

Item No 02:-

20/02799/LBC

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

Item No 02:-

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

| Listed Building Consent 20/02799/LBC | |
|---|---|
| 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 |

UPDATE: The application was deferred at the October Planning & Licensing Committee Meeting to allow for a Sites Inspection Briefing, to assist Members in their consideration of the impact of the proposed alterations on the significance of the Listed Building. Members will provide comments regarding their site visit at the Committee Meeting.

At the October Meeting, officers provided updates in the Committee's Additional Pages in respect of the application for Listed Building Consent. Those updates to the Case Officer's report are provided in bold type within the relevant text of the following report.

1. Main Issues:

- (a) Impact on the listed building, its setting, and any features of special architectural or historic interest that it may possess

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:

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:

Proposal and background

10.1 The application seeks Listed Building Consent for the demolition of a single storey lean-to, fenestration alterations, internal alterations to include new mechanical and electrical works, and landscaping, and is part retrospective.

10.2 It should 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 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.

10.3 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.

10.4 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.

10.5 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.

10.6 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 on 26th May 2022, and the applications were left in a state of the current non-determination.

(a) Impact on the listed building, its setting, and any features of special architectural or historic interest that it may possess

10.7 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 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework.

10.8 The National Planning Policy Framework (NPPF) outlines the Government's planning policies for England. Section 16 of the NPPF states that LPAs should take account of the desirability of sustaining or enhancing the significance of heritage assets and advises that heritage assets are "an irreplaceable resource, and should be conserved in a manner appropriate to their significance." (NPPF, paragraph 189).

Paragraph 199 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." (NPPF, paragraph 199).

10.9 It also states that significance can be harmed through alteration or development within the setting. The Planning Practice Guidance document 'Historic Environment' supports this and states, "harm may arise from works to the asset or from development within its setting." (PPG, paragraph: 018 Reference ID: 18a-018-20190723).

10.10 In terms of case law, in the case of Barnwell Manor Wind Energy Ltd v. E. Northants DC, English Heritage, National Trust [2014] EWCA Civ 137, the High Court held that in Section 66(1) of the 1990 Act, Parliament intended that the desirability of preserving the settings of listed buildings be of "considerable importance and weight" in the balancing exercise, and that less than substantial harm does not equate to a less than substantial objection.

10.11 The definition of 'significance' is set out within the Glossary as: "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic."; and "Significance derives not only from a heritage asset's physical presence, but also from its setting." (NPPF, page 71 & 72).

10.12 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 redevelopment will lead to substantial harm, consent 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

10.13 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

10.14 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 the 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.

The rebuilding of the south elevation wall due to severe structural movement

10.15 No evidence has been provided demonstrating the need to rebuild the southern elevation, nor details provided to show how this would be carried out. In addition, no assessment has been provided which analysed or interpreted the Southern Cross wing.

10.16 As outlined within in Listed Building Consent: Historic England Advice Note 16, "Historic England recommends that the level of detail provided [on Listed Building Consent applications] must be sufficient to describe the significance of a heritage asset, to understand the impacts of a proposal on that significance and therefore the steps which follow on (avoidance, minimising of impact, and enhancement of significance). Understanding

significance/special interest smooths the path to a better scheme and assists the assessment of impact by the LPA."

10.17 There is therefore insufficient information to enable the LPA to assess this element of the proposal, and it is not possible to fully assess how the proposals would impact the significance of the listed building. This information was requested as part of the initial feedback to the agent following Conservation Officer consultation. This was not, however, provided. This element of the proposals therefore has the potential to cause less than substantial harm, through loss of historic fabric and loss of architectural interest.

Removal of two UPVC windows on west elevation and matching adjacent historic windows installed

10.18 Evidence on the building suggests that there was an historic opening in the location proposed. The infilling of this opening represents a subsequent phase in the building's development, although this contributes little to the overall significance of the listed building. The reinstatement of the room with the two windows would outweigh the potential harm caused through opening up an historic infill. There would therefore be no resultant harm to the significance of the listed building, and this element of the proposals is therefore acceptable. Details of the windows inserted would, however, be required in order to ensure their suitability.

10.19 The replacement of the modern bathroom window with a sash, restoring the former opening size, would cause no harm to the overall significance of the listed building and is therefore considered acceptable. As with the above, the details of the inserted window have not been provided, and these would be required in order to ensure they are an accurate replacement window.

First-floor window opening created and existing window blocked up

UPDATE: Evidence has been presented by the applicant that demonstrates that there may have been a historic opening in a similar position to the newly inserted window. This latter window is, however, a very different size and formation to the newly inserted window. From externally, there was no evidence in the stonework of the historic opening. The previous, now removed, window opening had been there for many years (pre-1900s), albeit with a later window of no significance, and demonstrated the historic evolution of the building, with windows inserted where needed. As such, the proposed new window, due its size, formal design and directly lined up to the window below, is not appropriate and is not in keeping with the less formal arrangement which existed prior to the unauthorised work. The comments below are therefore still accurate.

