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**Appeal by Mr and Mrs Alex Pasteur against the refusal of Cherwell District Council to grant listed building consent for the creation of a jib door and stair, and associated works to include the removal of ceiling joists at Cedar Lodge, North Side, Steeple Aston, OX25 4SE.**

**LPA Reference 19/02465/LB**

**Planning Inspectorate: Reference APP/C3105/Y/20/3251498**

The officer's statement and appendices submitted on the 13<sup>th</sup> August raise the following matters that require a response:

1. Council's Scheme of delegation (para 2.2 - 2.4)
2. Unauthorised works (para 2.5)
3. Optimum viable use (para 3.2 - 3.3)
4. Conditions (para 4)
5. Appendix II: Heritage matters:
  - Collecting evidence
  - Interpreting the evidence
  - Identifying significance
  - Assessment of impact

## 1. **Scheme of Delegation.**

It is understood from the local councillor that the request for a call in was made in time. The earlier application (19/01647/LB) was withdrawn because a call in was not made in time (see paragraph 20 of the appellant's Appeal Statement). It was with the precise intention of seeking referral to Committee that this appeal application was made. However, as the officer points out, that failed because, it is claimed no planning reason was put forward to justify a 'call in'. Clearly, this was disappointing because it was the appellant's view that the effective and intelligent management of the historic environment was in the public interest and an important planning consideration and also it meant that reconsideration of the officer's assessment could only happen via the appeal process.

It is to state the obvious that the appellant disagreed with the officers' conclusions, but this does not mean that there were no valid planning reasons for a public debate within the local democratic framework of the planning committee.

## 2. **Unauthorised works.**

The work to remove the ceiling finish was carried out in September last year as part of the series of works related to the consented scheme for the kitchen extension and internal alterations. Officers would have been aware of the works in October 2019. Neither the owners or the project architects are aware of any enforcement 'investigations' and it is extraordinary to raise the matter now as part of this appeal. Given the timescales Covid 19 cannot be used as a reasonable excuse for delayed action and it feels as if raising the matter now is done to influence the outcome of this appeal.

The existing ceiling was inserted in the 20<sup>th</sup> century (possibly around the 1930s) and was then subsequently overboarded with plasterboard. (A plan showing the existing ceiling finishes was submitted to the Council on 15<sup>th</sup> October 2019; plan no: 2018 -1014-CL01, submitted in relation to a condition attached to the consented extension application). It is

not accepted that the removal of the 20<sup>th</sup> century finishes would require listed building consent as the work did not affect the special character of the building that justified its listing and was not harmful to that special character.

### **3. Optimum viable use**

The PPG explains

*The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.*

If the use a building is put to is both viable and ensures the long-term conservation of the asset, then that should weigh in favour of the scheme, even if it is not “the optimum viable use”. If the proposed use is the optimum viable use, the NPPF para 196 advises that securing that use can be weighed against any harm (not that it is considered any harm would result). The use of the appeal property as a single dwelling is its historic use and is also likely to be its optimum viable use. Sustaining that use and the building’s long-term conservation is a public benefit and justifies the proposal.

### **4. Conditions**

It is unclear in condition 3 how the consent could be implemented whilst ‘avoiding the loss of historic evidence from earlier phases of the building’. If the intent is to secure a building recording as well as control the construction methodology, then it is suggested that the condition is split into two with one requiring a building methodology ( reason : to ensure works are carried with the minimum of disturbance to the built fabric in the interests of sustaining the building’s special interest) and a further condition requiring a brief for the recording of the existing fabric in accordance with Historic England’s Level 2 Recording

(Understanding Historic Buildings: A Guide to Good recording Practice, 2016) (Reason: to preserve by record the affected parts of the building and advance understanding of the significance of the heritage asset).

## 5. Appendix 2

The SAVA report was published in 2013. The conservation officer comments that she has not read the SAVA report as 'it is anticipated that all relevant information should be contained within the heritage report' (Conservation officer comments on appeal proposal, 26<sup>th</sup> November 2019). The SAVA report was referenced in earlier heritage reports and SAVA submitted a letter to the Council with the Appeal application. It is disappointing, given the Council officer's expressed views and concerns on the building phases that she did not refer to the SAVA report or, it seems, take note of the SAVA representations. In this respect it should be noted that paragraph 190 of the NPPF states

*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) **taking account of the available evidence** and any necessary expertise.* (emphasis added) It would appear that the Council has failed to do this.

6. The officer references the Oct 2019 WA Heritage report with quoted extracts. This is incorrect mixing references from the August WA report (WA Appendix 6) with the October WA report (WA Appendix 7). Taken out of context this is confusing. 'The former farmhouse.... extended' quote is a series of bullet point on page 3 of the Oct report. 'The SAVA.... principal building' from page 14 of the August report.
7. *Building phasing.* It appears to be the officer's conclusion (contrary to SAVA's conclusion) that the service wing was added to the main range. However, the blocked opening she refers to does not appear to align with the floor levels in the main range, which suggests that perhaps the opening does not relate to the main range and thus not part of that build period.

Whichever is the scenario the wall and room evidence changes:

- Internal plaster within the roof void shows that the lower ceiling is a more modern intervention (1930s)
- The realigned roof is evidence of further changes with the extension of the first floor (1930s)
- The removed ceiling finish had been overboarded, perhaps in the 1980s
- The blocked opening within the roof void similarly shows that a characteristic of the wall is its adaptation (there is a further blocked opening above in the external part of this gable wall) as part of phases of change.
- If, as suggested by the Council's heritage specialist, the blocked opening is part of the main range build and that it is the case that the service wing (adapted or otherwise from an earlier building) was contemporaneous with the main range then it is possible that the opening provided a route, from an earlier reconfigured stairwell/landing arrangement in the main range, between the attic storey of the main range and the service range. This arrangement may have then been altered later in the 19<sup>th</sup> century.

8. *Evidential.* This harm referred to is not reflected in the reason for refusal or in previous comments. Indeed, in an earlier report by the officer she comments "There would be a loss of historic wall which currently divides the two separate areas of the building, but the harm relates to the significance of the physical division rather than the particular historic fabric" (Jenny Ballinger, 30<sup>th</sup> September 2019 application no 19/01647/LB). As stated above the ceiling structure that would need to be adapted to mediate between the different floor levels dates from the 1930s and holds no significance. In any event the remaining structure will be retained.
9. *Communal.* The evidence of the history of the development of the property and the phases of change will not be lost. The story of the country house and how it is adapted to meet contemporary needs has not stopped. The permitted works and this appeal proposal (if



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permitted) add to that story and demonstrate how the household structure and living arrangements have changed, without eradicating the earlier chapters that help understand how earlier occupiers lived.