

Item No 03:-

20/02798/FUL

**Middle Hill Farm
Saintbury
Broadway
Gloucestershire
WR12 7PX**

Item No 03:-

Demolition of single storey lean to, fenestration alterations and landscaping (part retrospective) at Middle Hill Farm Saintbury Broadway Gloucestershire WR12 7PX

Full Application 20/02798/FUL	
Applicant:	Mr John Evetts
Agent:	Mr Richard Nares
Case Officer:	Ed Leeson
Ward Member(s):	Councillor Gina Blomefield Councillor Tom Stowe
Committee Date:	12th October 2022
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Design and Impact on the Grade II Listed Building
- (b) Impact on the Saintbury Conservation Area
- (c) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)
- (d) Impact on Biodiversity
- (e) Community Infrastructure Levy (CIL)

2. Reason for Referral:

2.1 An Appeal has been lodged against non-determination of the application and therefore it is necessary for the Committee's resolution to either confirm or overturn the Officer's Recommendation, which will then inform the Appeal process.

3. Site Description:

3.1 Middle Hill Farmhouse is a Grade II listed building comprising an early-18th century farmhouse, modest in scale, but with some elements of rather high-status detailing and incorporating elements of an earlier building.

3.2 The property is set back from the public highway and occupies a large plot with a number of associated farm buildings, some of which are considered to be curtilage listed.

3.3 The main farmhouse and associated stone buildings are located within Saintbury Conservation Area, with the post-war farm buildings located to the west of the historic buildings being located outside the conservation area.

3.4 The whole site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

3.5 A Grade II listed building, described as 'Stable and Pound approximately 30m east of Middle Farmhouse', is located on the eastern side of the road opposite Middle Hill Farm.

4. Relevant Planning History:

- 4.1 CD.8240 - Conversion of redundant agricultural building to a dwelling. Refused 24.03.1998.
- 4.2 CD.8240/A - Conversion of redundant agricultural building to a dwelling. Refused 13.02.1998.
- 4.3 CD.8240/B - Conversion of redundant agricultural building to a dwelling. Refused 11.12.1998.
- 4.4 CD.8240/C - Proposed conversion of redundant agricultural building to a dwelling. Permitted 17.06.1999.
- 4.5 CD.8552 - Erection of silage barn and sheep accommodation. Granted 27.03.2001.
- 4.6 02/01324/LBC - Re-lay flagstone flooring and erection of stud partition wall in existing ground floor store. Granted 01.08.2002.
- 4.7 20/02798/FUL - Demolition of single storey lean to, fenestration alterations and landscaping (part retrospective). Pending determination.
- 4.8 20/02799/LBC - Demolition of single storey lean to, fenestration alterations, internal alterations to include new mechanical and electrical works, and landscaping (part retrospective). Pending determination.
- 4.9 21/04415/FUL - Proposed conversion of agricultural barn to ancillary accommodation/domestic workshop and store. Granted 13.05.2022.
- 4.10 21/04416/LBC - Proposed conversion of agricultural barn to ancillary accommodation/domestic workshop and store. Granted 13.05.2022.
- 4.11 Listed Building Enforcement Notice issued on 22.05.22 for a number of unauthorised works under LPA reference 21/00092/LIST - subject to current Appeal.

5. Planning Policies:

EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
TNPPF The National Planning Policy Framework

6. Observations of Consultees:

- 6.1 Conservation Officer: Objects (comments incorporated within Officer's Assessment).

7. View of Town/Parish Council:

7.1 No comments received at time of writing report.

8. Other Representations:

8.1 No comments received at time of writing report.

9. Applicant's Supporting Information:

- (i) Drawings
- (ii) Design and Access/ Heritage Statement
- (iii) Finishes Schedule
- (iv) Photos

10. Officer's Assessment:

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031. The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Proposal and background

10.2 The application seeks planning permission for the demolition of a single storey lean-to, fenestration alterations and landscaping, and is part retrospective. For clarification, the specific works that are considered to require planning permission and, thus, form the application, are as follows:

- The removal of the modern lean-to to the north elevation and the adjacent boundary wall being made good;
- The 'reinstating' of a wall at the entrance to the courtyard at the rear of the property; and
- Levelling the areas to the front and rear of the farmhouse to their 'historic level'. This element, on balance, is considered to cumulatively equate to an engineering operation due to the volume of material proposed to be removed.

10.3 It should be noted that the alterations to the property's fenestration are not considered to require planning permission as the materials to be used would match those within the property and would therefore be permitted development under Part I, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

10.4 It should also be noted that the Council's Conservation Officer provided his consultee comments to the applicant/agent on 2nd October 2020, advising that a number of the proposals that formed part of the accompanying Listed Building Consent application required

further information to be submitted to be fully assessed, or were considered unacceptable. Subsequent visits to the property, however, found that these works had largely been implemented, without the requested amendments or further information submitted and, evidentially, without Consent having been granted.

10.5 An enforcement investigation was subsequently opened (under the Council's reference 21/00092/LIST) due to the works being undertaken without Listed Building Consent being granted. A number of these works were considered to have a harmful impact on the special character and historic interest of the Grade II listed designated heritage asset, and were considered to fail to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.6 The planning agent for the applications was advised via emails on 13th May 2021 that the Council would be continuing with formal enforcement action for the elements that were considered harmful. It was recommended the applications 20/02798/FUL and 20/02799/LBC were withdrawn and resubmitted for the proposals that were considered uncontentious, with the works deemed unacceptable and that would eventually form the Listed Building Enforcement Notice removed from the drawings.

10.7 On 19th May 2021, however, in an email to the planning agent, it was confirmed by the Council that the current applications could be amended, as opposed to being withdrawn and resubmitted, with the works deemed unacceptable removed from the drawings.

10.8 Whilst amended drawings were eventually submitted on 11th November 2021, the contentious elements had not been removed from the drawings. The Council therefore continued with issuing a Listed Building Enforcement Notice (LBEN) on 26th May 2022, and the applications were left in a state of the current non-determination. For clarity, one aspect of this planning application (as opposed to the other works under enforcement, which only need Listed Building Consent), the wall at the entrance to the courtyard, has formed part of the LBEN due to the works being undertaken without prior consent and it being considered to be unacceptable, for reasons outlined within this report.

(a) Design and Impact on the Grade II Listed Building

10.9 Middle Hill Farmhouse is a Grade II Listed Designated Heritage Asset. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This duty is required in relation to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework.

10.10 Local Plan Policy EN1 promotes the protection, conservation and enhancement of the built, historic and natural environment in new development. It seeks to ensure the protection and conservation of such assets and their setting in proportion with the significance of the asset. It seeks development contributes to the provision and enhancement of multi-functional green infrastructure and helps address climate change, habitat loss and fragmentation whilst improving air, soil and water quality where feasible. It seeks to ensure design standards complement the character of the area and the sustainable use of the development.

