



TO: Planning Committee (North)

BY: Head of Development

DATE: 1 December 2020

DEVELOPMENT: Works to facilitate the change of use of the Engine House to form a 2-bedroom residential property (Listed Building Consent)

SITE: King's Mill School Lane Shipley Horsham West Sussex RH13 8PL

WARD: Southwater South and Shipley

APPLICATION: DC/20/0322

APPLICANT: **Name:** Mr and Mrs C Eustace **Address:** Kingsland Shipley Horsham RH13 8PL

REASON FOR INCLUSION ON THE AGENDA: More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development and at the request Councillor Lindsay, Councillor Stannard and Councillor Vickers

RECOMMENDATION: To approve listed building consent, subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Listed Building Consent is sought for the conversion of the engine house of King's Mill to a 2-bedroom residential property. The proposal has been amended during consideration of the application, with the original submission seeking consent to convert the lower floors of the windmill, as well as the engine house, to create a larger 3-bedroom dwelling.

1.3 The proposal, as amended, would see the following alterations to the engine house to facilitate the conversion of the engine house only to provide a dwelling:

1. Insulate the floor and ceiling
2. Create new stud walls on the inside of the existing timber frame and full fill with insulation
3. Restoration and decoration of existing windows
4. Installation of new windows and door in keeping with the existing in style, materiality and colour
5. Remove existing corrugated metal wall sheets and replace with new
6. Replace corrugated roof sheets with new insulated roof panels
7. Externally to lay grasscrete to create a parking area.

- 1.4 The proposal for the conversion of the engine house into a dwelling has been submitted with the intended aim of securing a long-term solution to finance the ongoing repair and maintenance works required to ensure the condition of the mill is not at risk. A full planning application has also been submitted (reference DC/20/0321).

DESCRIPTION OF THE SITE

- 1.5 King's Mill, is situated in a rural location outside of any defined built up area boundary. It is situated on the south side of School Lane, a country lane reached off Red Lane and Pound Lane. The site is located within the Shipley Conservation Area and is a Grade II* Listed Building.
- 1.6 The listing description describes the windmill as follows:
Smock mill and engine house. Mill of 1879 for Mr Friend Marten by Grist and Steel, millwrights of Horsham, engine house of 1880. Corn mill of four storeys has octagonal "roundhouse" of tarred weather-boarding. Platform above this supported on diagonal struts. Upper storeys faced with weather-boarding. Pointed hexagonal cap with ball finial. Sweeps and fantail intact. Attached engine house of one storey corrugated iron on wooden frame with partially gabled and partially hipped corrugated iron roof and casement windows. Steam engine no longer present but water pump survives. Good example of a smock mill in working order and the most recent and biggest windmill in Sussex. The engine house has always been an integral part of the mill and its history and was built within months of the completion of the windmill in 1880. There are two inscriptions over a window on the second floor of the mill: "Engine started January 6th 1880" and "First day new engine October 20th 1880". The steam engine was important to the operation of the mill as the location was not ideal for catching the wind. The mill was bought in 1906 by the author Hilaire Belloc, who owned it until his death in 1953. The mill was worked until 1926 when the engine was disposed of.
- 1.7 The windmill was granted planning permission and listed building consent in 1999 for alterations to the engine shed to provide display visitor facilities and to install ancillary engines. The engine house is currently used for storage.
- 1.8 The engine house is attached to the windmill and currently consists of corrugated metal sheet walls, large timber barn doors to the north elevation with metal clad gable end, a corrugated metal roof finished with black bitumen, timber framed white casement windows, two dilapidated attached timber structures used for storage and a single timber ledged and battened door to the west elevation.
- 1.9 The mill is not currently in a working condition but is confirmed by a millrights report to be in good condition despite requiring a number of repairs. The access to the site is already established via a timber gate and set within a grassed curtilage adjacent to residential properties and open fields.
- 1.10 The engine house was erected shortly after the mill was completed in order to drive the millstones and machinery when there was no wind. The original engine was removed but has been replaced with the existing engine.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990

