
Appeal Decisions

Hearing held on 4 August and 4 October 2016

Site visit made on 4 October 2016

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 November 2016

Appeal A Ref: APP/T0355/W/16/3142397

Paradise Farm, Twyford Road, Waltham St Lawrence, Reading RG10 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Palmer-Page against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 15/03528, dated 30 October 2015, was refused by notice dated 7 January 2016.
 - The development proposed is the conversion of existing barn to a dwelling with ancillary landscaping works.
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Appeal B Ref: APP/T0355/Y/16/3142400

Paradise Farm, Twyford Road, Waltham St Lawrence, Reading RG10 0HL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant Listed Building consent.
 - The appeal is made by Mr B Palmer-Page against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 15/03531, dated 30 October 2015, was refused by notice dated 14 December 2015.
 - The works proposed are the conversion of existing barn to a dwelling with ancillary landscaping works.
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Appeal C Ref: APP/T0355/W/16/3150386

Paradise Farm, Twyford Road, Waltham St Lawrence, Reading RG10 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr B Palmer-Page against the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/00584 is dated 15 February 2016.
 - The development proposed is the conversion of existing barn to a dwelling with ancillary landscaping works.
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Appeal D Ref: APP/T0355/Y/16/3150390

Paradise Farm, Twyford Road, Waltham St Lawrence, Reading RG10 0HL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for Listed Building consent.
 - The appeal is made by Mr B Palmer-Page against the Council of the Royal Borough of Windsor and Maidenhead.
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- The application Ref 16/00585 is dated 15 February 2016.
 - The works proposed are the conversion of existing barn to a dwelling with ancillary landscaping works.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.
3. Appeal C: the appeal is dismissed and planning permission is refused.
4. Appeal D: the appeal is dismissed and Listed Building consent is refused.

Procedural Matters

5. The barn that is the subject of these appeals is a grade II Listed Building within the Waltham St Lawrence Conservation Area. In addition to the Listed Buildings within Paradise Farm, there are others nearby. As required by Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a Conservation Area.
6. The description for each application referred to the conversion of an existing barn with ancillary landscaping. The drawings for the appeals show proposed extensions to the building and the provision of a rear garden. The main parties confirmed this was the case, and I have therefore determined the appeals on that basis.
7. As set out above, there are four appeals on the same site, two seeking planning permission and two for Listed Building consent. All the appeals seek the extension and conversion of a barn into a dwelling with ancillary landscaping works, including the creation of a garden. Appeals C and D differ from A and B in that the former two propose a side extension. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the schemes together, except where otherwise indicated.
8. Appeals C and D are against the Council's failure to give notice of its decision within the appropriate period for applications for planning permission and Listed Building consent. If the Council had been in a position to determine these applications, they would have been refused for reasons relating to the harm to the significance of a Listed Building and a Conservation Area, that would not be outweighed by public benefits or secure the asset's optimum viable use.
9. Reference was made by the Council to the Shurlock Row Conservation Area in their reasons for refusal, although the appeal property is within the Waltham St Lawrence Conservation Area. The Council confirmed at the hearing that the reference to the Shurlock Row Conservation Area was an error. As this was accepted and agreed by all parties, and is consistent with the evidence before me, I have dealt with the appeals concerning the impact of the proposals on the Waltham St Lawrence Conservation Area.

Main Issues

10. The main issues are *firstly*, whether the proposals would preserve the special architectural or historic interest of a Listed Building and its setting and that of nearby Listed Buildings; *secondly*, whether the proposals would preserve or enhance the character or appearance of the Waltham St Lawrence Conservation Area; *thirdly*, whether the proposed conversion, extensions, alterations and associated change of use would be inappropriate development in the Metropolitan Green Belt; *fourthly*, the effect of the proposals on the openness of the Green Belt; and *fifthly*, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Heritage Matters