10.11 Policy EN2 asserts that developments will be permitted provided they accord with the Cotswold Design Code (Appendix D), and that "proposals should be of design quality that respects the character and distinctive appearance of the locality."

10.12 Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designate heritage assets and their setting, which put them in a viable uses, consistent with their conservation. Where harm would be caused, proposals would not be supported unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.13 Section 12 of the NPPF sets out criteria for achieving well-designed places, with paragraph 130 requiring that planning policies and decisions should ensure that developments: "will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture; are sympathetic to local character and history, including the surrounding built environment and landscape setting; create places ... with a high standard of amenity for existing and future users."

10.14 Section 16 of the National Planning Policy Framework requires that Local Planning Authorities take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 199 states that, when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 200 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. Paragraph 201 states that, where a proposed development will lead to substantial harm, applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 202 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

The removal of the modern lean-to to the north elevation and the adjacent boundary wall being made good

10.15 The proposals include the removal of a modern lean-to on the northern elevation of the property, which has already been carried out. As part of this, the boundary wall has been repaired, and partially rebuilt. It appears from historic photographic records that the lean-to was likely to be of a twentieth century construction, constructed in brickwork. The lean-to therefore had limited significance, and its removal has therefore not harmed the overall significance of the listed building. The partial rebuilding of the boundary wall has been carried out in a sympathetic manner, and follows the character of the wall, re-using much of the original stone. This would therefore not cause harm to the significance of the listed building and is considered acceptable.

The 'reinstating' of a wall at the entrance to the courtyard at the rear of the property

10.16 To the rear of the property, an external wall has been inserted at the entrance to the courtyard. This wall appears to be shown on historic mapping in this location, and therefore the creation of a wall in this location is acceptable. No details have been provided within the

application for the design of the wall, nor any details of the proposed materials. It is evident, however, as this has already been constructed, that inappropriate modern materials have been utilised in the construction. Due to the historic character of the listed building, including the intrinsic use of traditional materials, it is important that the proposals are carried out to a suitable standard to match the existing building. The wall has been constructed from breeze block, with stone facing, which is an unauthentic creation and officers consider to be entirely uncharacteristic of the high quality materials used elsewhere on and around the listed building. The construction of this wall is therefore considered to dilute the quality of the listed building and its setting, and this therefore causes a low degree of harm to the overall significance of the listed building.

Levelling the areas to the front and rear of the farmhouse to their 'historic level'

10.17 The proposals involve altering the levels of the land surrounding the house. The proposals state that this is a 're-instatement' of historic levels. Evidence has not been provided for these historic levels. Nevertheless, the proposed changing levels to the front of the property are unlikely to cause any harm to the significance of the listed building, or to the Conservation Area. There is therefore no objection to this element of the proposals. Evidence would need to be provided, however, to show that this will not impact the foundations of the main house, thereby potentially harming the historic fabric of the asset.

10.18 Taking the above into account, cumulatively, the proposals are not considered to accord with Local Plan Policies EN1, EN2 and EN10, and Sections 12 and 16 of the NPPF.

10.19 Notwithstanding the above, the importance of incorporating proposals and amendments that have a positive impact on the energy performance of developments is recognised. The proposed alterations to the building here would have been unlikely to improve the energy performance of the building, instead resulting in the loss of embodied carbon through altering historic features. The windows proposed for replacement within the building were not of any notable age, and therefore there would have been no objection to the replacement of these, subject to these being traditional in style and appearance, and upon agreement it may have been possible to insert windows which had better energy performance. If the proposals had not already been implemented, the proposed changes would have resulted in a net negative impact on the environment, due to the loss of embodied carbon with unnecessary alterations which did not have any positive impact on the energy efficiency of the house. In addition, the use of non-traditional materials, such as expanding foam, has introduced a non-sustainable material, with results that could have easily been achieved with a traditional lime mortar.

(b) Impact on the Saintbury Conservation Area

10.20 The site lies within the Saintbury Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.21 Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' states that development proposals that would affect Conservation Areas and their settings, will be permitted provided they would preserve and where appropriate

enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features. As outlined at section (a), Section 16 of the National Planning Policy Framework requires that Local Planning Authorities take account of the desirability of sustaining or enhancing the significance of heritage assets.

10.22 Middle Hill Farmhouse makes a positive contribution to the overall significance of the Conservation Area, due to architectural features, traditional Cotswold Design and its farm character, contributing to the agricultural character evident in this part of the village. As outlined at section (a), the harmful element that forms part of this application, the courtyard wall, is located to the rear of the building. It is therefore considered that there will be no overall impact on the significance of the Saintbury Conservation Area and the proposals comply with Local Plan Policy EN11 and Section 16 of the NPPF.

(c) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)

10.23 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

10.24 Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will be expected to take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

10.25 Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.26 The proposals would be contained within the residential curtilage of the host dwelling with no encroachment into open countryside or significant impact on views of the site from the surrounding AONB. Officers are therefore satisfied that the development would not be harmful to the character or appearance of the Cotswolds AONB and so the scheme would comply with Local Plan Policies EN4, EN5 and the NPPF.

(d) Impact on Biodiversity

10.27 Local Plan Policy EN8 (Biodiversity And Geodiversity: Features, Habitats And Species) requires development to conserve and enhance biodiversity and geodiversity. Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

10.28 NPPF Section 15 seeks to conserve and enhance the natural environment. Specifically Paragraph 174 states that planning decisions should protect and enhance valued landscapes and sites of biodiversity. Paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less

harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; whereas development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

10.29 Whilst the application site relates to works to a historic building, they do not include works to the roof of the building, and the proposals are considered relatively minor in their nature. Although no biodiversity enhancements have been proposed as part of the application, the development is not considered to have had resulted, or would result, in the deterioration or unacceptable impact on existing habitats or protected species.

10.30 Taking the above into account, the proposals are considered to conserve biodiversity and geodiversity and therefore comply with Local Plan Policy EN8 and the NPPF.