RELEVANT PLANNING POLICIES

2.2 The following Policies are considered to be relevant to the assessment of this application:

2.3 **National Planning Policy Framework**

2.4 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 7 - Strategic Policy: Economic Growth

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

RELEVANT NEIGHBOURHOOD PLAN

2.5 The Examination of the Shipley Neighbourhood Plan is now complete and the Inspector's Report has been issued. It therefore carries significant weight in decision making. A referendum will be held in 2021. The relevant policies of the Shipley Neighbourhood Plan are as follows:

Policy Ship HD1: New Housing Development

Policy Ship HD2: Housing Mix

Policy Ship HD3: High Quality Design

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6 The most recent and relevant planning history relating to this site is as follows:

| | | |
|------------|--|-------------------------------------|
| DC/20/0321 | Change of use of engine house to form 2-bedroom residential property (Full Application) | Under consideration |
| SP/19/99 | Alteration to engine shed to provide display visitor facilities and to install ancillary engines | Application Permitted on 14.06.1999 |

3. **OUTCOME OF CONSULTATIONS**

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

3.2 **HDC Conservation:** No Objection subject to conditions.

"King's Mill is a well-recognised feature of Shipley and in the landscape. It is a good example of a smock mill and illustrates the technology and construction at the end of the nineteenth century. The importance of the building is reinforced by its listing at grade II*. The decision to build the windmill in this location is intriguing as it struggled to catch the wind and an engine was required to make the mill sustainable. For this reason the engine house forms an important part of the special interest of the building. Although the windmill does require repair, and I have been in communication with the owners relatively recently about repair to the fan tail and gear rack, it retains much if not all of its internal workings such that it is not inconceivable that it could operate again. This is important as many historic mills have lost their internal workings and survive as shells. Although we cannot insist on the mill being

brought back into use it is necessary that we consider its optimum viable use, the use that will result in the least harm and in this case the use for which it was built, and ensure that this original use is not jeopardised or prevented in the future.

In order that the building can support itself in terms of funding continued maintenance and repair, I am satisfied the principle of sustainable conversion is acceptable. Following detailed discussions with the applicants' agent we have reached a point where I feel the benefits of conversion to residential use will outweigh the harm to the special interest of the listed building. The proposed conversion will be limited to the engine house. This will avoid alteration or disruption to the smock mill and maintain the possibility of it being brought back into use in the future. An argument could be made that converting the engine house will reduce the likelihood of the mill working again as this will prevent the reuse of an auxiliary engine. I am satisfied that there will be other ways to power the workings if wind power is not sufficient and that there are ways to connect and house an auxiliary power unit such as an electric motor without harm to the special interest of the listed building. The existing engine is one fitted in the recent past as a museum piece rather than forming part of the historic workings. If there is interest in working the mill commercially in the future then we can consider the requirements for this in light of the loss of storage and working space in the engine house. The physical impact of the conversion will not result in a significant change to the exterior of the engine house and it will remain recognisable as forming part of a rural, industrial building. The internal alterations will result in compartmentalisation of the space and will dilute opportunity to appreciate how the engine house related functionally to the mill. In paying special regard to the desirability of preserving the special interest of the listed building I am mindful that these alterations will be harmful. However, I am satisfied this harm is less than substantial and is outweighed by the public benefit of ensuring funding is available for conservation of the asset in the future and to prevent further deterioration in the short term. My immediate consideration is to ensure the mill is preserved as it currently exists and does not deteriorate. It is right that the Council supports a scheme that provides a viable and sustainable income for continued maintenance. To this end it is appropriate that the income from the residential use is tied to a maintenance and repair schedule in perpetuity."

