

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01046/LDCLB	Repainting of external building from white to off-white, and repainting window detailing from brown-grey to mid-grey, including weathering repair works.	Crown Cottage North End Kelshall Royston Hertfordshire SG8 9SN

Submitted Plan Nos

19-013 A101 Rev A

1.0 Policies

HE1 Designated heritage assets

SECN16 Conserve + enhance historic environment

2.0 **Relevant History**

2.1 The full planning history can be viewed on file and the following applications are considered most relevant.

93/01060/1LB - Entrance porch, replacement windows, rebuilding of two chimneys, partial rebuilding of south facing wall and one internal partition.
CCON 11.11.1993

93/01335/1LB - Demolition of porch, internal alterations and replacement ground floor windows on north elevation.
CON 20.01.1994

08/01482/1HH - Demolition and replacement of existing single storey link building between principal dwelling and barn, incorporating single storey extensions. Conversion of attached listed barn to living accommodation.
CP 26.08.2008

08/01483/1LB - Demolition and replacement of existing single storey link building between principal dwelling and barn, incorporating single storey extensions. Conversion of attached barn to living accommodation. Internal alterations.
CCON 26.08.2008

20/00898/FPH - Internal and external alterations (as amended by plans received 11 August 2020)
CP 13.08.2020

20/00899/LBC - Internal and external alterations (as amended by plans received 11 August 2020)
CCON 13.08.2020

3.0 **Legislation**

3.1 Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Sections 16 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of the NPPF.

4.0 **Representations**

4.1 No consultation required.

5.0 **Planning Considerations**

5.1 **Site & Surroundings**

5.1.1 Crown Cottage (formerly The Old Crown) is grade II listed and occupies a very prominent position opposite the 'green' triangle in Kelshall leading to The Street and opposite the village hall. The building is a Designated Heritage Asset for the purpose of applying the aims of Section 16 of the NPPF. The list entry reads as follows:

House. Late C16 or early C17, altered C19. Timber frame, rendered. Slate roof. 3 cells, originally probably lobby entry plan with stairs behind stack. 2 storeys. Gable end to road jettied, renewed brackets, underbuilt with a 4 light C19 rectangular bay window. First floor 2 light flush frame casement. Half hip with C19 cusped bargeboards to steeply pitched roof. Right return has an entrance in a C19 gabled porch, two first floor horizontal sliding sashes. Left return has an entrance and scattered C20 casements, two first floor horizontal sliding sashes. Ridge stack between 2 front bays, rebuilt cap. External stack added to rear with 1 storey outshut addition. Interior not inspected. Formerly a public house.

5.2 **Proposal**

5.2.1 The description reads as follows: ***Repainting of external building from white to off-white, and repainting window detailing from brown-grey to mid-grey, including weathering repair works.*** It is not intended to seek amendment to the description but based on the photos submitted with the application and Google Map images from 2009, I would not describe the existing colour as white but rather a colour with yellow accents (cream/magnolia or similar to the colours 'New White' and 'Matchstick' in the Farrow & Ball paint colour range).

5.3 **Key Issues**

5.3.1 The key issue for consideration here is whether the works constitute alterations affecting the building's special character, in which case, an application for listed building consent is required or, whether the works are considered lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in which case, a Certificate of Lawfulness of Proposed Works can be granted.

5.3.2 Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") provides that anyone who wishes to ascertain whether proposed works for the alteration or extension of a listed building would be lawful (i.e. that the works would not affect the character of the listed building as a building of special architectural or historic interest) may make an application to the local planning authority, describing the works, in order to receive a formal response – a certificate of lawfulness of proposed works. Section 26H broadly mirrors the provisions of section 192 of the Town and Country Planning Act 1990 ("the 1990 Act") in respect of certificates of lawfulness of proposed use or development in the planning system. Sections 26I and 26K were inserted into the Act by section 61 of the Enterprise and Regulatory Reform Act 2013 (c. 24) ("the 2013 Act").

- 5.3.3 Applications for Certificates of Lawfulness of Proposed Works cannot be submitted in respect of works which have already been carried out as stated in the Guidance Notes on the Planning Portal. The works have not yet commenced on site.
- 5.3.4 The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014, states that such applications should be accompanied by, amongst other things, a statement explaining why the applicant believes the proposed works would not affect the character of the listed building as a building of special architectural or historic interest.
- 5.3.5 A Heritage Justification Statement has not been submitted with this application. Section 6 of the application form states:

Repaint exterior and perform minor repairs as required to protect building from weathering. Propose using limewash paint as appropriate for the building. Colour choice reflects a minor variation from the current warm white to off-white for walls and from a brown-grey to a mid-grey for the window surrounds and fascia detailing.

Whilst Section 7 states:

The proposed decorative update will protect and preserve the building. Colour choices reflect a minor variation from current and are in line with colours appropriate for the building and are in line with precedence set in Kelshall and in the region.

- 5.3.6 In June 2021 the following was published: **Historic England 2021 Listed Building Consent: Historic England Advice Note 16. Swindon. Historic England**. Scenario 2 on page 22 and entitled 'Repainting the exterior of a listed building with paint to match the existing in material and finish but changing from magnolia to a pale cream (1)', states:

*Unless it is certain that the building was intended to be painted a certain colour, or it is part of a group that has for some time been painted a single colour, or there is an Article 4 Direction specifying a particular paint colour, it is unlikely that a slight change in shade would need consent, provided the material, texture and finish of the paint is not changed. Most buildings have changed paint colour somewhat over time, as tastes change, and a change within certain parameters would not affect special interest. For instance, late Georgian, Regency and early Victorian stuccoed buildings were generally painted variations of stone colour. **Stone has a wide variety of tones but generally within variations of white, off-white, magnolia, cream and other similar pale colours. A change within those spectrums is unlikely to affect special interest (see more detailed discussion on this point under item 1(iv) below.** That is not to say that a case might not be made for a greater change, only that such a change is likely to need LBC. And in some conservation areas, with groups of matching stuccoed terraces, Article 4 directions specifying colours may be in force so consulting the LPA would be advisable.*

- 5.3.7 On page 28 of this guidance under the heading 'Works for which listed building consent is not required, with exceptions highlighted' it states:

(iv) Substantial changes of paint colour - what this means would depend on setting and circumstances (see right). Note: in some places (certain conservation areas in which this is specified in an Article 4 Direction) planning permission may be needed for changes of paint colour

In the right-hand column alongside this it states:

(a) Where buildings are isolated, or where many colours are already in use (like groups of buildings or terraces where walls or other elements are traditionally painted in a variety of colours), changing colour (unless 'eccentric' as below) is unlikely to affect special interest, in which case LBC would not be needed.

(b) Where walls, windows, doors, etc, of nearby buildings are painted in similar colours, there is often some variation (e.g. shades of white or cream). Minor changes within that existing palette should not affect special interest or need LBC, but greater changes potentially would.

(c) Where adjacent or nearby or directly related buildings are painted identically, even a slight change of colour/finish may affect special interest and need LBC.

(d) Changing to eccentric colours/stripes/etc is likely to affect special interest and to need LBC.

5.4 **Conclusion**

- 5.4.1 It is considered that the proposed colour changes will not affect the listed building's special character, therefore, listed building consent is not required and that a Certificate of Lawfulness of Proposed Works should be granted.

6.0 **Recommendation**

- 6.1 That a Certificate of Lawfulness of Proposed Works be **GRANTED**.

1. The proposal would not constitute an alteration affecting the special character of this listed building and is lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 14 July 2025	