(e) Community Infrastructure Levy (CIL)

10.31 This development is not liable for CIL because it is:

Less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

11. Conclusion:

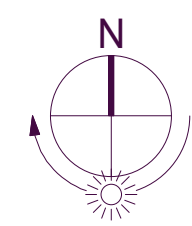
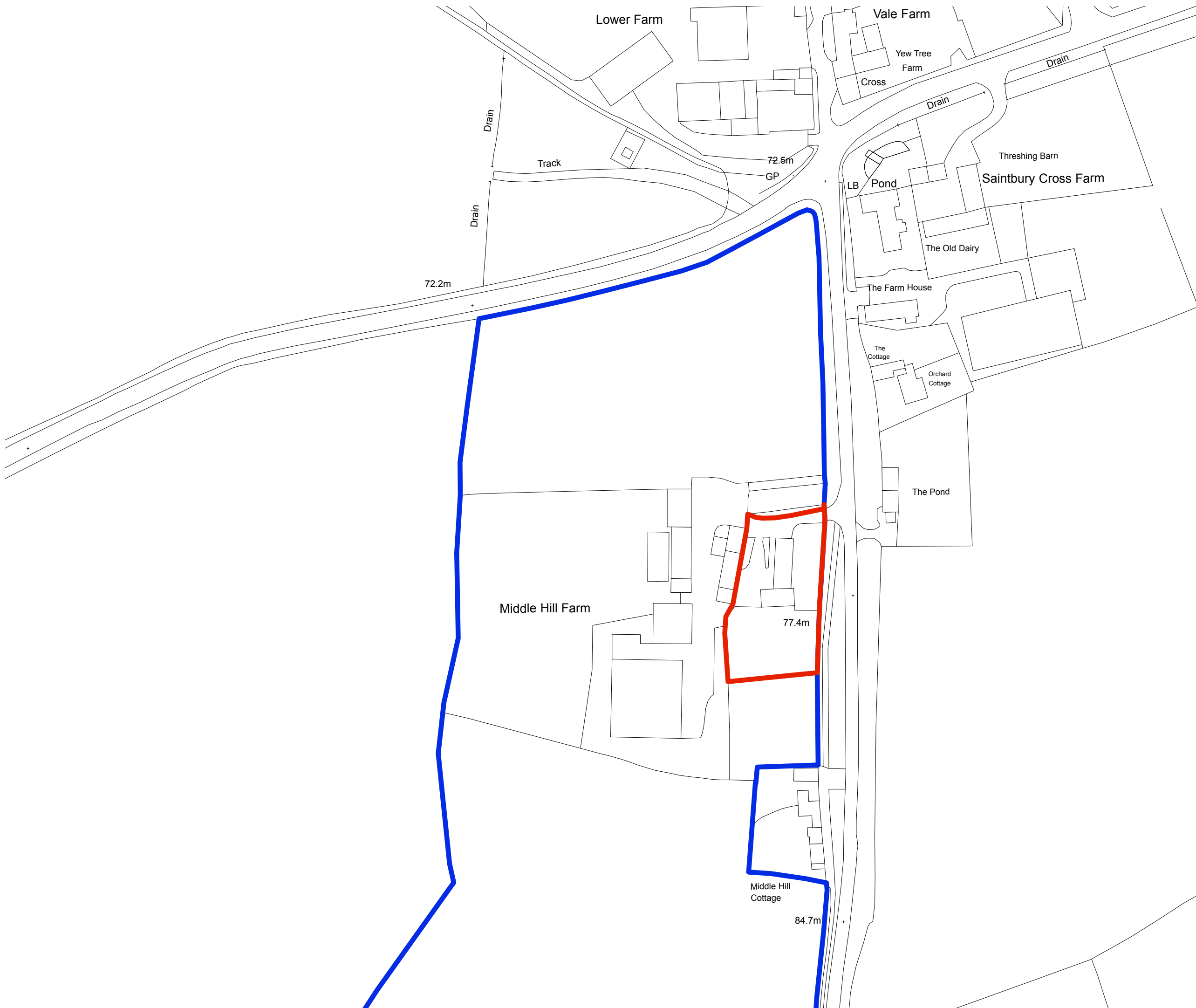
11.1 The Local Planning Authority considers that the proposals, most notably the poor quality construction of the external courtyard wall, are wholly contrary to both the policies within the Cotswold District Local Plan and the NPPF for the reasons stated above, which are not outweighed by any other material planning considerations. The harm that's considered to arise from this element of the proposal would be less-than-substantial, but not be outweighed by any resultant public benefits. As such, the proposals as a whole also conflict with paragraph 202 of the National Planning Policy Framework. As such, the application is recommended for refusal.

11.2 Whilst, as ever, the application needs to be considered on its merits, should there be an absence of support for the recommendation to refuse the application and the application is permitted the LPA will then find itself in the position whereby it is finding acceptable works against which it has previously taken enforcement action and which were found to be unacceptable.

12. Reason for Refusal:

Middle Hill Farmhouse is a Grade II listed building. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The current proposals would harm aspects of the listed building's fabric, character, appearance and setting that contribute positively to its significance, thereby neither preserving its special architectural or historic interest, nor sustaining its significance as a designated heritage asset. This harm would arise from a number of elements, most notably the poor quality construction of the external courtyard wall. The harm would be less-than-substantial, but not be outweighed by any

resultant public benefits. As such the proposals conflict with paragraph 202 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 66(1) of the 1990 Act. The proposal is also contrary to Policies EN2, EN10 and EN11 of the Cotswold District Local Plan.



KEY

— Application Area

— Land in Client Ownership



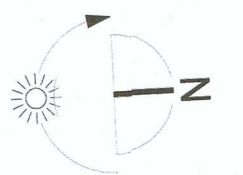
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OS Location Plan

Drawing 100.001 Rev A

July 2020



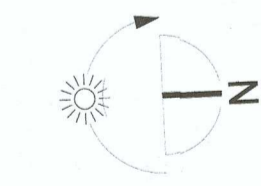
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Existing Block Plan
Drawing 100.010 Rev A
Rev B October 2021