OUTSIDE AGENCIES

- 3.3 **Historic England:** Historic England formally commented on the proposals at each of the three consultations. These three responses are summarised below:

1 April 2020 – **Concerns raised.**

Summary – "Kingsmill at Shipley is a highly significant Windmill listed at grade two star as a rare survival of smock mill in working order. Historic England considers the proposals to convert the engine house and lower floors to residential use would cause harm to the significance of the windmill as a result of changes to the functional and utilitarian character of these spaces and to the understanding of how the mill operated. We also have concerns regarding the direct impact of the proposals and whether these would prohibit the mill ever working properly once converted as well as preventing any potential future public access. We appreciate that the proposed scheme seeks to secure a sustainable future for the building but do not think that the current submissions have demonstrated that all harm has been avoided or minimised; the harm that remains has been clearly and convincingly justified; and the proposals are the optimum viable use, as required by paragraphs 190, 194 and 196 of the National Planning Policy Framework (NPPF)."

5 June 2020 – **Concerns raised.**

"We appreciate that there is a real need to generate funds to secure the repair and long term maintenance of the windmill and that the owner is willing to accept some limited public access. However, we remain concerned that the mill would not be able to work properly once the engine house and lower floors were converted to residential use. We are also concerned that conversion would make it more difficult to understand how these spaces contributed to the operation of the windmill and the milling process. We note that the Sussex Industrial

Archaeological Society and former members of the trust also hold this view. They explain that the lower floors, engine house and engine are important elements of the working mill. Conversion of the lower spaces would prevent the operation of the sack hoist enabling flour to be lowered to the ground floor, and likewise, grain to be raised up through these floors to the bin floor. In addition Sussex Industrial Archaeology Society highlight the importance of the engine house and engine within it for understanding how millers overcame site difficulties and the lack of wind, by installing alternative power. Furthermore, the conversion would impact on the appreciation of the functional and utilitarian character of the mill.

In terms of the assessment of options that has been provided, we would expect the Local Planning Authority to rigorously scrutinise this information to ensure that the three bedroomed dwelling is in fact the optimum viable use (i.e. the viable use that causes least harm to the building's significance) as required by para 194 NPPF. We note that the assessment lacks any financial analysis of the alternatives, including why a smaller change would not generate sufficient funds, or any market testing of the demand for other uses.

Before any conversion of the mill is accepted, use as i) a visitor attraction, and ii) a separate residential building should be given fuller and more serious consideration. From the representations received we can see that there is a real appetite and enthusiasm for the re-establishment of the trust and the running of the mill as a visitor attraction, with the offer of support from local residents to achieve this.”

“Historic England still has serious concerns with regards to these applications on heritage grounds.

We consider that the issues and advice in our letter need to be addressed in order for the application to meet the requirements of paragraphs 190, 193, 194 and 196 of the NPPF.”

3 September 2020 – **Comments.**

“Historic England previously commented on earlier versions of this scheme in our letters dated 1st April and 5th June 2020.

In these letters, we highlighted the significance of Kings Mill, as a rare survival of an intact smock mill in working order and listed at grade II*. We also raised concerns regarding the proposal to convert both the engine house and lower floors of the windmill to residential use. This was because we considered it would cause harm to the significance of the windmill through the loss of the functional and utilitarian character of the converted spaces, which would make it more difficult for a visitor to appreciate how it functioned as a working mill. In addition, we had concerns regarding the direct impact of the proposal and whether this would prohibit the mill ever working properly once converted, as well as preventing any potential future public access.

The proposal has now been amended to involve solely the conversion of the engine house, as well as retaining the machinery and engine, so that they can still be read as part of the working of the mill.

Historic England considers that this change is an improvement over the previous scheme as it will maintain the intactness of the smock mill and therefore the possibility of it being brought back into working use in the future. The retention of the machinery within the engine house also maintains the understanding of how the mill was operated on windless days and in doing so preserves the meaning of the building in which it is housed.

However, the proposal will still cause some harm to significance through the subdivision and domestication of the interior of the engine house and the loss of its functional and utilitarian character. The conversion to domestic use will also prevent any potential future operation of the windmill on days without wind.

