



Appeal Decisions

Site visit made on 7 November 2023

by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal A Ref: APP/L3245/W/23/3317766

Woodcroft, Batchcott, Richards Castle, LUDLOW, SY8 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Archer against the decision of Shropshire Council.
 - The application Ref 22/04991/FUL, dated 2 November 2022, was refused by notice dated 18 January 2023.
 - The development proposed is Conversion and extension of redundant barn to holiday letting accommodation (modification to previously approved 19/03669/FUL) to allow for changes in fenestration and an increase in length.
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Appeal B Ref: APP/L3245/Y/23/3317823

Woodcroft, Batchcott, Richards Castle, LUDLOW, SY8 4EB

- 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 M Archer against the decision of Shropshire Council.
 - The application Ref 22/04992/LBC, dated 3 November 2022, was refused by notice dated 8 January 2023.
 - The works proposed are Works to Listed Building to include the insertion of additional windows at ground and first floor level to the east elevation; change approved window to French doors on north elevation; and erection of extension by 450mm to allow rebuilding of west gable wall (amendment to previously approved 19/03670/LBC)
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Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed and listed building consent is refused for works to Listed Building to include the insertion of additional windows at ground and first floor level to the east elevation; change approved window to French doors on north elevation; and erection of extension by 450mm to allow rebuilding of west gable wall (amendment to previously approved 19/03670/LBC).

Main Issues

3. The main issue in this appeal is whether the appeal proposal involving a curtilage building would preserve the Grade II listed building known as Woodcroft with the list entry 1383778 or any features of special architectural or historic interest that it possesses.

Reasons

Special interest and significance

4. The appeal property recently modernised to a high standard in keeping with its heritage status forms a highly attractive freestanding house dating from late 17th century. The outbuilding the subject of this appeal is a curtilage building that sits close to the principal listed building. Photographic evidence gleaned from the Council reveals a modest, utilitarian agricultural barn that has since been demolished and partly rebuilt. It is clear that demolition amounts to the complete loss of part of the listed building comprising the curtilage structure. It is no longer a conversion but a complete rebuild. Significant harm has been caused to the integrity of this heritage asset for which no evidence has been submitted to justify demolition.
5. Although there is no argument between the parties that this subject building is a curtilage building for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act), it is worth rehearsing the legal provisions. It is clear that the outbuilding was constructed before the relevant date of 1 July 1948, as I estimate it to be about 150 years old. Any building within the curtilage of a listed building at the date of listing and which was built before the relevant date is considered to be covered by the main listing, whether or not it is specifically mentioned in the description.
6. In respect of the extent of the curtilage of a listed building, case law indicates that the area need not be marked off or enclosed; it would be sufficient that the land served the purpose of the house or building in some reasonably useful way. Three factors that have to be taken into account when considering whether structures fall within the curtilage of a listed building were defined in *AG ex rel Sutcliffe v Calderdale BC* [1983] JPL 310. These are the physical layout of the building and the structure, the ownership, past and present and their use and function, past and present. The outbuilding is sited extremely close to the listed building and, although probably of a later date, was, in my opinion, nevertheless likely to have been associated with it. It is therefore a bone fide curtilage building associated with Woodcroft.

The effect of the proposed works

7. The appellant provides little justification for the demolition of the outbuilding although I accept on face value that it had deteriorated and probably became structurally unsound as works to convert the building commenced.
8. Chapter 16 of the National Planning Policy Framework (the Framework) sets out policies for conserving and enhancing the historic environment. In paragraph 199 it accords great weight to the conservation of such assets and, in paragraph 133, requires development that would lead to substantial harm to a heritage asset to be refused consent unless this is necessary to achieve substantial public benefits. Even if the harm would be less than substantial, public benefits are nevertheless still needed to outweigh that harm.
9. In this case, the demolition of the outbuilding has obviously led to the total loss of any significance it may have had in its own right or as a contributor to the setting of the listed building. Even if this loss were considered to be less than substantial and would not harm the historic or architectural interest of the listed building at Woodcroft, it would nevertheless harm its setting, for the

reasons discussed above. No benefits to demolition have been identified that would outweigh the harm noted above. Therefore, the demolition of the building would conflict with the aims of the Framework in respect of the protection it gives to heritage assets. The policies identified by the Council echoes the approach of the Framework and the proposal is contrary to Policies CS6 and CS17 of the Shropshire Core Strategy and MD7(a) of the Shropshire Allocations and Management of Development Plan.

10. As the proposal is not for the conversion of the outbuilding but rather for its complete rebuilding, I need not consider the matter of the principle of the holiday let opportunity further. On the issue of the appropriateness of design, it is sufficient to say that apart from some nice stonework including appropriate coursing and appropriate local pointing, the proposal before me is poorly designed in terms of elevational treatment and, had it been a proposal for genuine conversion, I would have found the design to be totally insensitive in the context of the setting of Woodcroft. In that regard I fundamentally disagree with the appellant that the reconstruction follows the essential form and scale of the former structure. Although falling outside my remit in terms of this appeal, it is now for the Council to decide its next course of action and, given the Council's tourism policies, for the appellant to possibly come forward with something far more sensitive.

Other Matters

11. A second and third reasons for refusal were cited by the Council relating to the failure of the appellant to submit a heritage impact assessment with the planning application and an assessment of likely impacts on protected species. As the building has been demolished and I am dismissing the appeal on this basis, I see no reason to consider these matters further.

Conclusion

12. For the above reasons, I dismiss this appeal.

Gareth W Thomas

INSPECTOR

Appendix 1
List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/L3245/W/23/3317766	Mr M Archer
Appeal B	APP/L3245/Y/23/3317823	Mr M Archer