

<b>Application Details</b>	
Application Reference Number:	23/23/0040/LB
Application Type:	Listed Building Consent
Earliest decision date:	30 January 2024
Expiry Date	18 January 2024
Extension of Time Date	19 March 2024
Decision Level	Planning Committee
Description:	Installation of 18 No. solar panels on the south facing roof of Little Fort, St Michaels Hill, Milverton
Site Address:	LITTLE FORT, ST MICHAELS HILL, MILVERTON, WIVELISCOMBE, TAUNTON, TA4 1JS
Parish:	23
Conservation Area:	Milverton Conservation Area
Somerset Levels and Moors RAMSAR Catchment Area:	No
National Landscape:	No
Case Officer:	Kerry Kerr-Peterson
Agent:	N/A
Applicant:	Mr D Woodland
Committee Date:	19 March 2024
Reason for reporting application to Committee	Officer recommendation is not in agreement with the Member view

## **1. Recommendation**

1.1 That Listed Building Consent is REFUSED

## **2. Executive Summary of key reasons for Refusal**

2.1 The proposals would be highly visible and would harm the following elements of the historic environment:

- The setting of the Grade I Church of St Michael as the proposed panels would be visible in a key view from Fore Street, north, towards the Church.
- The character and appearance on the Milverton Conservation Area as the proposed panels would be within a key composition view along Fore Street, in both directions; and
- The setting of the Grade II Listed Building of Little Fort/Lancaster House, as the proposed panels would be located on a prominent, highway-facing elevation.

The Council has worked pro-actively to assist with the desired reduction in carbon footprint of the Listed building and suggest an alternative, more acceptable, form of the proposal. However, the applicant was not receptive to the negotiations.

The application does not contain clear and convincing justification that the current form of the proposal is the only method of achieving a reduction in carbon emissions. As a result, it is not considered that the harm to the heritage assets, which could be avoided, would be outweighed by the benefits of the scheme, which would be largely private rather than public. No evidence has been provided to the contrary.

Therefore, the proposals would not conserve, sustain, or enhance these heritage assets, their setting or the character and appearance of the Milverton Conservation Area and would be detrimental to their significance. Also, the application has not adequately assessed the significance of the heritage assets or harm to them (NPPF – para. 200 & 201).

The proposal is therefore contrary to: Section 16, 66 & 72 of the Planning (Listed Building and Conservation Area) Act, 1990; Chapter 14 & 16 of NPPF and Policy SD1; and CP1 & CP8 of the Taunton Deane Core Strategy 2011-2028.

### **3. Planning Obligations and conditions**

N/A

#### **3.2 Informatives**

Refusal (with attempted negotiations)

##### **3.2.1 Proactive Statement**

A visit to the application site and its surroundings was undertaken by the Council's Conservation Officer on 14 December 2023. During the site visit alternative positions for the solar panels were discussed. It was suggested by the Conservation Officer that a ground mounted array, located in the garden to the north-west of the property would be, in principle, a more acceptable option. However, the applicant was not receptive to the suggestion of an alternative scheme.

### **4. Proposed development, site and surroundings**

#### **4.1 Details of proposal**

Installation of 18 No. solar panels on the south facing roof of Little Fort. The panels would be black in appearance with black fittings and rise 8cm above the existing slate roof. The dimensions of each panel would be 1.8m long x 1.1m wide with a total roof coverage of c. 35.6m<sup>2</sup> and extra weight of c. 240kg.

#### **4.2 Site and surroundings**

##### **4.2.1 Designations & Constraints**

The application site is the Grade II Listed Little Fort (National Heritage List for England (NHLE) List Entry Ref. 1060556, listed 25 June 1956).

