

DELEGATED FILE NOTE

CASE OFFICER: ...Mark Simmons.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/03263/LBC	Demolition of Winch Hill Farmhouse.	Winch Hill Farm House Winch Hill Road Luton Hertfordshire

Submitted Plan Nos
8299-001; 8299-002

1.0 **Policies**

SECN16	Conserve + enhance historic environment
XHE2	Heritage at Risk

2.0 **Site History**

2.1 **03/01781/1** - Installation of 2.5 metre high galvanised steel security fence for a temporary period of 2 years.
CP 12.02.2004

18/02458/PREL B – Demolition of listed building.
Letter sent 10.10.2018

3.0 **Policies**

3.1 National Planning Policy Framework
Section 16: Conserving the historic environment

3.2 The Local Plan is at an advanced stage, therefore, significant weight can be attributed to the emerging North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) and the policies contained within it.

4.0 **Representations**

4.1 **Kings Walden Parish Council – OBJECTION**

The council can see no benefit to the community resulting from such demolition. While accepting the building is unlikely to be restored in the near future, it has been in existence for several hundred years, far exceeding the history of the airport, and is likely to remain in existence, while no-one can know how long the airport will survive.

The building, while in a poor state of repair, still has significant features extant, such as the chimney stack and some walls, doors and window frames.

The council notes that the applicant is London Luton Airport but that the owners/tenants are listed as Mr D Daly and Sir F Brooke. It is unclear therefore what the future intent is for the land on which the building is situated.

The council notes the heritage survey states: "The site sits within an agricultural area. Its access is now obscured and access on foot to the site is challenging due to how overgrown it has become. The building is fenced off with a 3m high palisade fence, for safety and security reasons.". In light of this, the council has no concerns from a safety aspect.

The council, while accepting restoration is unlikely, would encourage the owners to attempt conservation measures such as cutting back and removing the trees currently undermining the site to prevent further deterioration.

The council also notes that the heritage report itself accepts, within the Statement of Significance, that no aspect is deemed Intrusive, indicating there is no immediate requirement for demolition, which is a one-way action, and should be avoided where not necessary.

Historic England – NO OBJECTION (full response on file but summary and recommendation given below)

Summary

The demolition of Winch Hill Farmhouse would entail its complete destruction, and would result in what the National Planning Policy Framework (NPPF) terms substantial harm to the listed structures' significance. The NPPF sets out the criteria for assessing such proposals. In this particular case we believe that these criteria have been partly met, and while deeply regrettable demolition must be accepted.

Recommendation

Historic England has no objection to the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Press & site notices – No comments received.

5.0 Planning Considerations

5.1 Site & Surroundings

- 5.1.1 Winch Hill Farmhouse is grade II listed and is on the District Council's 'Buildings at Risk' Register. The building is located to the south-west of Old Winch Hill Cottage and the site is in close proximity to the Luton Borough Council boundary and London Luton Airport. The building was added to the Statutory List of Buildings of Special Architectural or Historic Interest on 8 February 1988 and the list entry below was amended in 2003:

Farmhouse. Circa 1600; brick faced, rear extensions and renovated later C19. Timber frame roughcast with sandy red brick facing and steep pitched old red tile roof. 2-storeys, cellar and attics facing E with gabled rear stair turret at end of cross-passage, left of centre. EXTERIOR: Asymmetrical E front with damaged C20 windows. N and S gable external chimneys with wide chimney breast in old brick, and similar large projecting chimney to rear wall of middle room now enclosed in rear extension. INTERIOR: Cross-passage has remains of early-C19 wallpaper, underneath which board panelling to left wall. 2 Jacobean heavy moulded door frames with jamb stops. Broad winding Jacobean stair around octagonal central mast with pyramid-plus-ball finials rises through 2 floors to attics where 2 contemporary doorways open to separate accommodation. Broad stopped and chamfered crossed beams to middle room of range. Spine beam to all floors. To S wall, stone moulded 4-centred arch fireplaces at ground and first floors, and brick 4-centred arch fireplace at second floor. Evidence of wall painting mostly lost at time of inspection (February 2003) although some may remain under lathe and plaster. Former cross passage at service end. Brick stairs to cellar, which has flint walls and wide opening under elliptical brick arch. Double purlin roof structure.