11. The appeal barn is part of a historic farmstead to the southern edge of Waltham St Lawrence. Positioned to the rear of the farmyard, the barn was constructed in the late seventeenth or early eighteenth century with weatherboard cladding above a red brick plinth under a tiled roof. It has a good quality exposed timber frame, with three bays and a rear aisle, and centrally opposed cart entrances. Projecting from the northern end of the barn is a nineteenth century animal shed that has been converted to an office. The form and functional appearance of the barn, its age and construction, including the use of traditional materials, along with its relationship to the surrounding farmstead and land, is part of the special interest of this Listed Building.
12. In addition to the appeal barn, there is another listed timber framed and weatherboard clad barn to the south west of the yard that has been converted to a dwelling. The listed farmhouse fronts the road and its part timber frame and painted brick infill panels, along with its tiled roof, make it an eye catching building. It forms the focal part of the farmstead. Its historic residential form, its positioning to one side of the farmyard and being set apart from the functional buildings, emphasises its importance. Even though the agricultural use of the farm has ceased, the former use of this group of historic buildings remains legible, as is their functional interdependence and the linkages between them and the surrounding countryside. This is part of the special interest of these buildings and their settings.
13. Due to the topography of the area and the proximity of the farmhouse to an important road junction within the village, the farm is a prominent cluster of buildings. The farmstead forms a transition between the village and surrounding countryside that reflects the historic linkages and development of the area. As such the buildings make a positive contribution to the character and appearance of the Conservation Area.
14. Although there are windows and doors in the converted animal shed, the historic use of the barn itself remains apparent in its blank walls and roof, opposing cart openings, and open interior. The residential conversion would necessitate the insertion of a number of windows, rooflights, and doors, thereby eroding its plain agricultural appearance. The creation of a fully glazed pitched roof to the rear cart opening with appeals A and B would extend the barn in a way that would not reflect its simple utilitarian form, and would unacceptably interrupt the bold and deep sweep of the rear roofscape.

15. The provision of glazed hips would give an overtly residential appearance to the building at odds with its utilitarian vernacular appearance. Due to the nature of the surrounding area, this feature would be apparent from some distance, including at night when the rooms would be lit. Whilst the provision of new openings in the front and rear elevations has been kept to a minimum to retain the barn's historic appearance, the positioning and number of windows and doors proposed for appeals A and B would adversely harm the special interest of this Listed Building and its contribution to the farmstead and the Conservation Area.
16. Moreover, with appeals C and D the addition of a side extension to provide garages with rooms above would be a dominating addition to the building. I note that historically there was a building attached / close to the barn at this point that would have contributed to enclosing the farmyard. However, from the evidence before me it appears to have been single storey, and as such would have had a noticeable subservience to the cart barn. The proposed extension has been designed to reference the appearance of the appeal barn and the other listed barn on site. However, both these buildings dominant the yard due to their size and cohesive appearance, and this effect would be unacceptably eroded by the size of the proposed extension.
17. The open spacious interior of the barn reflects its former agricultural function, with most of the timber frame of the building being visible. Inside the barn there is a sense of lofty space that derives from the uninterrupted views of the roof structure. The proposed residential conversion would necessitate the subdivision of the interior both horizontally and vertically. Even with the retention of the oak frame and the void proposed in appeals C and D, for all the schemes the presence of the staircase would interrupt the open through-way formed by the opposing cart entrances. This would be at harmful odds with a fundamental aspect of the barn's special interest. The proposed side extension for appeals C and D would allow a less intensive subdivision of the barn, but nevertheless each scheme would harmfully impact on the spacious and expansive nature of the internal space.
18. The optimum viable use of a Listed Building is often that for which it was constructed. In this case the appellant points out that the conversion and extension would introduce a long term viable use for the barn, particularly as any farming use of the site has now ceased. Whilst the Council consider there is no viable commercial, equestrian, or modern intensive agricultural use for the barn, evidence of alternative uses for the site was limited. The building may not be suitable for some modern agricultural machinery, but this does not preclude other uses.
19. It was apparent from my visit that a number of changes to the farmyard have occurred that have modified its agricultural appearance. Nonetheless, the historic barns and the farmhouse remains, as does their functional relationship to each other and the surrounding area, including the linkage through the cart barn from the yard to the fields beyond. The historic map extracts of the farmstead clearly show the concentration of the principal farm buildings around a yard. Whilst there is currently a gravelled area to the rear of the cart barn, the cluster of buildings and their functional relationship with each other and the surrounding land remains apparent. This concentration and the remaining partial enclosure of a yard are important aspects of the settings of the listed

farm buildings that positively contributes towards the character and appearance of the Conservation Area.

