – notwithstanding the existence of a public right of way that runs through the site – occupies a discreet location that is not highly sensitive in visual terms. Indeed, it is proximate to various other buildings within the same rural complex and is sited adjacent to a well-established buffer of planting to the south. Therefore, without prejudice to my findings upon the first main issue of this appeal, I am satisfied that the proposals comply with the aforementioned statutory duty. There is also compliance with Policy CNDP5 of the Cradley Parish Neighbourhood Development Plan 2011-2031 (2017) (the CPNDP) in so far as it supports development that does not adversely affect the intrinsic natural beauty of the landscape.

Other Matters

32. I have noted concerns raised by an interested party with reference to matters that include the extent of the site's red line boundary as depicted upon submitted plans, loss of planting, potential loss of privacy, and construction noise. However, given the unsuccessful overall outcome of the appeals, it is not necessary for me to consider these matters in any further detail here.
33. I note that extracts from and copies of appeal decisions relating to sites/cases situated elsewhere have been submitted at appeal stage. However, it is my responsibility to consider the specific merits of the proposals that are before me for determination at this point in time in accordance with the particular site

circumstances to hand – including the significance of the listed building in question. These other appeal decisions are thus of little relevance.

Heritage and Planning Balance

34. In terms of public benefits, the proposals would refurbish and bring back into active use a deteriorated designated asset that would inevitably remain vacant and disused for the foreseeable future without intervention. This would, in turn, secure the LB's optimum viable use as a farmhouse for this and future generations. Thus, whilst it has not been clearly demonstrated that refurbishments/alterations/additions to the property need necessarily proceed in the precise configuration proposed, the scheme's public benefits attract meaningful moderate weight.
35. Even so, in the circumstances of this case, the public benefits do not outweigh the multi-faceted less than substantial harm that I have identified would be caused to the significance of the LB. This harm carries considerable importance and great weight. Conflict therefore arises with the historic environment policies contained within the Framework.
36. Conflict also arises with Policies SS6 and LD4 of the Herefordshire Local Plan Core Strategy 2011-2031 (2015) and Policy CPNDP9 of the CPNP in so far as these policies require that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.
37. Accordingly, the proposal that is the subject of Appeal A conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

38. For the reasons given above, Appeal A is dismissed, and Appeal B is dismissed.

Andrew Smith

INSPECTOR