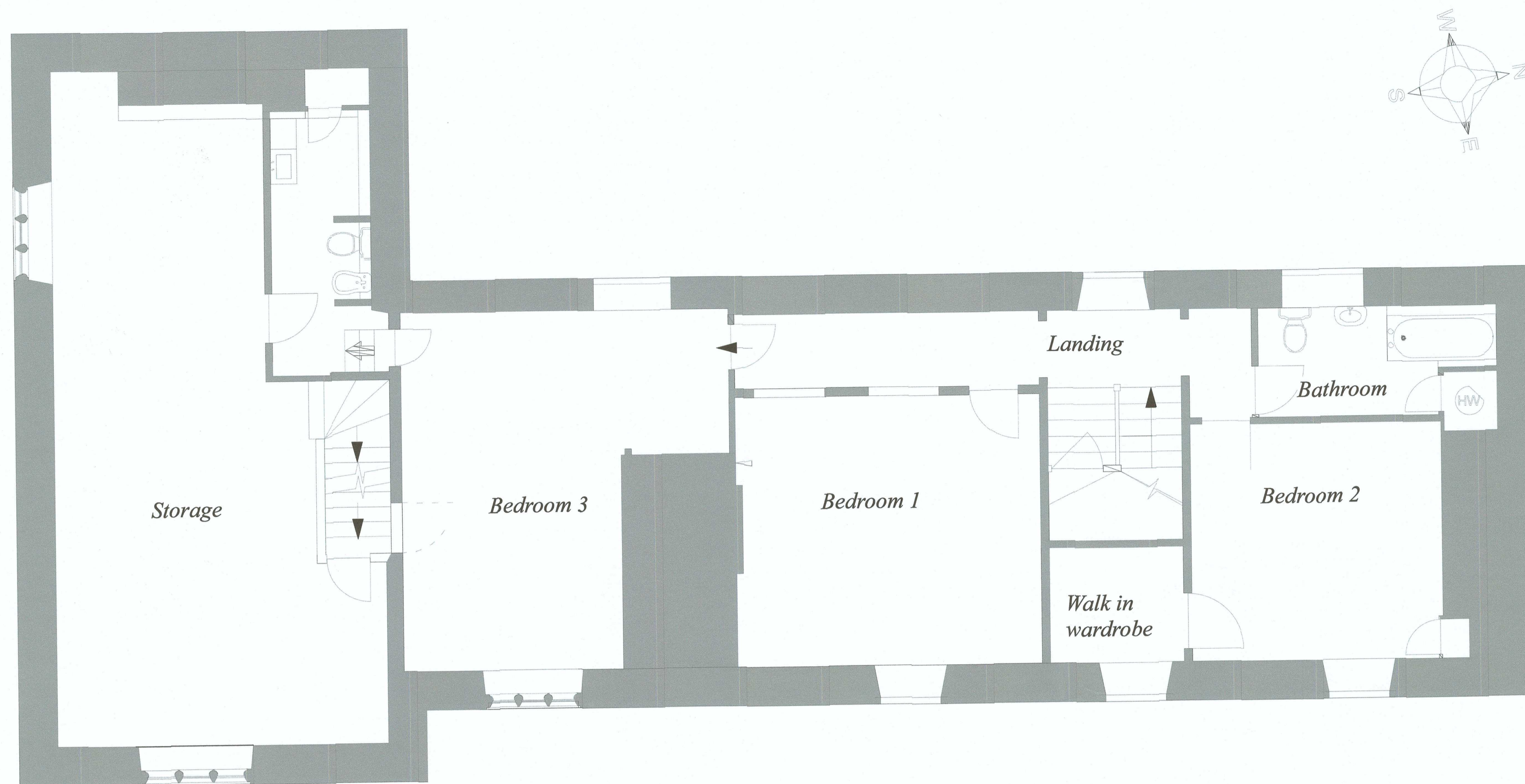
- KEY:**
- Existing Buildings
 - Proposed Walls
 - Demolitions



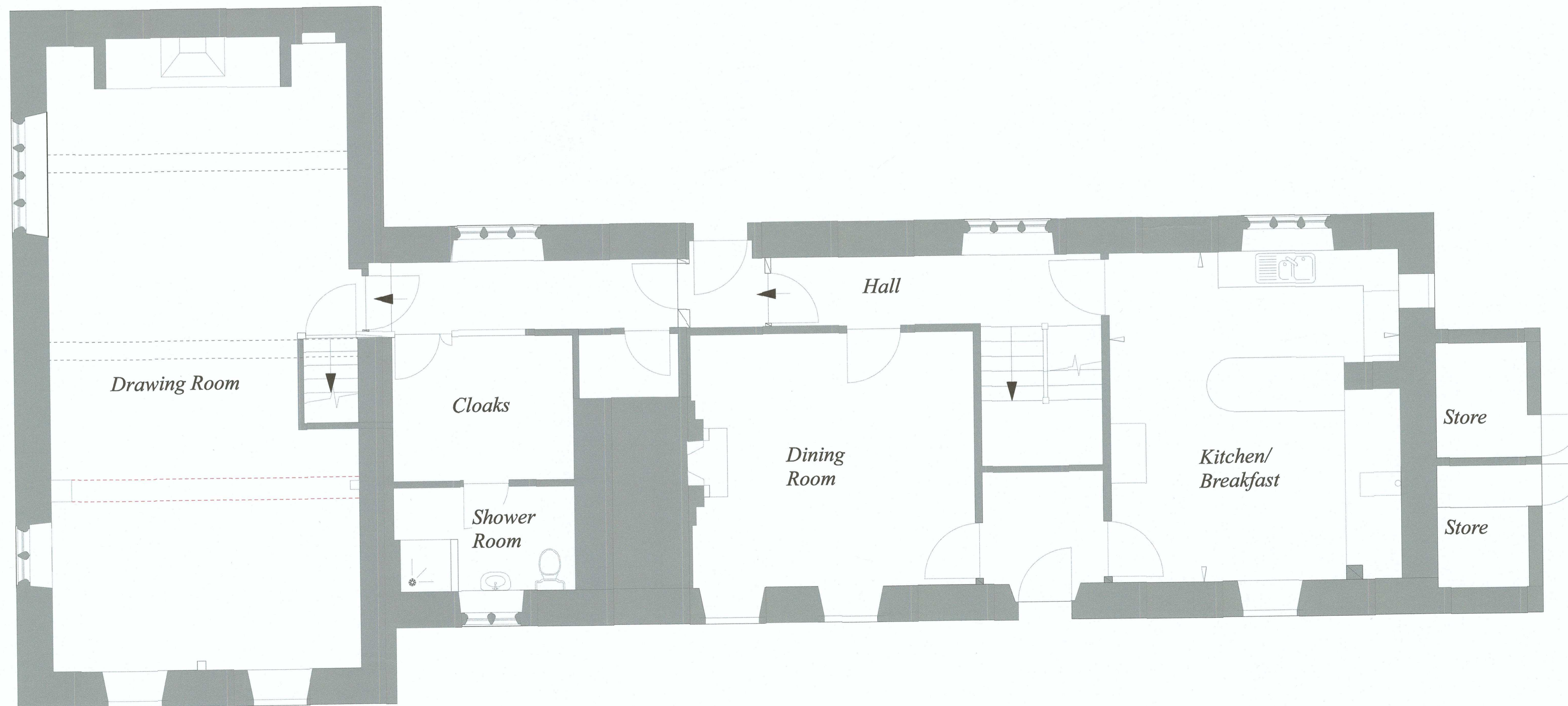
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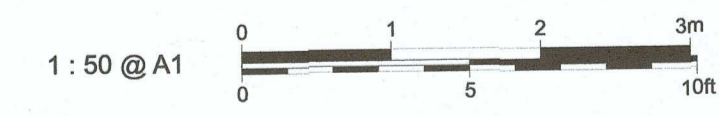
Proposed Block Plan
 Drawing 100.110 Rev A
 Rev B October 2021