Any proposal requiring planning permission or listed building consent is judged in the context of the National Planning Policy Framework (NPPF), which gives great weight to the conservation of heritage assets in a manner appropriate to their significance. Harm to heritage significance should be avoided or minimised (Para 190). Where harm is unavoidable it must be clearly and convincingly justified (Para 194). Such harm can then be weighed against any public benefits, including securing the optimum viable use of a place (Para 196).

Historic England in its previous advice considered that the options of either a) re-establishing the mill as a visitor attraction operated under a trust; or b) the provision of a separate building, detached from the windmill and in a location that does not significantly compromise its setting should both be given serious consideration, before the conversion of the mill is accepted. We felt that these options would be less harmful to significance of the windmill and would facilitate future public access.

We are aware that these options have been discussed with the applicants and their agent and for different reasons are not considered by them to be achievable or deliverable. We also appreciate that funds for the repair and maintenance of the windmill need to be found if it is not to deteriorate further and that this scheme has the potential to deliver an income to achieve this.

We therefore recommend that the Local Planning Authority rigorously scrutinise the proposal and supporting information to determine whether the requirements of the NPPF are met. In particular, firstly is harm as far as possible unavoidable and clearly and convincingly justified in relation to a dwelling house scheme, and secondly is a dwelling house scheme actually the optimum viable use for this building (i.e. the viable use that causes least harm to the building's significance)? Furthermore, is the income generated from the proposal (which is identified as a heritage benefit and which may be weighed against the harm) sufficient to secure the future of the windmill as is claimed?

If the applications are approved, they should be controlled by a condition or legal agreement that requires the monies generated to be tied to the repair and maintenance of the windmill in perpetuity. We also recommend that some level of public access to the building, such as on heritage open days, is secured as part of these proposals."

3.4 The Society for The Protection of Ancient Buildings (SPAB): SPAB formally commented on the proposals at two of the consultations. These responses are summarised below:

24 March 2020 – Concerns raised.

"In our view this application fails to meet the tests of national planning policy in the National Planning Policy Framework (NPPF).

As a listed building it is important that the significance of King's Windmill should be sustained. We feel the current application fails to do this. The Design and Access statement suggests that the applicants 'are mindful of continuing the maintenance regime and are seeking to create a sustainable plan for the future by adapting the mill to put in place a user who through occupancy will continue the maintenance regime and generate an income to sustain it.' However, we are concerned that domestic occupation is unlikely to be compatible with use as a working mill.

We feel the harm resulting from conversion could be substantial, but even if 'less than substantial', the NPPF is still clear in its guidance "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." The optimum viable use of the historic structure is, in our view, a as working mill. This was demonstrated when the mill was previously open to the public on a regular basis – tourists were attracted to the building and to the area. There is no evidence presented to show that this use has ceased to be viable.

The minor public benefits that might result from the creation of a single dwelling do not outweigh the harm that would be done to the heritage asset. This harm would result from a change of use that would affect the long term ability of the structure to function as an historic windmill.

For all these reasons, the SPAB Mills Section objects to the application.”

1 September – Comments.

“The SPAB Mills Section is satisfied that the new plans have taken into account our previous submitted objections.

The architects are making a reasonable plan for covering ongoing costs of maintenance from rent of the house. We would like to advise Horsham District Council to monitor that the rent is used for the benefit of maintaining the mill once the modifications are done and rent is coming in.”

PUBLIC CONSULTATIONS

3.5 In total 32 representations (some from the same households) have been received across the three consultations. The first two consultations considered a three bedroomed scheme which included the conversion of the lower floors of the windmill as well as the engine house. 23 responses were received to these consultations held in Feb/March and April/May, with one being in support. These representations can be summarised as follows:

