



# Appeal Decision

Site visit made on 2 January 2024

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

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**Appeal Ref: APP/N2535/D/23/3321940**

**West Paradise Cottage, Church Folly, Caistor, Market Rasen, Lincolnshire LN7 6UG**

- 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 Christa Haslam against the decision of West Lindsey District Council.
  - The application Ref 146081, dated 30 December 2022, was refused by notice dated 5 April 2023.
  - The development is the erection of summer house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The development has already been implemented. I have determined the appeal on this basis and with regard to the plans before me. Having visited the site, I am satisfied that the plans appear to accord with what is on the ground.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decision. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal. Also, a new Central Lincolnshire Local Plan was adopted in April 2023 (LP 2023) which supersedes the Central Lincolnshire Local Plan (2017). I consider that the policies relevant to this appeal have not substantially changed, therefore, it has not been necessary to seek the views of the parties and I have considered the development against the up-to-date development plan.
4. The description of the development given on the application form is extensive in detail. I have had regard to this in my assessment. However, for the purpose of my banner heading above, I have based it on the description used in the Council's decision notice.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

## **Main Issue**

6. The main issue is the effect of the development on the significance of designated heritage assets.

## **Reasons**

7. West Paradise Cottage forms part of a Grade II listed building which lies within the Caistor Conservation Area (CA). To the west of the property is the Church of Saint Peter and Saint Paul (the Church), a Grade I listed building. The appeal site is predominantly located within the scheduled monument (SM) known as Caistor Roman town.

### *Significance of listed buildings*

8. West Paradise Cottage along with the adjoining cottage comprise a Grade II listed building, listed as Paradise Cottage West and Paradise Cottage East (Ref 1166111) (the listed cottages) listed in 1976. The cottages are located alongside Church Folly, a pedestrian route which runs between the cottages and the Church. The list description mentions that they are a row of 2 houses of early 19<sup>th</sup> century date constructed in coursed ironstone rubble with a red brick pantile roof. It describes the arrangement of the bays, the architectural detailing, and historic features.
9. The cottages have long-linear gardens extending to the south, terminating with a brick wall. At West Paradise Cottage a small lean-to brick and tile outbuilding is attached to this wall which reads as an ancillary, functional historic building associated with the listed cottage. The appellant's site location plan (Ref. 279303) suggests that small structures historically ran along the southern boundary wall of both listed cottages. It appears to me that the outbuilding remaining along the appellant's rear boundary wall is likely to be one of those structures. There appears to be no disagreement between the parties that it should be regarded as a curtilage listed building. In this regard, it embodies a measure of architectural and historic interest, and its historic fabric and interest adds to the sum significance of the building grouping.
10. The Council has provided photographs indicating a tiled roof structure attached or close to this curtilage listed outbuilding. However, I have inadequate details to be able to fully understand what this structure looked like or exactly where it stood or how it may have contributed to the significance of the listed building. Furthermore, the appellant has provided photographs which suggest that the tiled roof structure was only there for a short period of time after 2009. I therefore cannot conclude with any certainty that the removed structure historically formed part of the curtilage listed outbuilding or was a separate curtilage structure. However, as my decision will not turn on this matter, and would be more appropriately resolved through a listed building consent application, if necessary, there is no need for me to pursue this element any further within this appeal.
11. The Church of Saint Peter and Saint Paul (Ref 1063382) is a Grade I listed building, listed in 1966, and dates from the 11<sup>th</sup> century. The list description states that it is constructed in ironstone and limestone coursed rubble with stone dressings and multiple slate roofs and provides an extensive architectural description of this building of the highest significance. It stands prominently within its churchyard on elevated ground and is the focus of a tight grouping of

surrounding historic buildings. Both the Church and the listed cottages are identified in the list descriptions as having group value and there is a strong visual connection between them. West Paradise Cottage lies closest to the Church and the elevated nature of the church grounds enables clear views of its garden and the building which is the subject of this appeal.

12. Based on the evidence before me, including the list descriptions, I consider that the special interest/significance of both listed buildings mainly derives from their age, historic fabric, form and function, and their architectural features. Their special interest/significance, insofar as it relates to the appeal site, is experienced from within the public open space comprising the church grounds and the surrounding roads, and the interconnected views across this space. These views are in part contained by the historic buildings surrounding the Church which include the appeal site. It is an area of high townscape value both in terms of the age and character of the buildings but also the quality of the spaces between them. These are the surroundings in which the listed buildings are experienced and appreciated, and these views directly contribute to their special interest/significance.

*Significance of Conservation area*

13. The CA focusses on the historic core of the rural market town. Dating from the Roman period, the area retains its medieval street pattern with narrow plots and a market square combined with fine Georgian and Victorian buildings. In the Council's Caistor Conservation Area Appraisal, the appeal site is in the Church Square Character Area which is similar in its extent to the area identified as the Roman town. In this area the appraisal notes the focus of the area being the raised ground around the Church and the sense of enclosure provided by the surrounding historic buildings. Several of these buildings are listed buildings, including the Old Vicarage and No 3-9 Church Street, which contribute to the significance of the area. Based on the appraisal statement and my observations, I consider that the significance of the CA is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them. Of particular note is the overall consistency to the area's historic character and appearance in the vicinity of the appeal site and the interconnected views.