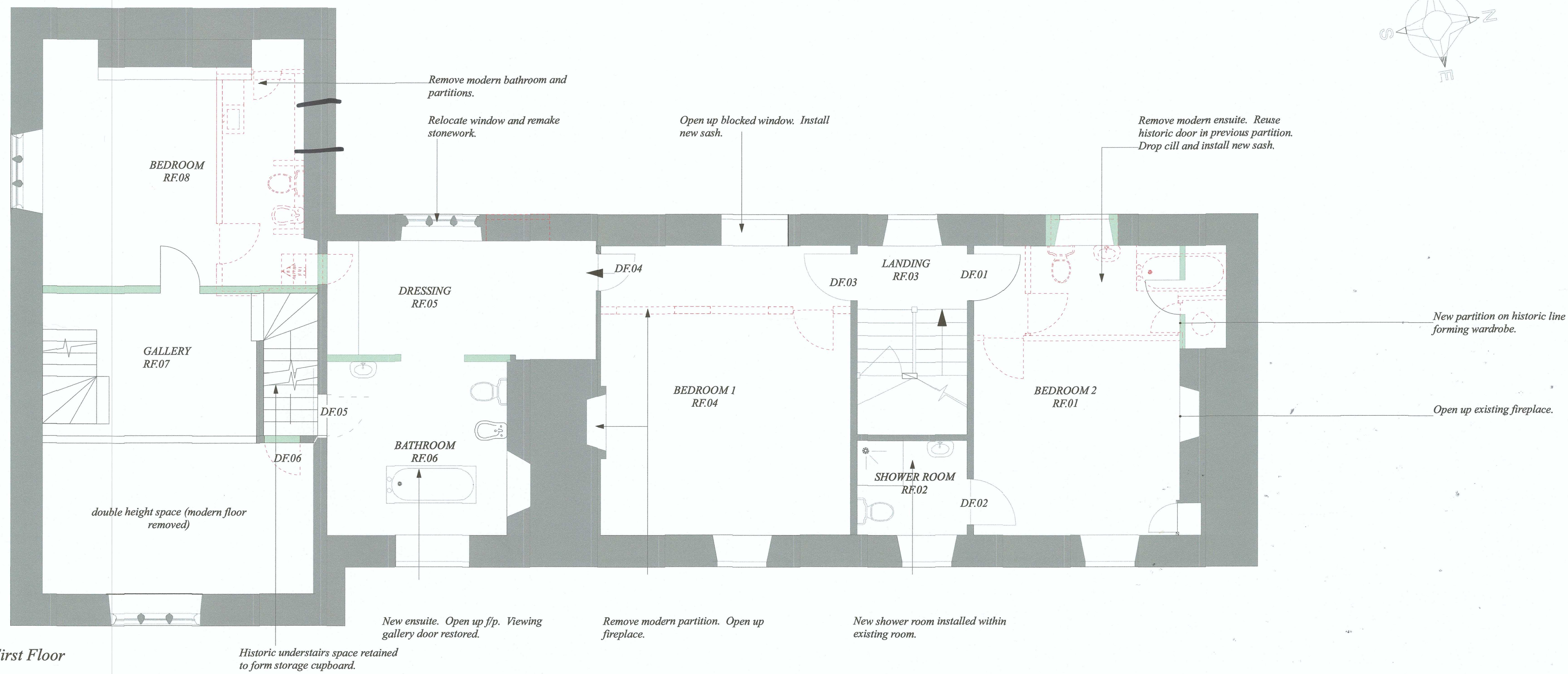
First Floor



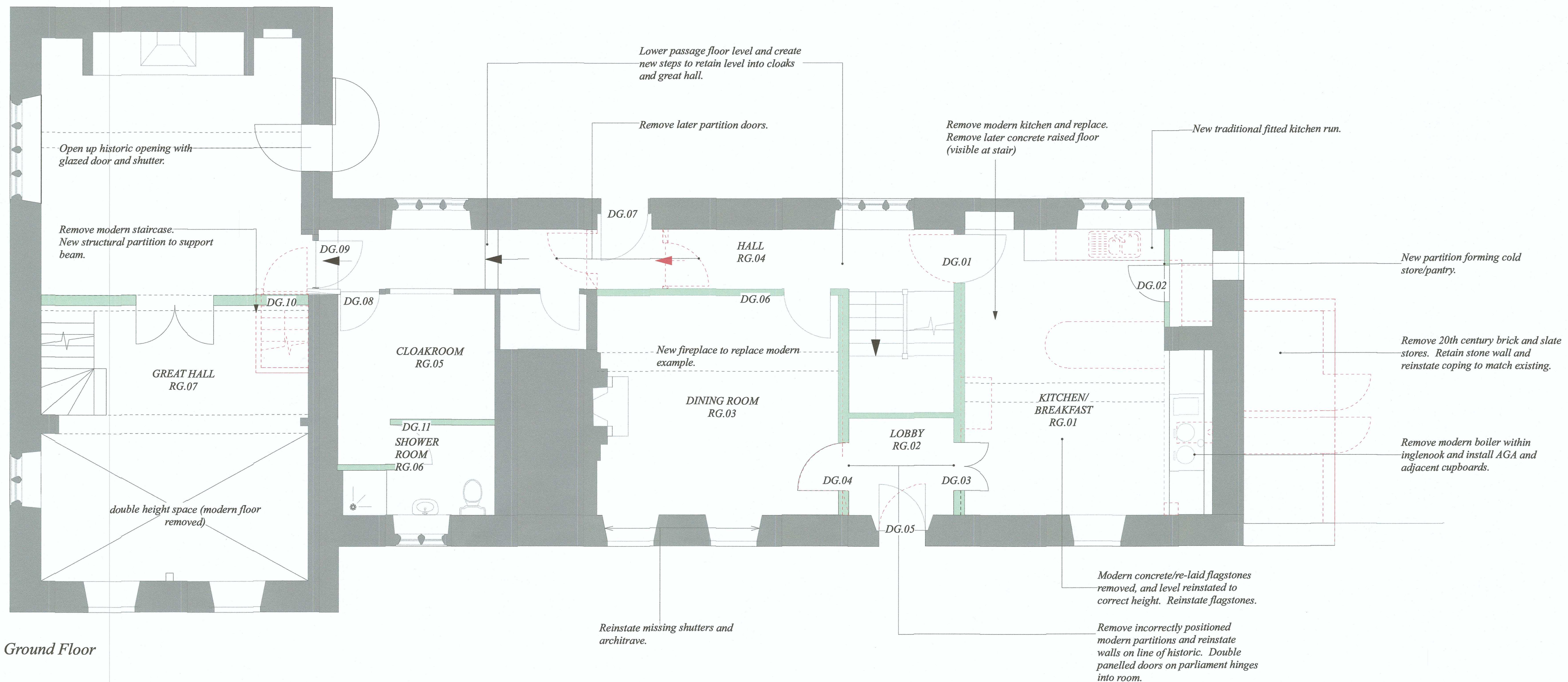
Ground Floor



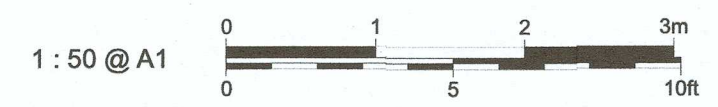
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 Existing Ground + First Floor Plan
 Drawing 100.011 Rev A
 Rev B October 2021