The development site is located within the Milverton Conservation Area. The following heritage assets are in proximity to the site and have the potential to be indirectly impacted by the proposals through the alteration to their setting: Grade I Listed Church of St Michael (NHLE 1060554), located c. 60m to the north of the application site; Grade II Lancaster House (formerly The Fort - NHLE 1060556) adjoining the application site to the east; and the south side of Fore Street, located c. 40m to the south, comprises a row of historic buildings which are non-designated heritage assets, identified in the Milverton Conservation Area Appraisal and on the Somerset Historic Environment Record.

#### 4.2.2 Understanding Heritage Significance - Key Features

**Milverton Conservation Area** - the Conservation Area Appraisal outlines the following key points:

- The historic form and spatial character of the settlement has not been greatly obscured by modern development.
- There remains a very close and tangible connection between the village and surrounding rural landscape.
- It contains a high proportion of listed buildings, covering a broad age range, many with early cores and later facades.
- The area is particularly notable for the use of red sandstone.
- The church tower forms a focal point of views from both inside and outside the Conservation Area.
- Various visual compositions of high quality are provided by the building and street layout.
- Given the nature of the topography and the urban structure, development is spread over a relatively wide area, while the centre remains fairly open.
- Roof pitches, predominantly of slate, sit generally at around forty-five degrees and form a noticeable aspect of building design with the Conservation Area.

**Church of St Michael** - the key architectural and historic features of interest include:

- The earliest part of the Church, the base of the tower, dates to the C13 but most of the building is C14 & C15 and a phase of restoration works was undertaken in 1849-50.
- The Church is of red sandstone, random rubble construction with Ham stone dressings and slate roofs.
- The plan has a four-bay nave and aisles, the latter of which have been extended.
- There is a C14, south porch and a west tower with crenelated parapet.

- Many of the interior features date to the C19 restoration but there is a notably fine collection of C16 bench ends and some late C15 - early C16 carvings have been incorporated into an early C20 screen.
- The Church also houses a circular Norman font.

**Little Fort & Lancaster House** - the key architectural and historic features of interest include:

- Little Fort is part of a building which is now divided into two properties (Little Fort and The Fort, now Lancaster House).
- It is likely to have been the original manor house of Milverton comprising a relatively high status, two storey house, on a west-east alignment.
- The main house probably originally consisted of a central hall with service end and cross wings, stair turrets and rear corridor with porch.
- Its name derives from its C13 owner, William de la Fortes.
- Little Fort represents the late - C16 remaining section of a larger building, the eastern end of which was demolished in the C17 and replaced with a substantial building with a U-shaped plan.
- Little Fort was subsequently incorporated into this house, possibly functioning as the service range.
- In c.1560 the house was inherited by the Lancaster family from Basingstoke, and it passed, by marriage, to a William Rose in 1680.
- A lean-to at the west end was replaced with a two-storey extension, approved under planning refs. 23/05/0043 & 23/05/0044/LB.
- The interior was extensively renovated in c. 1835 and in the 1950s.
- Stonework in the rear elevation of the west range may provide evidence for an earlier building on the site.
- Architectural details of interest include a late C16 timber window in the rear elevation, several C17 windows, a C17 roof structure and deep chamfered beams in the west room.
- At the north-west corner of the range is a former stair tower.
- One of the first-floor rooms, has a late C16, 4-centred arch fireplace with roll mouldings and set within the wall above are three cartouches of decorative plasterwork.

**Non-designated assets on the South side of Fore Street** - the key architectural and historic features of interest include:

- The densely lined buildings on Fore Street are known to have earlier origins

than is suggested by the Georgian frontages.

- They comprise two/two and a half storey, three or four bay frontages with the occasional cart entrance and a ground floor shop window at the Post Office.
- These buildings have undergone a moderate degree of alterations - many of the roofs are artificial slate, the chimneys have either been removed or reduced in height and some windows have been replaced with UPVC. However, some brick chimney stacks survive, as well as some historic timber sashes and aluminium, leaded casements.