10.20 The movement of the window on the first floor of the west elevation in order to align with the window below is not considered to be acceptable. The window itself is of no value, and its replacement would be acceptable, but nevertheless the window appears to be in its historic position, with the stone reveals demonstrating this as the historic location and there being no evidence within the stone work of an earlier window elsewhere. The stonework where the window has been inserted likely dates to the seventeenth century. This work has been carried out without Consent. This has damaged the historic fabric of the building, thereby harming the significance of the building. In addition, the creation of a balanced

elevation is not typical of the evolution of rear elevations of buildings, and prescribes modern day architectural ideals to historic buildings. The placement of the window offset from the window below is a historic feature of interest, typical of rear elevations of buildings at this time, with the window being inserted to suit the internal layout rather than to create a formal façade at the rear, and moving this window would impact this. The window was an integral part of the evolution of the multi-phased listed building, and therefore contributed to the significance of the listed building. The creation of a formal window aligned to that below has created an overly formal character, resulting in the loss of understanding of the building. There is an existing window within the proposed room, and moving this to align with the window below would therefore provide no public benefit against which to weigh up any potential harm. It is therefore considered that this element of the proposals is contrary to Paragraph 202 of the NPPF.

The modern SVP pipes will be removed from the exterior

10.21 This element of the scheme would cause no harm to the significance of the asset.

Any poor quality downpipes will be replaced with cast iron

10.22 This element of the scheme would cause no harm to the significance of the asset.

The later floor level will be removed and the flagstones re-laid

10.23 As with the reinstatement of the historic window opening, the later floor level represents a part of the evolution of the building. This is, however, considered to contribute very little to the overall significance of the listed building. Any new floor surface below the re-laid flagstones would need to be traditional floor surfaces, with breathable surfaces. No details have been provided for the methodology, and these would be required.

Insertion of double-door openings either side of entrance lobby

10.24 The insertion of double doors either side of the entrance lobby would be uncharacteristic of this age and status of building, with a traditional planform being of single doors located opposite one another. This formal eighteenth century entrance was of a comparatively high status, and the positioning and size of these doorways contributes to this character. Altering this element of the plan form will impact the understanding of the historic flow of the building, and would therefore have an impact on the significance of the building, through eroding the quintessential eighteenth century planform. The amended plans show the reduction in size of the proposed openings, but still remove the formal symmetry through the use of the same doors at either side of the entrance hallway. This therefore causes harm to the significance of the building and is not outweighed by any resultant public benefit.

Missing architectural elements such as shutter boxes and fireplaces will be reinstated

10.25 The proposals show the reinstatement of a number of fireplaces. The fireplaces inserted into the Dining Room, Bedroom 2, and the new first floor bathroom have not caused harm to the significance of the listed building and are generally considered acceptable in this instance, given the lower status of these rooms. This element of the proposals in isolation would therefore have been considered acceptable. However, within Bedroom 1 on the first floor, there is panelling which demonstrates the relatively high status of this room. The

fireplace in this room should comprise a substantial timber bolection moulding, which would emphasise the fireplace as one of the principal features of the interior, typical of an eighteenth century room of this status. The inserted fireplace is too simplistic, which gives it an inauthentic styling when viewed in the context of the eighteenth century panelling. The principle of a fireplace reinstatement in this room would be acceptable, although the current inserted example is not appropriate, and details would be needed of the proposed fireplace.

Modern partitions will be removed and reinstalled on the correct line in hallway

10.26 It appears from photographic evidence that the existing partition walls which were removed were modern, machined softwood, constructed over a concrete slab. It is considered, however, that the early eighteenth century staircase appears to remain in situ, and the cellular nature of the plan form, with the characteristic arrangement of two rooms symmetrically flanking the separate stair core, is characteristic of this period of architecture. Whilst the fabric of the walls is therefore in itself not of significance, these likely represent the original plan, and as such are of considerable significance, when viewed with the extant original features such as the stair. In the opinion of officers, these should therefore remain and not be moved. The movement of these walls would cause less than substantial harm which is not outweighed by any public benefit.

New panelled doors will be installed where missing to match historic examples

10.27 This element would not cause any harm to the overall significance of the listed building. Details of the proposed doors would be required prior to their insertion.

Later partition doors in the hallway will be removed

10.28 The removal of the later partition doors at the rear entrance to the building will not impact on the significance of the listed building, with these later doors breaking up the rear corridor. This element of the scheme is therefore acceptable, and will cause no harm to the overall significance of the listed building.

Poor quality bathroom fit out and partitions will be removed

10.29 It is proposed to turn the small central dressing room into a shower room; this is reasonable in principle, subject to details of pipe runs and ventilation.

Elm floorboards will be restored

10.30 The restoration of the elm floorboards is welcome, but no details have been provided for the methodology behind this.

