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## Appeal Decisions

Site visit made on 15 October 2019

**by David L Morgan BA (Hist) MA (T&CP) MA (Bld Con) MRTPI IHBC**

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

**Decision date: 5 November 2019**

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### **Appeal 1: Appeal Ref: APP/L3245/W/19/3235080 Hempyards, Osbaston, Knockin, Oswestry SY10 8HS**

- 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 & Mrs Ward against the decision of Shropshire Council.
  - The application Ref 19/01274/FUL, dated 18 March 2019, was refused by notice dated 26 July 2019.
  - The development proposed is New window openings to northeast and southeast elevations.
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### **Appeal 2: Appeal Ref: APP/L3245/Y/19/3235078 Hempyards, Osbaston, Knockin, Oswestry SY10 8HS**

- The appeal is made under section 20 of the Town and Country Planning Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs Ward against the decision of Shropshire Council.
  - The application Ref 19/01275/LBC, dated 18 March 2019, was refused by notice dated 26 July 2019.
  - The development proposed is New window openings to northeast and southeast elevations.
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## Decisions

### **Appeal 1: Appeal Ref: APP/L3245/W/19/3235080**

1. The appeal is allowed and planning permission is granted for new window openings to northeast and southeast elevations at Hempyards, Osbaston, Knockin, Oswestry SY10 8HS in accordance with the terms of the application, Ref 19/01274/FUL, dated 18 March 2019, subject to the conditions set out in the first schedule below.

### **Appeal 2: Appeal Ref: APP/L3245/Y/19/3235078**

2. The appeal is allowed and listed building consent is granted for new window openings to northeast and southeast elevations at Hempyards, Osbaston, Knockin, Oswestry SY10 8HS in accordance with the terms of the application Ref 19/01275/LBC dated 18 March 2019 and the plans submitted with it subject to the conditions set out in the second schedule below.

## Main Issues

3. This is whether the proposed development and works would a) preserve the curtilage listed building known as Hempyards or any features special architectural or historic interest it possesses and b) whether they would preserve the setting of the Grade II listed building known as Rolly Cottage

## Reasons

4. As Rolly Cottage is the capital designated heritage asset the setting of which is affected by the proposals it is appropriate to consider the significance of this structure first. Properly identified as a former farmhouse of late medieval origins, the significance of this building lies primarily in the evidential value of its substantial timber-framed cruck construction and its evolved former open-hall plan. These attributes, along with its distinctive vernacular appearance, mark it as an important survival of a late medieval dwelling of the Welsh March. Despite later C20 alterations, the status and significance of this house is still apparent, and this is reinforced by its context.
5. This context is in greater part defined by the surviving buildings comprising the former farmstead, together defining the purpose of the group as a functional hub for the management and exploitation of the surrounding farmland. Although the ancillary buildings to the rear of and adjacent to the house express their own architectural interest, it is the substantial form of the former threshing barn (Hempyards) that dominates the yard. With its bluff elevations of mixed masonry and brick construction, interspaced with the central opposing former threshing door openings and lancet ventilators, it is still readily identifiable as a barn for this purpose, and one of a scale that points to the productivity of the surrounding land. As a curtilage listed building therefore the former barn embodies a measure of architectural interest in itself. It also comprises a key element of the setting of Rolly Cottage, thus unequivocally contributing to its significance as a designated heritage asset.
6. That being said, the former barn has been subject to a number of significant events and interventions in the more recent past, including catastrophic fire (resulting in the entire loss of the historic roof structure), utilitarian repair and most latterly its adaptation to a dwelling. This last intervention, including the insertion of an internal structural frame, reroofing and extensive internal subdivision, has significantly eroded its character as an historic farm building. This process has been compounded by the inevitable domestication of the threshing yards themselves and the adaptation of further ancillary buildings to associated domestic use. So, although the former barn still expresses evidential value, and thus significance, in terms of its standing structure and latent plan form, its degree of special architectural interest has been significantly diminished through later intervention. It follows that with the consequent erosion of agricultural character, its contribution to the setting of the listed house is also to a degree diminished, as is the sum significance of the whole.
7. The proposals seek to insert a further window opening in the ground floor of the north east elevation, the insertion of a new opening in the south eastern gable at first floor and the reordering of the interior at this level to create a larger living space. Both openings are to be detailed to either reflect recent interventions or to suggest a traditional architectural treatment.
8. In both cases the creation of the new openings will result in the loss of a measure of historic fabric, and this must, as a matter of fact, diminish the sum of special architectural interest the building possesses. However, in the context of the structure of this substantial barn as a whole, this loss is modest and constitutes no more than a quantity of randomly coursed and locally abundant masonry. Moreover, in respect of the ground floor north eastern opening, this is discreetly located to the north of the former threshing door opening, is aligned