First Floor



Ground Floor



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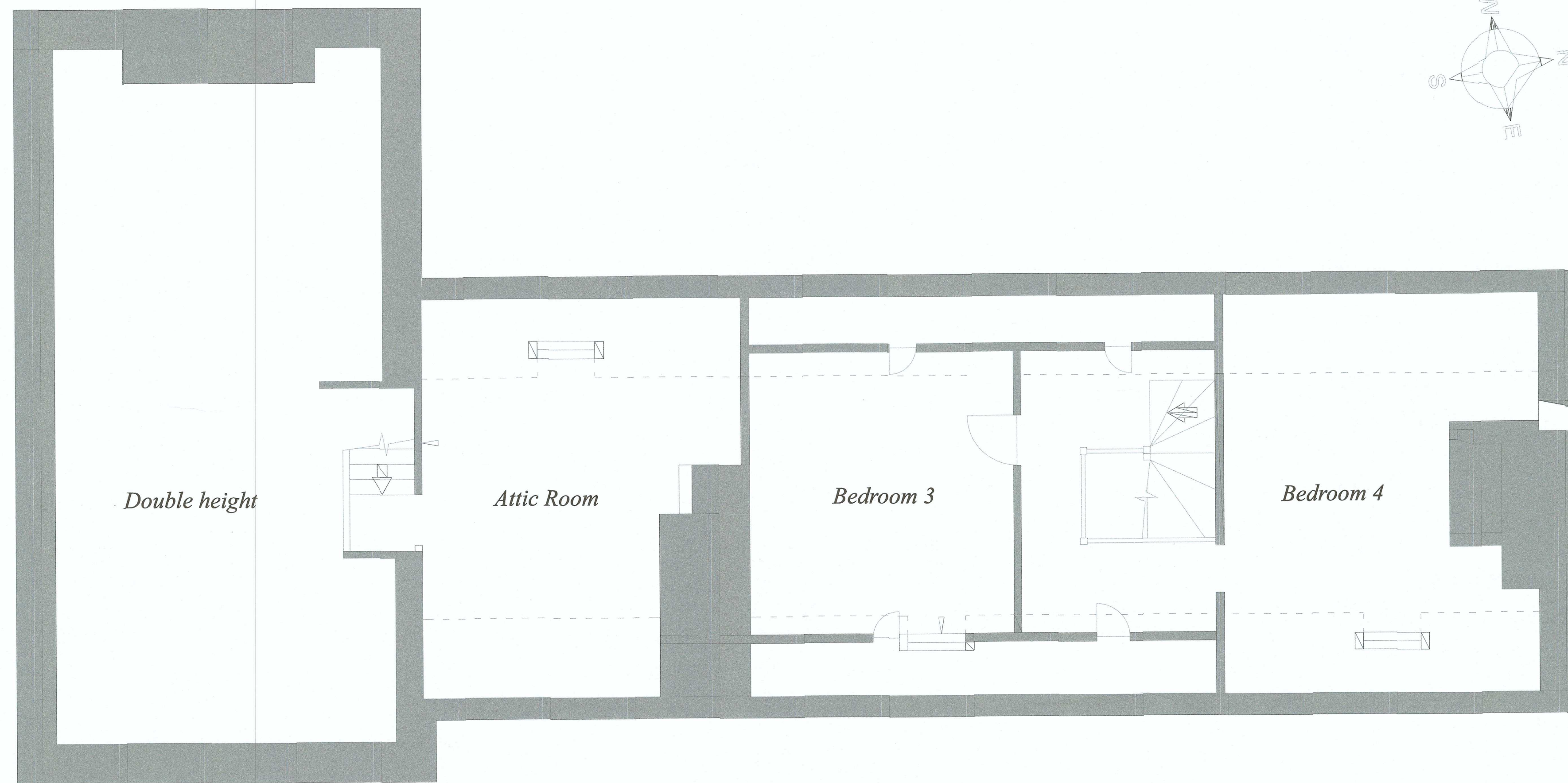
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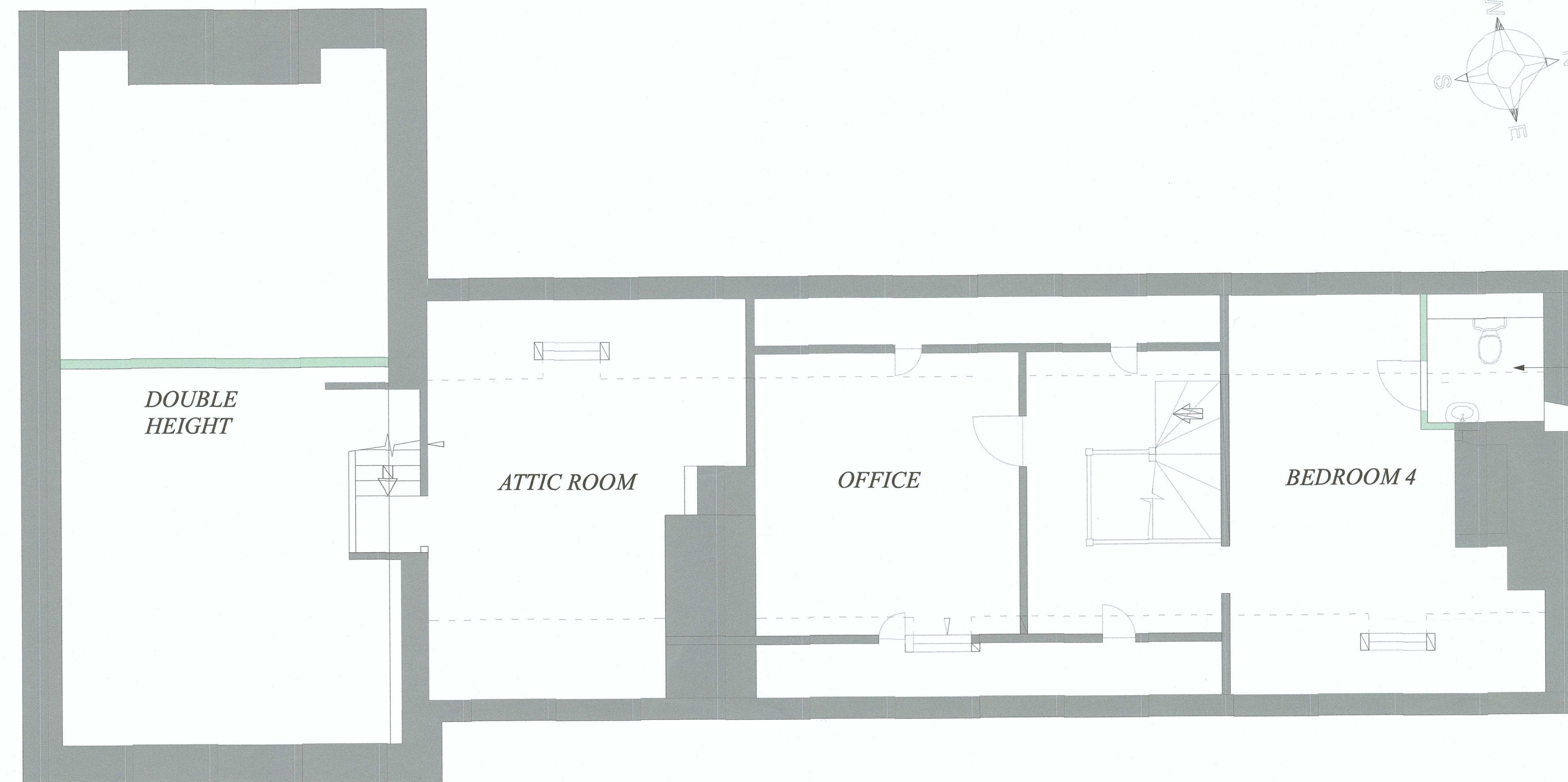
Proposed Ground + First Floor Plans