5.2 **Proposal**

5.2.1 The proposal is to demolish Winch Hill Farmhouse.

5.3 **Key Issues**

5.3.1 This is a single issue proposal.

National Planning Policy Framework

5.3.2 “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision” (para 191).

At para 194 it states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation” and that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

The NPPF continues by stating that substantial harm to or loss of a grade II listed building should be exceptional and where proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent (para 195).

North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016).

There is no related planning proposal submitted in conjunction with the proposed demolition, therefore, Policy HE1: Designated heritage assets, does not apply.

Policy HE2: Heritage at risk, does apply and reads as follows:

Planning permission will be granted for proposals that seek to restore or provide new uses for designated heritage assets identified on the national register, or the local risk register maintained by the Council, that are justified and appropriate to the significance of the asset to return a heritage asset to beneficial use.

Proposals that harm the significance of heritage assets included on national and local registers will be resisted unless the need for, and the benefits of, the development in that location clearly outweigh that harm, taking account of the assets significance and importance, and all feasible solutions to avoid and mitigate that harm have been fully implemented.

Previous History

- 5.3.3 According to notes on the Council's Historic Environment file, this building has been vacant since 1990/91 when it was bought by a land holding company based in the Far East. The tenant who occupied the building was turned out and the building was left vacant. The building began to quickly deteriorate and features were stolen including doors, console brackets from the front porch and many of the roof tiles. However a number of interesting features still survived including fireplaces, most of the Jacobean staircase and some decorative door architraves. Having said that by 2001/2003, the building was suffering from extensive areas of dry and wet rot.
- 5.3.4 Since the property became empty, it has been owned by successive offshore companies who have had little interest in the listed building. The principal interest has been the extensive land holding which extends to the boundary of London Luton Airport. According to the Council's records, in the early years of this millennium, Winch Hill Farmhouse was owned by Century Ever, which is/was an offshoot company of the Chinachem Group who are based in Hong Kong. The companies at that time were owned by Nina Wang (b.1936 – d.2007) who was Asia's richest woman. It is understood that the UK arm of that company is/was Chelsfield. The agent who looked after the building on behalf of the owner in 2000/2002 was Montagu Evans.
- 5.3.5 In May 2002, the Council's Buildings at Risk Officer wrote to the then current owner expressing concern over the listed building's poor condition, stating that *"...in view of the rapidly deteriorating situation the building needs to be made secure, weathertight and structurally stable and kept this way until long term repairs can be carried out. These works need to be carried out immediately"*. The officer went on to state that *"I have to warn you that in view of the rapidly worsening condition of the building that this Council is now urgently considering the use of its Statutory Powers under the Planning (Listed Buildings and Conservation Areas) Act 1990...."*. Apparently, in the same summer, the house was targeted by local children who caused extensive damage and destroyed part of the rear outbuildings. They also destroyed an important wall painting inside the house that dated from 1600. NHDC's Conservation Officer recorded at that time that the house was extremely dangerous both inside and out and NHDC's Building Control supervised the erection of a security fence around the house but the fencing was dismantled by persons unknown and most of the steel sections were badly damaged. A site meeting then took place on 12 September 2002 which was attended by NHDC officers to discuss the current situation.
- 5.3.6 On 15 September 2003, NHDC's Conservation Officer wrote a similar letter to the newly identified owners. Due to the vague, uncertain and continuous changes of ownership of the property up until 2003 it was difficult for officers to negotiate the future of the building and there was no direct contact with the owners.
- 5.3.7 Following a request to the agent acting on behalf of the current applicant, to provide clarification regarding current ownership, the following email response was received on 30 January 2019:

"Our airport company LLAL (London Luton Airport Ltd) acquired the freehold interest in the property along with 260 acres of farmland in September 2015. The previous

freehold owner was a property development company, Prologis UK Ltd. We understand that Prologis had owned the property for many years prior to 2015.

The property is subject to a Farm Business Tenancy which grants a term of 10 years from 1st October 2010. The tenants are Mr Dermot Daly and Sir Francis Brooke (Trustees of the Pilkington Farms estate) on whom the planning notice was served.”

Current Proposal

5.3.8 Policy HE2 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) states that “... *Proposals that harm the significance of heritage assets included on national and local registers will be resisted unless the need for, and the benefits of, the development in that location clearly outweigh that harm, taking account of the assets significance and importance, and all feasible solutions to avoid and mitigate that harm have been fully implemented*”.