#### 4.2.3 Understanding Heritage Significance - Setting

Located on the south side of St Michael's Hill, Little Fort has a prominent, elevated position at the centre of the village and Conservation Area. The south elevation of the building forms a prominent element of the views in both directions along the western end of Fore Street and northwards from Fore Street, in views towards the Church of St Michael, where the church tower appears nestled behind the rooflines of Little Fort and Lancaster House. Fore Street is densely lined on the south side with historic buildings that face north onto the street, towards the Church and Little Fort. A terraced garden area is present to the south of the application site, surrounded by red sandstone walls. The terraces contain several mature trees. These are mostly fruit trees which are positioned on the lower terrace. When these trees are in full leaf during the summer months, the south elevation and roofline of Little Fort remains visible from Fore Street.

#### 5. Planning (and enforcement) history

Reference	Description	Decision	Date
23/07/0038/LB	INTERNAL AND EXTERNAL ALTERATIONS TO SUMMERHOUSE AT LITTLE FORT, ST. MICHAELS HILL, MILVERTON (REVISED APPLICATION)	Conditional Approval	29 November 2007
23/05/0044/LB	ERECTION OF TWO STOREY EXTENSION AND DEMOLITION OF SINGLE STOREY LEAN-TO, LITTLE FORT, ST MICHAELS HILL, MILVERTON.	Conditional Approval	15 December 2005
23/05/0043	ERECTION OF TWO STOREY EXTENSION AND DEMOLITION OF SINGLE STOREY LEAN-TO, LITTLE FORT, ST MICHAELS HILL, MILVERTON.	Conditional Approval	16 December 2005
23/05/0035/LB	INTERNAL AND EXTERNAL ALTERATIONS AT LITTLE FORT, MILVERTON.	Conditional Approval	03 November 2005
23/05/0005	RETENTION AND ERECTION OF WOVEN REED PANELS FIXED	Temporary Approval	07 April 2005

	TO IRON RAILINGS, LITTLE FORT, ST MICHAEL'S HILL, MILVERTON		
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## 6. Environmental Impact Assessment

N/A

## 7. Habitats Regulations Assessment

Nutrient neutrality is unaffected.

## 8. Consultation and Representations

8.1 Date of consultation: 23 November 2023

8.2 Press Date: 30 November 2023

8.3 Site Notice Date: 29 November 2023

8.4 Statutory Consultees the following were consulted:

Consultee	Comment (summarised)	Officer Comment
MILVERTON PARISH COUNCIL	<p>Support.</p> <ul style="list-style-type: none"> <li>• Compliance with the climate change objective of the Taunton Deane Core Strategy, to reduce the carbon footprint.</li> <li>• No harm to the appearance of the area or adverse impact on the visual amenity.</li> <li>• The wish (and need) to encourage a reduction in carbon footprint should outweigh appearance considerations, unless there is a significant effect, and the proposal would not result in such an adverse effect.</li> <li>• Solar panels are increasingly a common feature on roofs.</li> </ul>	<ul style="list-style-type: none"> <li>• The site visit identified that the proposed solar panels are in a prominent location on the listed building, facing the highway and in localised views within the Conservation Area.</li> <li>• Historic England Advice Notes and Guidance (see section 13 below) state how historic buildings can be upgraded and renewable's incorporated, to assist with tackling climate change. However, the proposals have not been compiled in line with the relevant advice and guidance to minimise harm.</li> </ul>

	<ul style="list-style-type: none"> <li>• The appearance is minimised by the use of black panels.</li> </ul>	<ul style="list-style-type: none"> <li>• The benefits of a renewable scheme could be sort through an alternative, less harmful form, such as a ground mounted array that would be more acceptable from a heritage harm perspective.</li> <li>• Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification (NPPF – para. 206).</li> </ul>
CLLR G WREN	<p>Support.</p> <ul style="list-style-type: none"> <li>• Old houses will become increasingly redundant and irrelevant if they cannot contribute to the fight against climate change.</li> </ul>	As above.
CLLR D MANSELL	<p>Support.</p> <ul style="list-style-type: none"> <li>• The panels are in a largely hidden position and their appearance will not detract from the building.</li> <li>• The panels are in keeping with the historic building and are a suitable installation.</li> <li>• The layout and type of panels proposed will have minimal impact on the listed building.</li> <li>• The system design and panel selection follows</li> </ul>	As above.