- This is the last complete smock mill capable of working throughout the county and must be maintained for the benefit of future generations
- An important part of Sussex heritage that should be retained in its original condition
- Loss of important protected landmark
- Irreversible harm to the listed building
- Will remove the windmill from internal public access forever and the upper floors from maintenance
- Public access should be maintained
- Will prevent the Mill from every being restored to working order
- Conversion cannot be achieved without an impact on the historic fabric of the mill
- The best future for the windmill would be to reinstate the Trust, which could then raise the necessary funds to restore the windmill to working order
- Shipley Windmill is very different to the other examples given and not comparable
- The windmill is in a state of neglect/ disrepair and lacks maintenance
- The scheme is not necessary or justified in order to preserve the mill for future generations as there is a great deal of interest and enthusiasm locally and within various conservation organisations which could be drawn upon to facilitate its preservation and maintenance
- Request for parish of Shipley to set up a Shipley Windmill charitable trust and take on the running of the windmill
- Background to reasons charitable trust terminated their lease and their reluctance/ disappointment with this
- Internal works would destroy the fabric of the listed building
- Concern over financial viability of the proposal
- impact on nearby gardens from overlooking
- Unclear how the ground and first floor ceilings can be left with exposed joists whilst also maintaining insulation standards and the existing ladders retained
- No public benefit of this proposal, only a loss of amenity
- Not the optimum viable use
- Would constitute substantial harm and none of the four tests are satisfied
- Loss of engine

- Whilst the original engine has gone, there remains the original physical connections to the mill and the physical landscape of the original which would be compromised if converted
- Interest in historic mills and stoneground flour has grown
- Goes against the principle of the lottery money donated to repair the sails provided the building was opened up
- As an absolute minimum planning permission should come with conditions surrounding maintenance and regular public openings
- Will lead to development of upper floors
- It is not true that mills with sails/sweeps cannot produce electricity - see Ashcombe in Lewes
- Concerned that the application does not seem to contain any reference to the legally binding agreement that was made in the past to continue to maintain the mill
- Construction noise and impact on roads during development
- Change in the landscape

3.6 The third consultation was held in August/September and sought comments on the amended 2-bedroom engine house conversion scheme that is the subject of this report. 9 additional comments were received from members of the public, including one in support, which can be summarised as follows:

- Other funding options should be explored including the creation of a new charitable trust
- Demonstrable harm has not been justified
- Loss of historic character of the Engine House
- Engine house is integral part of the mill and its history
- Need more financial clarity
- Should be restored not converted
- Public funds spent previously are being disregarded
- Engine shed is not suitable for conversion
- Will remove the windmill from public access forever
- Should be retained open to the public/tourists
- Should be used for locally milled flour
- Building should be controlled by the Council or compulsory purchased
- Takes away the possibility of the mill being used via the engine in the future/being restored to working order
- Gridforce mesh matting is not in keeping
- Existing door should be retained
- Water pump and barn door gable hinges should be retained
- Alternative options such as shepherds huts holiday accommodation suggested

3.7 **The Sussex Industrial Archaeology and the Sussex Mills Group**

The Sussex Industrial Archaeology Society and Sussex Mills Group have both objected to the proposals at each consultation stage. These are detailed responses not reproduced in this committee report but available on the public portal. The objections to the proposal subject to this report are reproduced below.

3.8 **The Sussex Industrial Archaeology Society – Objection.**

"I refer to previous objections to this application that this Society has made and note that no alterations are now to be made to the Mill itself. However as previously stated the engine house is an historic adjunct to the mill, being erected shortly after the mill's completion and demonstrating the ingenuity of our forefathers in solving practical problems; in this case the lack of wind availability. In previous applications for similar conversion of the engine house, which were not approved, it was noted by English Heritage that a sustainable solution to secure the mill's future should be found. Does this revised application ensure this? – unfortunately no.

I note that the previous application's financial figures for funding the mill repairs are used in this application, which is for a lesser amount of conversion work. Assumptions are made that the conversion can be funded by a mortgage, as yet not agreed, and that the full proposed contribution from this transaction will be sufficient to cover the immediate and urgent repairs needed for this important listed building.

It is not made clear whether this money would be utilised immediately or following the completion and letting of the conversion during which time the mill will deteriorate further.