with the earlier interventions and cannot be seen in visual juxtaposition with Rolly Cottage. The sum effect here, in the context of the extent of earlier intervention, is very limited.

9. The first floor opening in the south east elevation is an intervention of greater magnitude, not only is its size greater but because of its location in the gable, the proportion of loss would be perceived as greater (though still not significantly so in relation to the barn as a whole). Moreover, this gable faces the lane and the proposed alteration would be clearly perceived in visual juxtaposition with Rolly Cottage. However, the intention is clearly to articulate this opening in the manner of a former pitching door to an internal loft or tallet; this is expressed in the brick-arched soldier coursed window head with its recessed *rowstock* course below. Whilst its proportions stretch this construct a little, again in the context of the former interventions, this is not a basis to resist it. The result is a form of opening, appropriately detailed, in a location that plausibly anticipates a traditional agrarian architectural feature. I accept that the coursing of the masonry of the gable may suggest consistency with the early construction of the barn. However, it cannot be right, with the loss of the apex of the gable and its replacement with the segmental profile of the post-fire roof, that this part of the structure is 'unaltered and original', as the Council suggest. Rather this is a further intervention into an already significantly altered element of the existing structure. Moreover, the removal of the axial partition at first floor behind the proposed opening would also return a measure of more open volumetric integrity to the interior of the structure, further mitigating the intervention.
10. Taken together then, whilst the proposed interventions would both engender minor fabric loss and change to the character of the former barn as a curtilage listed building, this would not in my view constitute material harm as such. In avoiding harm, the proposals would therefore preserve the special architectural interest of the structure in accordance with the expectations of section 16 of the Act and paragraph 193 of the National Planning Policy Framework, which anticipates great weight being given to an asset's conservation. It follows also that the proposals would preserve the setting of Rolly Cottage, the listed building, again in accordance with the expectations of section 66 of the Act. For the same reasons the proposed development would accord with the relevant policies of the development plan that seek to support and underpin these national statutory and policy objectives.

### **Conclusions**

11. For the reasons given above and having considered all matters raised in evidence I conclude that both the appeals should succeed.

### **Conditions**

12. The appeals being allowed, a condition is attached in respect of Appeal No 1 requiring the development be carried out in accordance with the approved plans, for clarity. Further conditions are required in respect of material samples and details of window construction, both to safeguard the special architectural interest of the building. In respect of materials I have amended the Council's suggested condition as this request for a sample of 'brickwork of approximately 1m square' would not appropriately meet the requirements of the works and development proposed. Given that the detailed execution of the works is critical

to safeguarding this special interest the materials and detailed drawings in respect of the windows require submission prior to the commencement of works and development.

*David Morgan*

## **Inspector**

### **Schedule of Conditions**

#### **Schedule 1**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and drawings (drawing numbers: location plan, 2.1 & 3.1).
3. Prior to the commencement of development, a freestanding sample of a section of brickwork for the window head shall be provided on site and the mortar mix, colour, texture and joint finish shall be inspected and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details
4. Prior to the commencement of development details of all external windows shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each window, including window reveals, which shall then be indexed on elevations on the approved drawings. All windows shall be fabricated in complete accordance with the agreed details.

#### **Schedule 2**

1. The works hereby granted shall be begun before the expiration of three years from the date of this consent.
2. Prior to the commencement of works, a freestanding sample of a section of brickwork for the window head shall be provided on site and the mortar mix, colour, texture and joint finish shall be inspected and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
3. Prior to the commencement of works details of all external windows shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each window, including window reveals, which shall then be indexed on elevations on the approved drawings. All windows shall be fabricated in complete accordance with the agreed details.