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## Appeal Decision

Site visit made on 18 September 2017

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 October 2017**

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**Appeal Ref: APP/L3245/Y/17/3176541**

**Brock House, 5 Lee Brockhurst, Shrewsbury SY4 5QQ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs M Green against the decision of Shropshire Council.
  - The application Ref 17/00826/LBC, dated 20 February 2017, was refused by notice dated 25 April 2017.
  - The works proposed are the removal of internal partition wall to Dining Room.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue raised by this appeal is whether the proposed works would preserve the grade II listed building or any features of special architectural or historic interest which it possesses.

### Reasons

3. The building is listed as Nos 5 and 6 Church Road (south-west side) reflecting its previous configuration as two cottages at the time it was listed. It is now a single dwelling. It is a timber framed former farmhouse whose construction details and evolution has been detailed in a 1995 Historic Building Report (HBR) written by the then Royal Commission on the Historical Monuments of England, which I consider to be a comprehensive and informed survey and analysis. The HBR dates the building as late C16 or early C17 (earlier than the listed building description) and details main phases in its internal and external alteration over the years.
4. The listed building derives much of its significance from its considerable age, its traditional and well preserved timber construction evident both inside and outside the building, as well as its early phases of change as evidenced by the fabric which remains in situ and by its plan form.
5. The partition which the appellants wish to remove forms a partial passage past what is now the Dining Room and links two other ground floor rooms in the cottage, the Living Room and the Sitting Room. It consists of a timber frame, some panels of which are infilled with what the appellants advise is later brickwork. It is open at one end, linking the passage to the Dining Room.
6. The HBR advises that both internal spaces now occupied by the Dining Room and Living Rooms formed two of the original three (or more) bays of the house,

with that now occupied by the Sitting Room being added in the mid C17. The HBR considers that after the formerly internally open structure was 'ceiled in' to provide a first floor, the partition was inserted in the late C17, probably replacing an original partition in that bay. It would have allowed circulation through the extended house whilst maintaining privacy in the remainder of that bay.

7. Separating services from other functions would also be an indication of internal roles of different parts of the building. On this basis, the partition makes an important contribution to the history and development of the building and helps tell part of the story of the building's early evolution. Along with its age and construction detail it consequently constitutes a feature forming part of the building's special architectural or historic interest and therefore significance.
8. The appellants, however, consider that the partition is later and could have been inserted at the time of the subdivision of the property, which according to the HBR took place in the second half of the C19. They consider that the removal of the partition would revert the room to a single space they consider was originally the Hall and would represent part of a process of change that has occurred over many years. This would run contrary to the HBR which considers that what is now the Living Room was likely to be the Hall (at the time occupying a central bay within the structure) and that evidence suggests that the bay which forms the current Dining Room and passage originally formed two spaces, albeit not divided by the present partition.
9. The appellants point to evidence within the timber frame separating the current Living and Dining Rooms adjacent to where a present doorway connects to the passage. They consider this illustrates that the doorway was not original and that a mid-rail formerly traversed this opening. The HBR acknowledges that a later architrave moulding obscured the post adjacent to this opening. This meant that evidence (in the form of timber pegs indicating the presence or otherwise of a mid-rail at the opening to the passage) which might indicate the opening being an integral or original part of the frame separating the current Living and Dining Rooms, was not available at the time of its survey.
10. With no such architrave currently in place, the appellant has drawn my attention to the presence of pegs which could indicate that previously there was a mid-rail, and therefore no opening, at that point. However, this does not necessarily contradict the HBR's phasing of the partition in question. Even if the opening presently leading to the passage was not in place in the earliest phases of the property's construction there is no substantive evidence to suggest that the opening and consequently the partition were not inserted until as late as the second half of the C19.
11. Other evidence the appellants point to, such as the absence of a top rail above the partition and signs of paint or limewash on the beam at the point where it was enclosed by the partition, do not conflict with the phasing outlined in the HBR. Furthermore, the presence of more recent brickwork supporting the soleplate or infilling panels does not necessarily substantiate the appellants' contention that the frame is significantly later than the HBR suggests or that is made up of reclaimed timber.
12. The features and evidence of changes support the view that the partition was inserted after the original substantive timber framework of the house was constructed (as does the HBR). However, this evidence does not conclusively

indicate that it was either inserted at a time where the change would be of less or limited significance to the history and development of the property nor that it has been altered in a way that it has lost all of its significance. I therefore consider that the removal of the partition would result in the loss of historic fabric and remove evidence of the understanding and evolution of the plan form of the building thereby diminishing its significance.

13. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving any features of special architectural or historic interest which the listed building possesses. In attaching considerable importance and weight to doing so I consider that the proposed works would not preserve those features and would harm the special interest of the building.
14. However, as the removal of the partition would relate to a discrete element of fabric, I consider that this harm to the listed building's significance would be less than substantial. These are circumstances where the National Planning Policy Framework (the Framework) requires such harm to be weighed against the public benefits of the proposal, including securing the heritage asset's optimum viable use.
15. The benefits of the scheme in creating a layout and space that the appellants would find more convenient would be a private rather than public one. There is no substantive evidence to suggest that the works would be necessary to ensure that Brock House would remain in use, nor that without the works that the maintenance and care the listed building requires could not be ensured and therefore that the works are necessary to secure its optimal viable use. Similarly, there is no evidence to suggest that it would enhance the health and wellbeing of the occupiers. Consequently no public benefits would outweigh the harm to significance. I have noted the Parish Council's support of the scheme and their alternative view on the benefits of the works and Framework balance. However, this does not lead me to a different conclusion.
16. Furthermore, less than substantial harm in the Framework's terms does not reduce the weight I have given that harm. The works would be contrary to the heritage conservation and protection criteria of Core Strategy<sup>1</sup> Policies CS6 and CS17 and SAMDev<sup>2</sup> Policy MD13.
17. I do not consider that recording the partition preceding its permanent loss would be an adequate substitute to its retention in situ. The Council did not suggest a condition to record the partition in the event that the appeal was successful. However, I cannot conclude that this supports the appellants' contention that this demonstrates that the partition is of such little importance to warrant retention.

## **Conclusion**

18. For the above reasons, the works would fail to preserve the listed building or any features of special architectural or historic interest which it possesses, contrary to the Act and the Framework. The appeal is therefore dismissed.

*Geoff Underwood*

INSPECTOR

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<sup>1</sup> Shropshire Local Development Framework: Adopted Core strategy, 2011.

<sup>2</sup> Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, 2015.