Drawing 100.111 Rev A

July 2020



Second Floor

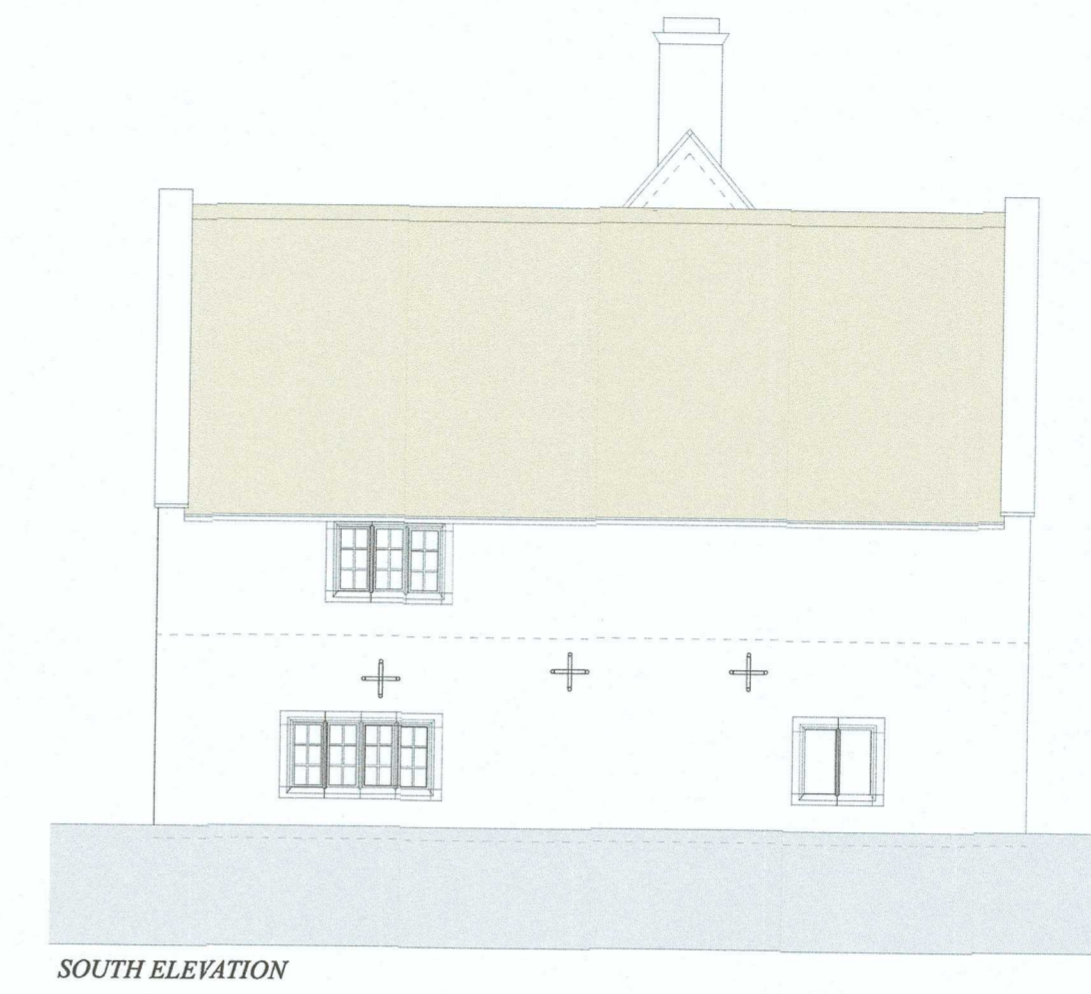


SECOND FLOOR

- KEY:**
- Existing Walls
 - Proposed Walls
 - Demolitions

1:50 @ A1

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 Existing and Proposed Second Floor Plans
 Drawing 100.112 Rev A
 July 2020



1:100 @ A1
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Existing Elevations
 Drawing 100.013 Rev A
 Rev B October 2021