The panelled room will be restored to its original proportions with a new fireplace

10.31 Bedroom 1 comprises a fine, fully panelled eighteenth century room, which has been altered with the insertion of a later partition. The removal of the later partition within Bedroom 1 would form an element of enhancement within the scheme, with this restoring the original form of the room, and demonstrating the status of the room. Within Bedroom 2, the removal of later partitions would also restore the original layout of the building, and therefore represents a positive alteration. There is therefore no objection to this element of

the scheme. For clarity, the matter of installing a fireplace within the panelled room has been assessed above.

A fitted closet will be installed on an original partition line

10.32 There is no objection to the installation of a fitted closet.

A new bathroom will be installed where appropriate including partitions

10.33 There is no objection to the insertion of a bathroom within the northern attic room. Details would be required of the pipe runs and adequate ventilation, in order to ensure that no damage is caused.

The great hall will be restored in one section back to a full height space

10.34 No assessment was provided of the southern cross-wing within the application, and whilst this was requested, no information has been forthcoming. As such, it is impossible to fully understand the historic development of the space. Whilst it is possible that the great hall was historically a full height space, it is also equally possible that this was not the case. The insertion of a second floor within the room is also a part of the historic development of the building, and it is therefore not accepted practice to remove later significant elements to 'restore' an earlier phase. In any event, no evidence has been provided that this space was historically a full height space. This element should therefore be refused on lack of sufficient evidence, and potential impact to the significance of the listed building.

Removal of stair & addition of partition wall in the 'great hall'

10.35 From the fragments that were found on site of worn probably elm treads and risers constructed with forged nails, and its location beneath the historic upper stair, the removed stair appears to have been historic, and its removal would have been unacceptable. Whilst the stair may have clashed with an historic door, it is not uncommon in multi-phased buildings to have differing but equally significant historic phases conflicting; this is part of the layering of phases that adds richness and texture to the history and character of the listed building. A photograph prior to the works also shows potentially historic vertical boarding around the stair at ground floor. If too damaged to be repaired and reinstated, the stair and its enclosure should be replicated on a like-for-like basis.

10.36 The proposals also include the insertion of a partition into the ground floor of the southern cross wing. This has been carried out, and a partition has been inserted into the centre of the great hall in the south wing. This has been cut into the historic floor surface, thereby damaging historic fabric. There does appear to be some degree of variation in floor surface throughout this room, but this appears to be randomly placed, and reminiscent of minor alterations to the room, and repairs to flooring, rather than through the historic subdivision of this space. A detailed assessment of this wing has not been provided, and therefore it is not possible to conclude without doubt that the room has never been divided. It is possible to conclude, however, that this room has been a large undivided space for a large part of its history. It is therefore not accepted practice to restore potential earlier phases of a building, at the expense of later, also significant, phases.

10.37 The understanding of this space, with its architectural features, greatly differs from the more formal later part of the property, and this contributes to the understanding of the evolution of the building. The hall is characteristic of an open space from this period, and the loss of this openness has impacted the character of the building, thereby leading to harm to the significance of the building. In addition, the insertion of the wall into the historic floor surface has resulted in damage to the historic fabric of the building. Historic England in Making Changes to Heritage Assets, state 'The historic fabric will always be an important part of the asset's significance'. In this instance, the loss of fabric removes the legibility of the room as one space. The works done here therefore cause harm to the listed building. This harm is less than substantial harm, but there is no demonstrable public benefit derived from the partition.

10.38 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.

11. Conclusion:

11.1 The Local Planning Authority considers that a number of elements of the Appeal proposal are contrary to the NPPF for the reasons stated above, which are not outweighed by any other material planning considerations. These elements include the poor quality construction of the external courtyard wall; the loss of historic fabric in rebuilding the south elevation wall with no evidence as to how this will be carried out or why this is required; the creation of the window in the west elevation which will cause loss of historic fabric and creates an overly formal character for a rear elevation; the alterations in planform and understanding of the eighteenth century layout through the insertion of double doors and the changing of partitions in the entrance hall; the insertion of an inauthentic fireplace in Room 1 which is low status and not characteristic of the room; and the alterations to the great hall, including removing the first floor in parts to create a full height space, removal of historic stairs and the insertion of a partition within the space.

11.2 The harm that is considered to arise from these elements of the proposal would be less-than-substantial, but not outweighed by any resultant public benefits. As such the proposals also conflict with paragraph 202 of the National Planning Policy Framework. As such, the application is recommended for refusal.

11.3 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 loss of historic fabric in rebuilding the south elevation wall with no evidence as to how this will be carried out or why this is required; the creation of the window in the west elevation which will cause loss of historic fabric and creates an overly formal character for a rear elevation; the alterations in planform and understanding of the eighteenth century layout through the insertion of double doors and the changing of partitions in the entrance hall; the insertion of an inauthentic fireplace in Room 1 which is low status and not characteristic of the room; and the alterations to the great hall, including removing the first floor in parts to create a full height space, removal of historic stairs and the insertion of a partition within the space. The harm would be less-than-substantial, but would 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 16(2) of the 1990 Act.