Should the desired rental income be achieved, this as stated may cover the cyclical costs but there is no proposal as to how future major repairs, which will inevitably occur, will be funded."

"The concern of the Sussex Industrial Archaeology Society is that the mill will further decay to such an extent that it can no longer ever be workable, a sad and unnecessary loss to one of the historic buildings of the County which ten years ago was working and had a future with an a dedicated group of local supporters.

As such Sussex Industrial Archaeology Society maintains its strong objection to these applications."

3.9 **The Sussex Mills Group – Objection.**

"The Sussex Mills Group still opposes this revised proposal on the following grounds. It will lead to an unnecessary irreversible change to one of the most important historic windmills in England.

1. The engine shed is a critical and unique feature of the mill. It is a relatively lightweight timber construction covered with corrugated iron sheeting. Hence it will not be possible to convert it into suitable living accommodation, complying with all necessary building regulations, in the way proposed without fundamental changes to its historic fabric. Furthermore being within the curtilage of a listed building it will also have a negative impact on the windmill. A solution that would be considerably less detrimental to the mill would be to erect a completely new building for living accommodation away from the mill.

2. The revised 'design and access statement' still incorrectly states that the auxiliary engine was acquired by the volunteers to run the sweeps for visitors when there was no wind. This is not true. The engine is a second hand replacement of the original auxiliary engine which was used to drive the mill's machinery when there was no wind during most of the mill's commercial working life. When commercial milling ceased the engine was removed, probably for scrap, as was often the case with mills across Britain. In the early 2000s the trust managed to acquire the present engine to replace the original and it was set up in the original position with the original machinery. Although it is not the original engine it is still a vital part of the mill's heritage. In the same spirit the sweeps, fantail, reefing stage and much of the external cladding are not original, having been replaced due to decay, but are still vital features of the mill and could not be removed.

3. The revised 'design and access statement' states that the need for change is to fund repairs and maintenance and no alternative is viable. This is not true. It implies that the use of the premises as a museum and visitor centre by the trustees between 1987 and 2009 failed due to a lack of funding and volunteer labour. This is not true. Care of the mill in this way would still be continuing in this way successfully today had the owner consented to renew the lease which was due to expire in 2010. The imminent expiry of the lease prohibited the trustees from obtaining the necessary funding from grants and so the volunteers and trustees surrendered the lease in 2009 because of this. There is still a great deal of good will locally and within the heritage community and creation of a new trust would be a viable option to maintain the mill if the owners were in agreement. There are numerous successful examples of mills being run in this way across Britain. Furthermore it is unlikely that the rental

income from living accommodation of the size and type proposed would cover the cost of repairs and maintenance stated by the proposal. It is also questionable if the huge expenditure needed for the building works to convert the engine shed is available, why it is not being spent directly on the repairs currently needed for the mill.”

PARISH COUNCIL CONSULTATION

3.10 **Shipleigh Parish Council: Objection** (4 September).

1. Financial - Members were not convinced that the financial model proposed by the applicant was sustainable creating a risk that the income from the proposed development may not fund maintenance of the windmill in future years.
2. Funding options - Members pointed out (from personal experience) that other funding options to maintain the windmill had been proposed in the past but had been rejected by the applicant. These options were not considered in the financial analysis provided by the applicant. These options would have afforded the opportunity for grant income to maintain the windmill.
3. Design - Members noted the professional objections from English Heritage and Historic England and supported their findings and recommendations.
4. History and amenity - Members noted the large number of objections (the most received in recent times) from both local residents and from further afield. Members agreed with the majority of comments that the windmill is a local community asset and that the removal of the engine room would be hugely detrimental and at odds with the grade 2* listing.
5. Conclusion and decision - on balance, all the consultee reports before Members seem to agree that the amended application will not change the preservation of the windmill any more than compared to the current situation.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 Paragraph 193 of the NPPF (2018) states that "when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)." Paragraph 194 continues to state that "any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or for of development within its setting), should require clear and convincing justification."
- 6.2 Paragraph 192 of the NPPF states "In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness."

