

Report to	Planning Committee
Date	14 March 2013
By	Director of Planning
Local Authority	SDNPA (Wealden District)
Application Number	SDNP/12/01580/LIS
Applicant	Mrs W Young
Application	Remove existing door on front of cottage and replacing with flint mortar to match existing wall
Address	Milton Cottage, Back Lane, Milton Street, Wilmington, Polegate, East Sussex, BN26 5RN
Purpose of Report	The application is reported to Committee for a decision on whether Listed Building Consent should be revoked or modified

Recommendation: That the Listed Building Consent granted on 6 February 2013 should not be revoked or modified for the reasons set out in this report.

Executive Summary

Listed Building Consent was granted under delegated powers on 6th February 2013. However the Parish Council were against the proposal therefore under the Scheme of Delegation the application should have been reported to the SDNPA Planning Committee to determine. It is open to the SDNPA to Revoke or Modify that Consent. The proposal is to remove a door on the front elevation and infill with flint work to match the existing. The works are considered to be acceptable.

1. Background

- 1.1 Listed Building consent was granted under delegated powers on 22 February 2013. However, as the Parish Council considered the proposal did not conserve or enhance the Listed Building and compromised its historic integrity the application should have been reported to the SDNPA Committee for a decision. Whilst the decision is nevertheless lawful, Listed Building Consent can be revoked or modified by the local planning authority if it believes it is expedient to do so, having regard to the development plan and to any other material considerations under the provisions of s23 of the 1990 Town and Country Planning Act. If the order to revoke/modify is opposed it must be submitted to the Secretary of State for confirmation. As with planning permission revocation/modification there are risks that compensation could be paid if the decision is revoked but this is only if the applicant has incurred costs.

2. Site Description

- 2.1 Milton Cottage is an attractive semi-detached two storey Grade II Listed dwelling that dates from the 18th Century. It is faced with flints with red brick dressings and quoins and a hipped tiled roof, traditional casement windows and a series of dormer windows. Following approval in 1994 (planning and Listed Building consent) a relatively large extension was constructed to the southern end of the property.

2.2 The application site is located outside any defined development boundary. In terms of the South Downs Landscape Character Assessment, the site is located within character area A1 - Ouse to Eastbourne Open Downs.

3. Relevant Planning History

3.1 None

4. Proposal

4.1 Listed Building consent is sought for the removal of an existing door to the front elevation of and infilling with flint set in a lime mortar. The internal layout of the property would remain unchanged as the door is already closed off from the inside. The door is sited to the northern end of the front elevation, next to a window. After the removal of the door there would be two other doors on the front elevation of the dwelling.

5. Consultations

5.1 **SDNPA Historic Buildings officer:** Support: the works proposed are both in character with this particular type of building and will still allow it to be “read” as a historic building.

6. Representations

6.1 None received

7. Planning Policy Context

7.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is currently the South East Plan and the Joint Wealden Core Strategy and the saved policies which have been retained.

7.2 The South East Plan was adopted on 6th May 2009. The Secretary of State for Communities and Local Government announced on 14 February 2013 the coalition government’s decision to revoke the South East Plan and confirmed the order to effect this decision would be laid after the half term recess in February and would take effect 40 days thereafter. Until then the South East Plan remains part of the development plan, although the decision to revoke affects the weight to be given to the policies within it.

7.3 Policy C2 of the South East Plan states that the purposes of designation should be a material consideration in the making of any planning decision that would affect it.

National Park Purposes

7.4 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

7.5 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

7.6 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. The purposes of designation are therefore given considerable weight in the NPPF and 2010 Circular and policy C2 of the South East Plan is therefore still relevant to this application.

7.7 Paragraphs 132 to 134 of the NPPF set out national planning policy relating to designated heritage assets.

8. Planning Policy

8.1 The Joint Wealden Core Strategy Local Plan 2013 was considered for adoption and approved by Wealden District Full Council on 28 November 2012 and the South Downs National Park Authority on 19 February 2013 and now forms part of the Development Plan. The following policies are relevant to determination of this application:

8.2 Wealden Core Strategy Policy SPO2 relating to the protection of the historic environment is relevant to determination of this application.

8.3 Policies EN1 and EN27 of the Adopted Wealden District Local Plan 1998 and policies BE1 and BE6 of the Non-Statutory Wealden District Local Plan 2005 are also a material consideration.

9. Assessment

9.1 Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant Listed Building Consent for any works 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.

9.2 In this case there are two important considerations:

- the impact on the appearance of the building; and
- the impact on the 'story' that the building tells us.

9.3 To judge the impact on the appearance it is first necessary to assess whether the design requires the visual presence of a door. For example, a building which is carefully designed with a symmetrical elevation probably would require the retention of a false door, even though this is unlikely to have ever been done in the past. On the other hand, for a building which has been built in the vernacular tradition and which has evolved over time, the more traditional option of blocking may well be more in character. In this case the design of the building does not require the visual presence of a timber door, given its rather "higgledy-piggledy" cottage form and evolution over time. At some point in the past, a false door has been created and this has failed from a technical perspective. To now block that opening is certainly no less appropriate an approach and, in fact, is one that would probably have been followed in the past, in contrast to the false door.

9.4 With regard to telling the story, in this particular case the door is defined by brickwork within the flint and retains its threshold, and will still do so after the work is completed. The fact that it was formerly a door will still be very apparent and, indeed, it will still be possible to re-open the door if desired in the future.

10. Reason for Recommendation

10.1 The works proposed are both in character with this particular type of building and will still allow it to be "read" as a historic building. As such the proposal is considered acceptable and therefore the permission should not be revoked or modified.

11. Crime and Disorder Implication

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equalities Act 2010

13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice relating to the condition.

Tim Slaney

Director of Planning

South Downs National Park Authority

Contact Officer:	Pat Aird
Tel:	01730 234110
email:	Pat.aird@southdowns.gov.uk
Appendices	1. Site Location Map
SDNPA Consultees	Director of Planning & Legal Services.

Agenda Item 10 Report PC 16/13 - Appendix I Site Location Map



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright (Not to Scale)