5.3.9 As part of the Conservation Officer response to the pre-application enquiry ref: 18/02458/PRELB, the agent was advised that:

“.... In order that an application for listed building consent for demolition can be fully supported, a convincing justification will need to accompany the application. I advise that this includes an existing survey which clearly identifies those parts of the building that, in structural terms, could be retained in the unlikely event that a repair/restoration scheme is proposed and a viability appraisal that would set out the costs of repair/refurbishment against the future market value of the restored house of this size in this location....”.

5.3.10 In support of this application, the following documents have been submitted and provide the applicant’s justification for demolition:

- 1.0 Structural Appraisal Report prepared by Conisbee (15 December 2017);
- 2.0 Viability Assessment prepared by Buttress (November 2018); and
- 3.0 Heritage Assessment prepared by Buttress (December 2018).

5.3.11 The Structural Appraisal Report refers to a number of key findings:

- 1.0 **North Elevation** - not accessible on foot owing to access limitations caused by dense vegetation growth and safety concerns caused by the dangerous condition of the existing fabric;
- 2.0 **East Elevation** - No further significant degradation is apparent in comparison with photographs taken in 2010, however close up inspection revealed evidence of cracking of the outer brickwork skin, primarily caused by decay of timber lintels over window and door opening which have been exposed to the elements for some time;
- 3.0 **South Elevation** - Significant structural defects, in particular to the south east corner where the outer skin of brickwork has fallen away from the remaining superstructure. At the chimney breast where major foundation movement has taken place leading to structural instability;
- 4.0 **West Elevation** – An open circular masonry-lined well is housed within a rudimentary outbuilding to the west of the farmhouse. Parts of the interior of the building were observable from an external doorway from which the original timber frame structure can be clearly seen, much of which is in an advanced state of decay and dilapidation. Though not accessible it is apparent that the rest of the

original west elevation has collapsed taking internal floors and other walls with it, and floors generally were seen to have failed or were in the process of doing so;

5.0 **Timber roof structure** – Much has been lost and what remains sits precariously on the remnants of the first floor where extant. It is likely that further elements have fallen down into the ground floor and basement areas. The majority of the first floor has suffered the same fate; and

6.0 **Elements of the original fabric** – some elements remain in the form of the fireplaces at the brickwork Chimney breasts and some of the Jacobean door frames, unfortunately no evidence was found of the early wallpaper and wall paintings mentioned in the listing and it is assumed that they will have perished some time ago.

5.3.12 The Viability Assessment submitted with this application refers to the fact that:

2.0 A business use i.e. a change of use, would be likely to be acceptable as the public benefit of preserving the Listed Building outweighing the harm of inappropriate development within the greenbelt. Viability would be an issue however, with research suggesting values of circa £1500 / m² (weaker than residential values) and construction costs not differing significantly from residential re-use. This approach is therefore considered highly unlikely to offer a viable re-use of the building and fund the cost of repairs.

3.0 Enabling development is worthy of further consideration. It is likely that a minimum of 10no. x 3 bedroom detached houses (assuming a subsidy of circa £35,000 per property could be leveraged) would be required to cross fund the repairs to the Listed Building, given the conservation deficit. On this basis and noting greenbelt policy, it is highly unlikely that the public benefit of preserving a Listed Building of now limited significance would outweigh the harm caused by the significant inappropriate development within the greenbelt. It is considered highly unlikely that enabling development would achieve planning consent and therefore this approach is not considered viable.

4.0 Conversion to smaller residential units could be acceptable in planning terms (subject to careful landscaping, access and parking provision). Construction costs would be slightly higher to account for the additional works required in subdivision. Values would reflect the size of the units generated and a review of potential values suggests that any optimisation of unit size and type would be insufficient to overcome the conservation deficit.

5.0 It is not considered possible to find a more viable and acceptable (in planning terms) approach to re-use than re-use as a single residential dwelling.

5.3.13 No detailed breakdown of the costs for restoring the farmhouse are provided, however, a cost of £659,750.00 is given. This is based on the condition of the building and the Quantity Surveyor advising on basic construction costs of £1750 per m² for a building deemed to have an area of circa 377m².