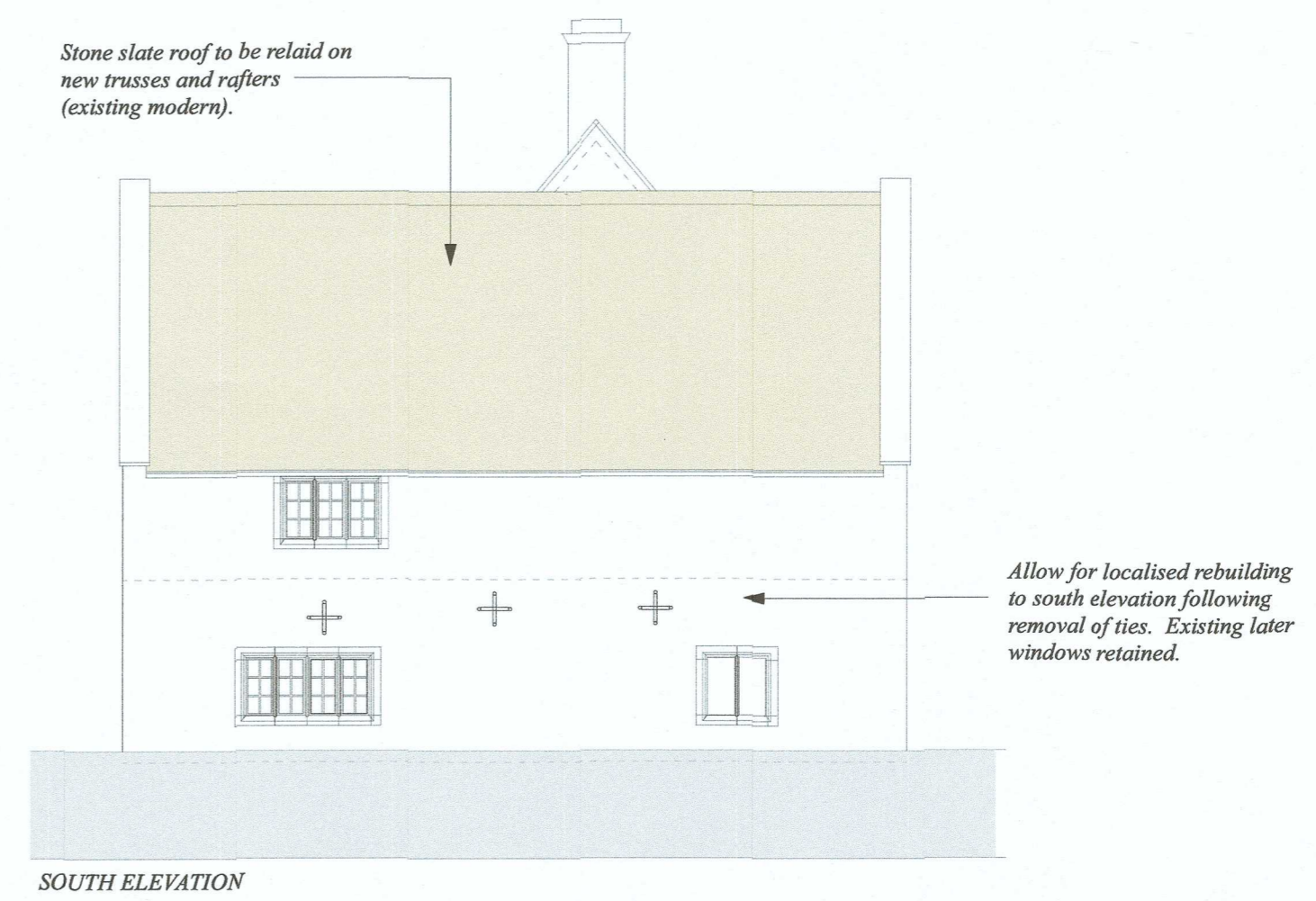


EAST ELEVATION

Regrade garden back to original level.

Make good existing front door where it has been trimmed following raised floor level (to be removed).

Remove 20th century lean-to. Reinststate coping on wall using salvaged examples.



SOUTH ELEVATION

Stone slate roof to be relaid on new trusses and rafters (existing modern).

Allow for localised rebuilding to south elevation following removal of ties. Existing later windows retained.

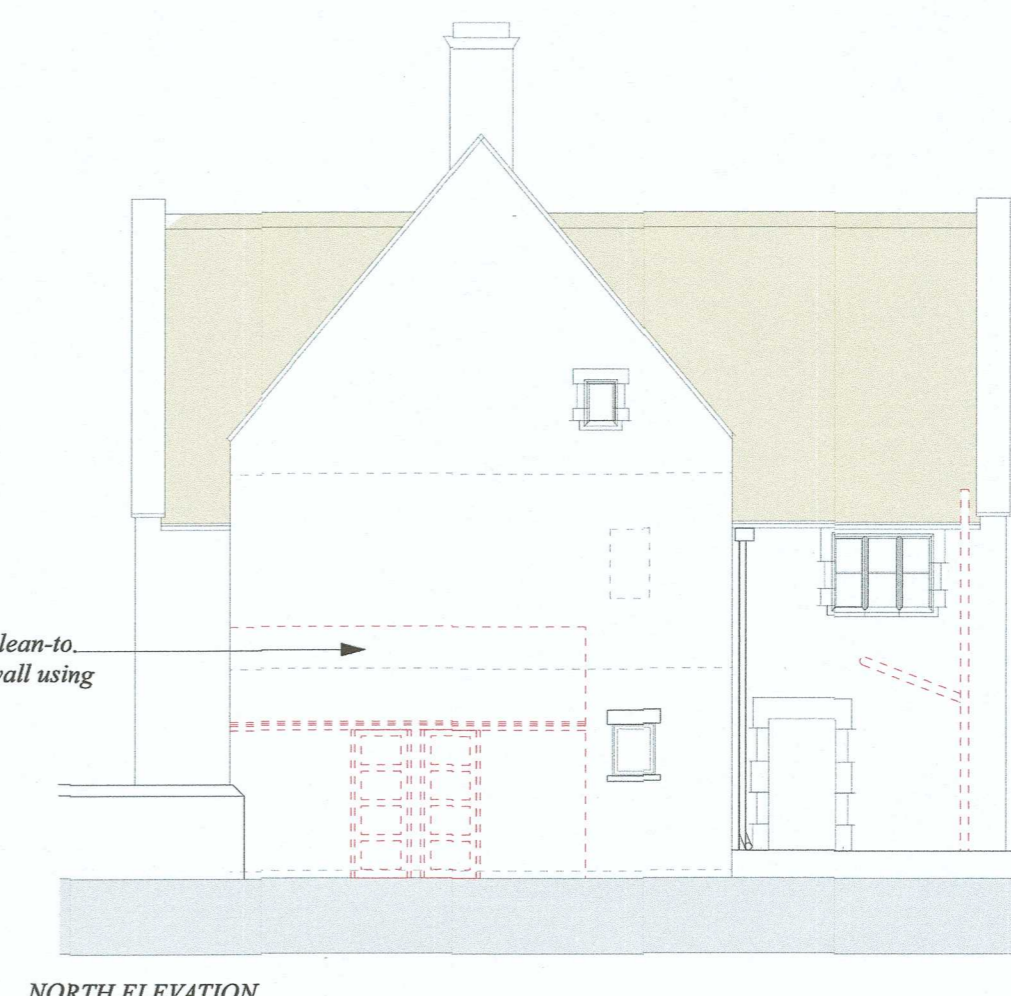


WEST ELEVATION

Open up blocked sash window with new stone surround.

Re-align first floor window and reuse former mullion cill in new stone window.

Remove 20th century lean-to. Reinststate coping on wall using salvaged examples.



NORTH ELEVATION

KEY:
 - - - - - Demolitions

1 : 100 @ A1
 0 5m
 0 15ft

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 Proposed Elevations
 Drawing 100.010 Rev A
 July 2020