20. The schemes propose a large rear garden, the extent of which would blur the defined division of uses that currently occur. The size of the garden would distort the visual and functional linkages of the fields to the farmstead. I note that a characteristic of the village and the Conservation Area is the dominance of historic buildings interspersed with paddocks and fields. This gives a loose knit and verdant appearance to the settlement that reflects its development over time. But the edge of village positioning of the farm is very different to the development pattern of the settlement. The provision of such a large garden would project into the countryside, thereby eroding the character and appearance of the area.
21. The National Planning Policy Framework (the Framework) requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset that this harm should be weighed against the public benefits of the proposal. Both schemes would result in less than substantial harm due to the comparative scale and size of the proposals relative to that of the Conservation Area, the Listed Building, its setting and that of others. The appellant refers to the Council having no five year housing land supply and that an additional dwelling would contribute to this, as well as allow repairs to be undertaken. However, the provision of an additional dwelling would be of limited public benefit, whilst repairs to the barn could occur irrespective of the proposed conversion. As such the public benefits would be modest and would not outweigh the harm I have found.
22. The Framework requires 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. For the reasons given above, I have found that the proposals would neither preserve a grade II Listed Building and its special interest, its setting and that of others, nor preserve or enhance the character or appearance of the Conservation Area. The proposal would fail to accord with the statutory duties of the Act nor the historic objectives of the Framework.
23. At the hearing the appellant considered that Policies LB2, LB3 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan (2003) (LP) were inconsistent with the Framework. Following consideration the Council were of the opinion that points one and five of LP Policy LB2, all of Policy LB3 and point one of Policy CA2 had been superseded by the requirements of the Framework. However, excepting the disputed policies and caveats, amongst other things they and also LP Policy DG1 seek development that is sympathetic to an area and the protection, preservation and enhancement of Conservation Areas, Listed Buildings and their settings. As these requirements reflect objectives of the Framework I have had regard to those elements of the policies that require this, and on that basis find the proposal would fail to accord with these policies.

Green Belt Matters

24. The appeal site lies within the Metropolitan Green Belt. Paragraph 90 of the Framework states that certain forms of development, including the re-use of buildings provided that they are of permanent and substantial construction, is not inappropriate development in the Green Belt. This is provided that the

development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As both schemes propose extensions to the building, consideration has to be given to paragraph 89 of the Framework whereby the extensions or alterations can be excepted provided it does not result in disproportionate additions over and above the size of the original building.

25. At the hearing the appellant raised the consistency of LP Policies GB1, GB2, GB3 and GB8 with the requirements of the Framework. LP Policy GB1 directs consideration for the residential change of use of a building to LP Policies GB3 to GB5 and GB8. LP Policy GB2 refers to the redevelopment of a site and to change of use. However, a change of use of land is not cited within the closed list of paragraph 90 of the Framework, and I have given this aspect of the policies limited weight. Within policy GB8 there are a number of prescriptive caveats that go beyond the requirements of the Framework, but it also requires that a building is of permanent and substantial construction. As such I have had regard to the elements of those policies and their requirements that are consistent with the Framework.
26. The building is of permanent and substantial construction and as such its re-use would not be inappropriate development in the Green Belt. At the hearing the main parties agreed that the alterations and extensions to the barn itself were not disproportionate additions, and on the basis of the evidence before me I have no reason to disagree. But in addition to the conversion and extension of the barn, the schemes also propose the change of use of land to garden. Although not a reason for refusal, the Council have identified this aspect as inappropriate development with regard to appeal C.
27. This land is currently partly mown grass with juvenile trees planted to one side, and partly gravelled hardstanding used for vehicle parking and storage. A fence already delineates the boundary. There would be a visual change in the appearance of the site, and some residential paraphernalia would be present. Having regard to the existing use of the land compared to that proposed, the effect on openness would be limited.
28. The proposed conversion and extension of the building would not be inappropriate in itself, but the change of use of land would be, and would be contrary to the Framework. Whilst this would cause limited harm to the openness of the Green Belt, inappropriate development is by definition, harmful, and this harm, and that to designated heritage assets, is not outweighed by any other considerations that would amount to very special circumstances.

Other Matters

29. The barn is used by bats as an occasional roost, and a proposed mitigation plan has been provided by the appellant. The Council have raised no objection to the suggested measures, although I note that the survey was undertaken in June 2015 and its findings are now over a year old. However, as I am dismissing the appeals for other reasons this matter has not been decisive.
30. Parking for the proposed dwelling would be in the yard and in the case of appeals C and D, within garages. Whilst the proposed garages would not comply with the Council's space standards, in these circumstances, this non-

compliance would not provide an additional reason for the rejection of the appeals.