	<p>Historic England guidance.</p> <ul style="list-style-type: none"> <li>• There is considerable benefit from the renewable energy that will be generated by the panels for use on site and feeding into the grid, which will assist in addressing the climate emergency declared by the council.</li> </ul>	
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### 8.5 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement on the 23 November 2023.

1 letter has been received making the following comments:

Material Planning Considerations	
Objections	Officer comment
None	None
Support	Officer comment
<p>K Trevelyan (summarised) –</p> <ul style="list-style-type: none"> <li>• Given the climate emergency it is incumbent on individuals and communities to reduce our carbon emissions with urgency.</li> <li>• The appearance of Listed buildings, albeit that they are of historical and architectural value, are NOT as important as the lives of human beings.</li> <li>• The panels will not be detrimental to the appearance of Little Fort.</li> </ul>	<ul style="list-style-type: none"> <li>• During the decision-making process, Local Planning Authorities have a regard to conserve, sustain and enhance heritage assets and their setting, as well as the preservation of local character and appearance.</li> <li>• The more important the heritage asset, the greater the weight should be (NPPF – para. 205) and the Grade I listed Church and Conservation Area are heritage assets of highest importance.</li> </ul>

## 9. Relevant Planning Legislation

### Planning (Listed Buildings and Conservation Areas) Act, 1990 - Section 16 & 72

Applications for listed building consent must be determined in accordance with Section 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local



Planning Authority 'shall have special regard to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 72 relates to Conservation Area and requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

## **10. Relevant Planning Policies**

### National Planning Policy Framework (2023)

- Chapter 14 'Meeting the challenge of climate change, flooding and coastal change' and
- Chapter 16 'Conserving and enhancing the historic environment'

### Taunton Deane Borough Core Strategy 2011-2028

Policies:

- SD1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- DM5 - USE OF RESOURCES AND SUSTAINABLE DESIGN
- CP 1 - CLIMATE CHANGE
- CP 8 - ENVIRONMENT

### Supplementary Planning Documents

- District Wide Design Guide, December 2021 - Section 5.16.
- Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate and Ecology Emergency (March 2022).

### Relevant Government Guidance

Adapting historic homes for energy efficiency: a review of the barriers (Jan. 2024).

### Relevant Historic England Guidance

- Technical Conservation Guidance and Research (Feb. 2024).
- Energy Efficiency and Historic Buildings - Solar Electric (Photovoltaics) (Oct. 2018).
- Climate Change and Historic Building Adaptation (forthcoming)

## **11. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

## 11.1 Climate Change

Strategic Objective 1 (Climate Change) of the Taunton Deane Core Strategy 2011-2028 indicates that Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects. Although this needs to be balanced with other material matters.

Additionally, during the decision-making process, Local Planning Authorities have a regard to conserve, sustain and enhance heritage assets and their setting, as well as the preservation of the local character and appearance of Conservation Areas.

The Council is sensitive to the, albeit limited, positive climate credentials of the proposals. However, as the desired solar panels could be implemented in a less harmful form, the benefits of the proposals would not outweigh the unnecessary harm. .

## 11.2 Heritage

### **Summary of Heritage Significance (NPPF – para. 201)**

See Section 4.2.2 above for a summary of the heritage significance of the assets affected by the proposals, as required in NPPF – para. 201.

### **Assessment of Harm**

Key Findings –

- Little Fort is situated in an elevated position on the south side of St Michael's Hill, within the historic core of the village and Conservation Area of Milverton.
- It forms a prominent element of views in both directions along the western half of Fore Street, and in views from Fore Street towards the Church of St Michael, remaining visible in the summer months when the near-by trees are in full leaf.