5.3.14 In addition to the construction cost, amongst other costs given, are a 10% contingency sum together with a 10% developer profit bringing the total cost to £957,582.00. The Financial Appraisal at 3.3.4 of the above report states that *“Given that rebuilding the Farmhouse is likely to cost of the order of £950,000, with a maximum value of £600,000, this suggests a deficit of £350,000”*. This assumes that the total development costs and market value are accurate.

5.3.15 The Heritage Assessment prepared by Buttress concludes that:

“Winch Hill Farm House is a grade II designated asset, therefore in NPPF its demolition should be exceptional. Due to the advance state of structural instability and decay through vacancy and vandalism, the significance of the asset has massively decreased and at present does not accurately represent the values for which it was originally designated. Therefore, loss of the asset through demolition is justified and the harm caused will be less than substantial.

The viability of re-use has been assessed in an accompanying document, concluding that it is not viable to bring the building back into use due to there being an unfundable conservation deficit and the problematic location of the site given proximity to London Luton Airport.

Demolition works will also be accompanied by a scheme of archaeological recording and a measured survey to mitigate the harm caused by the loss of existing fabric. This recording exercise will be deposited with the local Historic Environment Record, in accordance with guidelines and conservation good practice.”

5.3.16 The Parish Council accepts that the building is unlikely to be restored in the near future. In fact this situation has persisted since the building became vacant just under 30 years ago and within which time the building has further deteriorated.

5.3.17 The Parish Council also refers to the fact that the submitted Heritage Assessment states that no aspect of the heritage asset is deemed ‘Intrusive’ i.e. no part of the building of the building is considered to be ‘Historically unimportant with a harmful impact on the heritage’, indicating in the Parish Council’s opinion, that there is no immediate requirement for demolition.

5.3.18 However, Buttress indicates in their assessment levels of significance of Evidential, Historical, Aesthetic and Communal Value are Medium, Low, Neutral and Neutral respectively with which I generally concur. As Historic England states, the significance of the historic building has been seriously restricted by dereliction and decay, to the extent that much of the timber framed structure of the earliest phase of the building, and its roof, have evidently collapsed. Further on, Historic England state that in the likelihood that ‘radical reconstruction’ would be necessary, little, or no, heritage significance would remain.

5.3.19 Having said that, Historic England advises that the Local Planning Authority “....should consider what level of recording, enforced by consents attached to any consent, are appropriate given the interest of the building, despite its current decayed state....”.

5.3.20 Historic England considers that the vast level of enabling development that might be necessary to subsidise the building’s ‘radical reconstruction’ is, in Historic England’s opinion, a somewhat unnecessary approach as it has not been shown that there is any approach to restoration that would maintain the historical interest of the farmhouse, much of which has anyhow already been lost, and hence enabling development would achieve little, or no, heritage benefit.

5.3.21 It is acknowledged in the NPPF that great weight should be given to a designated heritage asset’s conservation (paragraph 184). As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of a grade II building should be exceptional. Paragraph 195 deals with a proposal which would lead to total loss, stating that local planning authorities should refuse consent unless it can be demonstrated that:

substantial harm is necessary to achieve substantial public benefits that outweigh the loss

or all of the following apply:

- the nature of the heritage asset prevents all reasonable use; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant funding or some form of charitable or public trust ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefits of bringing the site back into use.

5.3.22 Historic England considers that justification in line with the requirements of the Framework can only be partly made, particularly in the absence of a scheme to redevelop the site. This largely arises from the unique circumstances of Winch Hill Farmhouse and its immediate setting adjoining London Luton Airport. According to Historic England there does not appear to be an imminent risk to public safety so there is not a substantial benefit from the demolition to make the public safe, as such protection might be offered by regular maintenance of the existing security fence, and clearance of undergrowth. In terms of the four tests also set out in paragraph 195:

the nature of the heritage asset prevents all reasonable use

The site covers a wider area than just the listed building and there is no suggestion that the farmhouse prevents the use of parts of this. The nearby London Luton Airport has a greater restriction on potential use, but this in itself does not form a justification for the demolition of the listed building.

no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

The existing owners, the operators of the airport, bought the listed building relatively recently when it was already in a state of advanced decay. There is no evidence that other, potentially restoring purchasers were identified at that time, and the building had lain empty and increasingly derelict over a period of decades without a restoring purchaser coming forwards with a viable scheme..

conservation by grant funding or some form of charitable or public trust ownership is demonstrably not possible

Given the negligible heritage interest that a restored Winch Hill Farmhouse would have, it is highly unlikely that any form of grant or charitable funding would be obtainable. Even if such funding were available, it has been shown that little of heritage interest would be saveable.

the harm or loss is outweighed by the benefits of bringing the site back into use.