- 6.3 Policy 34 of the Horsham District Planning Framework (HDPF) states “The Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets.”
- 6.4 King’s Mill is a well-recognised feature of Shipley and in the landscape. It is a good example of a smock mill and illustrates the technology and construction at the end of the nineteenth century. The importance of the building is reinforced by its listing at grade II*. The decision to build the windmill in this location is intriguing as it struggled to catch the wind and an engine was required to make the mill sustainable. For this reason, the engine house forms an important part of the special interest of the building.
- 6.5 Although the windmill does require some repair it retains much if not all of its internal workings such that it is not inconceivable that it could operate again. This is important as many historic mills have lost their internal workings and survive as shells. Although it cannot be insisted that the mill be brought back into use, it is necessary that its optimum viable use is considered, the use that will result in the least harm, and in this case the use for which it was built, and ensure that this original use is not jeopardised or prevented in the future.
- 6.6 In order that the building can support itself in terms of funding continued maintenance and repair, the principle of sustainable conversion is considered acceptable. Following amendments to the proposal, the benefits of a sympathetic conversion to residential use are now considered to outweigh the harm to the special interest of the listed building. The proposed conversion will be limited to the engine house only as opposed to the lower levels of the windmill too as originally proposed. This will avoid alteration or disruption to the smock mill and maintain the possibility of it being brought back into use in the future. An argument could be made that converting the engine house will reduce the likelihood of the mill working again as this will prevent the reuse of an auxiliary engine. However, it is considered that there will be other ways to power the workings if wind power is not sufficient and there are ways to connect and house an auxiliary power unit such as an electric motor without harm to the special interest of the listed building. The existing engine is one fitted in the recent past as a museum piece rather than forming part of the historic workings.
- 6.7 The physical impact of the conversion will not result in a significant change to the exterior of the engine house and it will remain recognisable as forming part of a rural, industrial building. It is acknowledged that the internal alterations will result in compartmentalisation of the space and will dilute opportunity to appreciate how the engine house related functionally to the mill. In paying special regard to the desirability of preserving the special interest of the listed building, these alterations are likely to be harmful. However, this harm is considered to be less than substantial and is outweighed by the public benefit of ensuring funding is available for conservation of the asset in the future and to prevent further deterioration in the short term. In ensuring that the mill is preserved as it currently exists and does not deteriorate, it is considered that support should be given to a scheme that provides a viable and sustainable income for continued maintenance. To this end, it is appropriate that the income from any residential use of the engine room is tied to a maintenance and repair schedule in perpetuity, through a Section 106 agreement tied to the full planning application (reference DC/20/0321).
- 6.8 In conclusion, it is considered that the proposed works would preserve the historic interest of the grade II* listed building, in accordance with development plan policies, and that the less than substantial harm caused will be outweighed by the public benefit of securing ongoing funds to do so. The application for listed building consent for works to facilitate the conversion of the engine house to provide a dwelling is therefore recommended for approval, subject to appropriate conditions.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to the following conditions:

Conditions:

- 2 **Standard Time Condition:** The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3 **Pre-Commencement Condition:** No relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

- a) Drawings to a scale not smaller than 1:5 fully describing:
- new windows and external doors.

These drawings must show:

- materials
- decorative/protective finish
- cross section of frame, transom, mullions, glazing bars, etc
- formation of openings including reveals, heads, sills, etc
- method of opening
- method of glazing

- b) Samples or specifications of external materials and surface finishes.

- c) Specification and/or drawings fully describing method of incorporating thermal, fire and sound insulation, describing the effect on the appearance and fabric of historic and architectural features. This is particularly relevant at roof/wall junctions.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** All new and replacement rainwater goods shall be cast iron or cast aluminium.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** No new grilles, security alarms, lighting, cameras or other like items shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/0322 and DC/20/0321