Therefore, the proposals would be harmful to the following elements of the historic environment:

- The setting of the Grade I Church of St Michael, as the proposed solar panels would be visible in a key view from Fore Street, towards the Church.
- The character and appearance on the Milverton Conservation Area, as the panels would be within a key composition view along Fore Street, in both directions and
- The setting of the Grade II Listed Building of Little Fort/Lancaster House, as the panels would be located on a prominent, highway-facing elevation of the listed building.

In relation to NPPF, the level of harm would be less than substantial but at the high end of the scale of less than substantial harm. This constitutes real harm.

As outlined above, the Council has worked pro-actively, in providing an alternative, less harmful option to the applicant to help to achieve their carbon reduction aspirations. However, they were not receptive to the Council's proactive approach.

When considering the proposals in relation to the relevant heritage legislation, planning policies and guidance –

- It is not sympathetic to install solar panels on the elevation of a listed building that is most commonly viewed (Historic England, 2018).
- The proposals would not conserve, sustain, or enhance the setting of the affected heritage assets (NPPF – para 195 & 196).
- The application does not contain clear and convincing justification for the harm or that the current form of the proposals is the only option for achieving a reduction in carbon emissions (NPPF – para. 206).
- The avoidable harm of the scheme upon the setting, and therefore the significance of the heritage assets, would not be outweighed by the public benefits of the scheme, as the benefits are largely private rather than public (NPPF – para 208). No evidence to the contrary has been included in the application.

This is contrary to:

- Section 16, 66 & 72 of the Planning (Listed Building and Conservation Area) Act, 1990.
- Chapter 14 & 16 of NPPF and
- Policy SD1, CP1 & CP8 of the Taunton Deane Core Strategy 2011-2028.

Planning case law exists in line with this recommendation, such as - APP/F1230/E/11/2163116 & 17 – Baglake Farm, Litton Cheney, Dorchester, Dorset, DT2 9AD (2012) and APP/Y2430/W/3035803 – Mill House, Butt Lane, Wymondham, Leicestershire, LE14 2BU (2015).

## **15. Local Finance Considerations**

### 15.1 Community Infrastructure Levy

N/A

## **16. Planning balance and conclusion**

12.1 The balance of the climate positive credentials of the scheme has been weighed against the requirement in legislation to conserve, sustain and enhance heritage assets and their setting, as well the public benefits of the proposals, which is found to be limited, and could be achieved in a less harmful form.

Therefore, it has been found that the public benefits of this scheme would not outweigh the harm to the above mentioned heritage assets.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that listed building consent is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## **Appendix 1 – Reasons for refusal**

- 1 The proposed solar panels by reason of their position and scale would be highly visible from public land and would harm the setting of listed buildings and the character and appearance of Milverton Conservation Area. In particular, the setting of the Grade I Church of St Michael as they would be visible in a key view from Fore Street, north, towards the Church; the setting of the Grade II Listed Building of Little Fort/Lancaster House, as they would be located on a prominent, highway-facing elevation; and the character and appearance on the Milverton Conservation Area as they would be within a key composition view along Fore Street, in both directions.

Therefore, the proposals would not conserve, sustain, or enhance these heritage assets, their setting or the character and appearance of the Milverton Conservation Area and the harm is not outweighed by the environmental benefits of the scheme.

The proposal is therefore contrary to: Section 16, 66 & 72 of the Planning (Listed Building and Conservation Area) Act, 1990; Chapter 14 & 16 of NPPF and Policies SD1, CP1 & CP8 of the Taunton Deane Core Strategy 2011-2028.

### **Notes to applicant.**

- 1 The Council has worked pro-actively to suggest an alternative, more acceptable, form of the proposal. However, the applicant was not receptive to the negotiations. Therefore, as the proposal is not considered to be the only method of achieving a reduction in carbon emissions, it is not considered that the harm to the heritage assets, which could be avoided, would be outweighed.