As the application is not accompanied by a planning proposal for a new use, this criteria cannot be said to have been met.

5.4 Conclusion

5.4.1 It is acknowledged that “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken

into account in any decision” (para 191, NPPF). Furthermore, the NPPF states that loss of the significance of a designated heritage asset should require “*clear and convincing justification*” and that where there is harm to or loss of a grade II listed building that this should be “*exceptional*”. Finally, that where there is total loss of significance of a designated heritage asset, local planning authorities should refuse consent (para 195, NPPF). Despite not fully addressing all the NPPF tests for demolition, it has been shown that Winch Hill Farmhouse is beyond reasonable repair, and only radical reconstruction would remain as an option to return the building to use. Negligible heritage significance would remain if such an approach was carried out, and hence the loss of significance (as defined in the NPPF) would remain substantial, despite the submitted Heritage Assessment stating that the level of harm is less than substantial.

5.4.2 This Local Planning Authority takes a particular dim view when it comes to the wilful neglect of a listed building. It would be unreasonable to attribute the present condition of this listed building to the LLAL considering that it only acquired the freehold interest in the property along with 260 acres of farmland in September 2015 by which time the condition of the building had significantly deteriorated.

5.4.3 It is apparent that a combination of the following factors:

- i) The lack of action by various owners over the past thirty or so years;
- ii) The lack of the Council's use of its Statutory Powers;
- iii) Vandalism by third parties; and
- iv) Exposure to the elements,

have had direct consequences in bringing the building to its current state, which is considered now to be one of overall structural instability and beyond the scope of purposeful restoration.

5.4.4 Having carefully assessed i) the case put forward by LLAL; ii) the condition of the building; iii) the extent of recoverable fabric/features/fittings should a restoration scheme have come forward i.e. there not being sufficient structure left to consider a restoration/conversion/enabling scheme and iv) considering the response received from Historic England, it is considered that the only pragmatic outcome would be to grant consent for demolition.

5.4.5 Contrary to the aims of Paragraph 195 of the NPPF, the circumstances of this heritage asset are such, that there would be no purpose served by refusing consent even though the proposal would undoubtedly be contrary to the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Policy HE2 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016).

5.5 **Alternative Options**

5.5.1 None applicable

5.6 **Pre-Commencement Conditions**

5.6.1 Due to this application being for listed building consent there is no requirement for the LPA to seek agreement from the applicant should pre-commencement conditions be proposed. Historic England advises the Local Planning Authority to “*consider what level of recording, enforced by consents attached to any consent, are appropriate given the interest of the building, despite its current decayed state*”.

- 5.6.2 Taking into account the fact that at 5.7 of Conisbee's Structural Report it states that "some original material remains such as some of the Jacobean door frames and several stone fireplaces in the chimney breasts" and the fact that the list entry refers to "....*Broad winding Jacobean stair around octagonal central mast with pyramid-plus-ball finials...*", these may well be the only features worthy of some additional recording, assuming that the remnants of the staircase remain on site.

6.0 **Recommendation**

- 6.1 That Listed Building Consent be **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the demolition of Winch Hill Farmhouse and subject to Health and Safety considerations, the following items (if still on site):

- i) 2no. Jacobean heavy moulded door frames with jamb stops;
- ii) stone moulded 4-centred arch fireplaces at ground and first floors;
- iii) brick 4-centred arch fireplace at second floor; and
- iv) octagonal central mast with pyramid-plus-ball finials to broad winding Jacobean stair

shall be recorded in-situ using a suitable method such as metric scaled detailed drawings and photographs or another suitable alternative recording method, thereafter, the results of the recording shall be agreed with and deposited at the Local Planning Authority. Following which items i), ii) and iv) above shall be carefully removed, protected (if necessary placed in temporary storage) and if considered by the Local Planning Authority worthy of salvaging, these architectural features shall, in the first instance, be offered to North Hertfordshire Museum as part of its collection.

Reason: To secure and safeguard the provision for recording matters of architectural importance associated with the building that may be lost in the course of demolition works.

Signed	
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 Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 8 March 2019	