*Significance of scheduled monument*

14. Scheduled monuments are classed as designated heritage assets under Annex 2 of the Framework. Much of the area surrounding West Paradise Cottage lies within the scheduled monument (SM) known as Caistor Roman Town (Ref 1004995). Historic England (HE) advise that the site is a 4th century defended Roman town and although the extent of the survival of elements of the settlement are not well documented, investigations have revealed sections of town wall as well as artefacts. The SM designation map indicates that part of the appeal building is located within the SM area.
15. HE has not referred in its consultation to any standing remains attributed to the SM or made any reference to it being perceived as having a setting. It therefore appears to me that the significance of the SM in relation to this appeal relates primarily to below ground archaeology which can provide information about past civilisations.

*Effect of development*

16. The summer house lies at the far end of the garden of West Paradise Cottage adjoining the southern and eastern boundaries and butting up to the existing brick and tile outbuilding. It is predominantly of timber frame construction, with a rectangular footprint, tapering in width alongside the outbuilding. It has a shallow, mono-pitch roof which projects beyond the walling, with deep eaves and clay tiled roof. The structure incorporates a large, round window and glazed vertical panels to the elevation facing the Church and a further round window and door to the elevation facing the house. It is elevated slightly off the ground and incorporates a timber decked area.
17. Photographs prior to the erection of the summer house indicate that a timber structure, described as a tree house, was in a similar position within the garden. The images show that it stood on short legs and had minimal openings, a porch area, and a largely flat roof. It appears to have been shorter in length than the appeal structure and stood some distance away from the corner of the garden and the brick outbuilding.
18. Although garden structures are often seen within historic areas, the location of this summer house is particularly prominent within the garden area, and it is viewed at close quarters in conjunction with the Church. The structure is of substantial size and form with its upper edge towering above the adjoining curtilage listed outbuilding and boundary structures. Furthermore, the depth of the roof and its projecting nature together with the number and design of some of the openings make the building much more eye catching, and this adds to the dominance of the structure. It also has a visually poor relationship with the adjoining brick outbuilding as it wedges into the gap between it and the corner of the garden. In my view, the replacement structure is much more dominant and visually incongruous than the more recessive, smaller, clearly detached structure that previously stood in this location.
19. The summer house can be readily viewed from multiple positions within the church grounds and from the surrounding roads and in my view is a visually distracting feature within this sensitive historic environment, which includes the Grade I listed Church. I was not directed to any other structures of this type which could so easily be seen within this area, and it stood out from traditional buildings and structures which are so representative of the area. I must therefore conclude that the development is harmful to the setting of both the listed cottages and the Church, and harmful to the wider character and appearance of the CA.
20. HE is concerned by any harm which may have occurred to the SM by direct physical impact and/or loss of archaeological remains as a result of the construction of the building and any associated landscaping. Although there is no form of impact assessment before me, the appellant's state that no excavation of the ground has taken place and that the structure stands on a wooden deck without foundations. I saw that the slightly elevated structure appeared to rest on the ground, supported in places by bricks and blocks, and the rainwater goods appeared to discharge into a shallow pond. Although it is unlikely that there has been significant ground disturbance because of the development, the evidence before me, including the uncertainty surrounding the previous structures in this area, does not provide me with sufficient certainty to confirm that there has been no ground disturbance. Therefore, I must err on the side of caution and conclude that it has not been demonstrated that the proposed works would preserve the significance of the SM.

21. Considering all of the above, I find that the proposal would fail to preserve the significance of the designated heritage assets. Therefore, with regard to the listed buildings and the conservation area, the expectations of the Act are not met. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification.
22. I find the harm in the context of the significance of the designated heritage assets as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
23. The summer house is clearly beneficial to the owner's living conditions, providing extra space for the household which might not be possible to achieve within the main building, and a separate structure would allow them to enjoy their outdoor space. However, I regard these as private rather than public benefits. Moreover, I have been given no evidence that the continued viable use of the appeal property as a residential dwelling is dependent on this development, as the building has an ongoing residential use that would not cease in its absence.
24. I have noted that there has been some local support for the retention of the development, including from members of the parish council. However, these matters do not outweigh my findings on the main issue.
25. Given the above, I conclude that the public benefits identified are of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. As such, the development does not comply with paragraph 208 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. Consequently, the development does not comply with paragraph 205 of the Framework and LP 2023 Policy S57. This seeks to ensure that development proposals protect the significance of heritage assets. As a result, the development would not be in accordance with the development plan as a whole.

### **Conclusion**

26. For the above reasons and having regard to all other matters raised I conclude that the appeal is dismissed.

*G Bayliss*

INSPECTOR