31. It was explained at the hearing that the Council's environmental health team have withdrawn their requirements for an assessment of land contamination and control of construction impacts, although informatives for both were required. In view of my decision with regard to the main issues, I have not considered these matters further.
32. My attention was drawn by local residents to Policy WSL of the Hurley and the Walthams Neighbourhood Plan: Pre-submission Plan / Consultation. However, the Plan is at an early stage of preparation, and this therefore limits the weight that I can attribute to this policy.
33. I have considered the concerns of local residents that allowing the appeals would set a precedent for other further development within and around the farmstead. Reference was also made to the precedent set by earlier appeals at the farm in 2001 and 2008, and my attention was drawn to other historic farmsteads within the area. Any proposals for further future development would be a matter for the Council to address. As regards the previous appeals, the 2008 scheme is different to that before me, whilst that of 2001 is of some age and does not reflect the current situation within the farmstead. The other farms I was shown comprised a variety of historic vernacular agricultural buildings, but each was different to the appeal site, including with regard to size, their relationship to the village, the style of the farmhouses, and the nature of the farm buildings. Neither forms a direct comparison to the site before me, and nor do I have their full planning history. Moreover, each application and appeal has to be treated on its individual merits, in accordance with the requirements of the current Development Plan and all other material considerations, as I have undertaken in these cases.
34. Finally, the concerns regarding the Authority's handling of the applications and appeals are procedural matters. Such concerns fall to be pursued by other means separate from the planning appeal process and are not for me to consider.
35. When taken either together or separately, none of these other matters would outweigh the harm I have found in respect of the heritage assets.

Conclusion

36. For the reasons given above and having considered all other matters raised, the appeals are dismissed, and, consequently, planning permission and Listed Building consent is thereby refused for appeals C and D.

J J Evans

INSPECTOR

APPEARANCES

FOR THE APPELLANT

B Palmer-Page	Appellant
M Crook	MSC Planning
Patrick Maguire	Asset Heritage
C Harvey	HAP Chartered Architects
Alan Hooper	HAP Chartered Architects
Daniel Stedman Jones	Essex Chambers

FOR THE LOCAL PLANNING AUTHORITY:

Sheila Bowen BA Hons Town and Country Planning Dip UD

Rachel Fletcher

INTERESTED PARTIES:

Richard Sykes	Local resident
Clive Scott-Hopkins	Local resident
Paul Drury FSA MRICS IHBC	Drury McPherson Partnership

DOCUMENTS

1	Statement of Common Ground, dated 4 August 2016.
2	Notification letters and circulation lists for the appeals dated 28 June 2016.
3	Drawings 1954-PL01B, 1954-PL120, 1954-PL02, 1954-PL121, 1954-PL122, 1954-PL123, 1954-PL03A, 1954-PL127, 1954-PL128, 1954-PL04B, 1954-PL08A, 1954-PL221, 1954-PL222, 1954-PL223, 1954-PL226, 1954-PL227, and 1954-PL230.
4	Sustainable Design and Construction Supplementary Planning Document (June 2009).
5	Council's recommendation for application 16/00585.
6	Officer report for application 07/01628.
7	Appeal decisions referenced APP/T0355/A/08/2067836 and APP/T0355/E/08/2067842, and APP/T0355/E/01/1069157 and

	APP/T0355/A/01/1069156.
8	Copies of the publicity for the applications.
9	Highway Development Control comments, dated 1 December 2015.
10	Community Protection and Enforcement Services comments, dated 18 November 2015.
11	Conservation Consultation response, dated 26 May 2016.
12	AA Environmental Limited letter, dated 23 October 2015.
13	Historic England's The Setting of Heritage Assets.
14	Listings for barns at Paradise Farm, Paradise Farmhouse, War Memorial at Paradise Corner, Paradise House, Kellinghams, Coltmans, Paradise Cottages, and Ivy Cottage.
15	Policy GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (2003).
16	Letters from Kempton Carr Croft dated 28 July 2015 and 2 August 2016.
17	Photographs of Oakley Green Plant Nursery and St Lawrence Nursery.
18	Written statement of Waltham St Lawrence Parish Council, dated August 2016.
19	Chancellors sales extract.
20	Policy WSL of Hurley and the Walthams Neighbourhood Plan: Pre-submission plan / consultation.
21	Aerial photographs of the site, dated 2015 and 2010.
22	Appellant's note on the Green Belt, dated 29 September 2016.
23	Area and mass assessment sheets (three drawings).
24	Closing statement of Mr Scott Hopkins.