

Appeal Decisions

Site visit made on 11 October 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 14 November 2016

Appeal A: APP/J3720/W/16/3154259

Whitehouse Farm, Idlicote Road, Idlicote, Warwickshire CV36 5DN

- 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 James Marland against the decision of Stratford on Avon District Council.
 - The application Ref 15/00969/FUL, dated 29 March 2015, was refused by notice dated 8 April 2016.
 - The development proposed is the conversion of agricultural buildings to 3 dwellings.
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Appeal B: APP/J3720/Y/16/3154261

Whitehouse Farm, Idlicote Road, Idlicote, Warwickshire CV36 5DN

- 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 James Marland against the decision of Stratford on Avon District Council.
 - The application Ref 15/00970/LBC, dated 29 March 2015, was refused by notice dated 8 April 2016.
 - The works proposed are the conversion of agricultural buildings to 3 dwellings.
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Decision

Appeal A: APP/J3720/W/16/3154259

1. The appeal is dismissed.

Appeal B: APP/J3720/Y/16/3154261

2. The appeal is dismissed.

Procedural matters

3. As part of the appeals Drawings 14-023-02D and 03D were submitted to show a sealed door in one of the units to be re-opened to form a window. As no party would be prejudiced, I have assessed the scheme accordingly.

Main Issues

4. Having regard to sections 16 and 66 in the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) and the guidance in the *National Planning Policy Framework* (the Framework), the main issues in this case are
 - a) whether the works would preserve the special architectural or historic interest of this complex of agricultural buildings, whether they would preserve the special architectural or historic interest of the Grade II listed Threshing Barn, whether they would preserve the setting of the Threshing
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Barn and the Grade II listed Whitehouse Farmhouse (also known as The Old Farmhouse), and their effect on the significance of each as a heritage asset;

- b) whether this location would result in undue reliance on the use of the car and
- c) the effect on the living conditions of future occupiers and neighbouring residents, and its implications for the operation of the adjacent business, and, if harm would be caused,
- d) whether that would be outweighed by public benefits and other material considerations.

Policy

5. Since the determination of these applications the *Stratford-on-Avon Core Strategy* has been adopted, superseding the *Stratford-on-Avon Local Plan Review*. I have therefore determined the appeals on that basis.

Reasons

The effect on the historic environment

6. These appeals concern a group of buildings in an isolated rural location. The principal building is called Whitehouse Farmhouse on the listing description but is now known as The Old Farmhouse, and this is a sizeable Grade II listed house dating from the mid/late 18th Century. Immediately to one side of this, and separated by a passage, is a complex of disused barns and agricultural buildings (the complex), which are arranged around a central courtyard. It was not contested by the parties that these were part of the listed building by reason of section 1(5) of the Act, as they had been originally associated with The Old Farmhouse (though were now separately owned). A late 18th Century Threshing Barn is in this complex, which has recently been Grade II listed in its own right. Next to this complex is a pair of semi-detached cottages, while a new farmhouse stands to the north-west.
7. The significance of The Old Farmhouse lies, in part, in the way its appearance and form still reflect its status as a dominant house at the heart of a historic farmstead. The significance of the Threshing Barn is partly because its form and detailing means its age and its historic use remain clearly apparent. In particular, because of its openness inside it is possible to see the full height of the building and its roof structure. Through its layout, siting, detailing and appearance the complex contributes to the significance of both of these buildings by emphasising the agricultural origins of the site.
8. The proposal would convert the complex to 3 dwellings¹. Its overall footprint would not be enlarged though some additions would be rebuilt, some openings would be formed or closed and a detached parking barn would be constructed.
9. Apart from the points raised below, I have no objections to the works proposed to the older elements of this complex. Inappropriate openings are not being formed and its historic detailing is generally being restored in a suitable way. The Council expressed concern about the domestic paraphernalia that would be

¹ For convenience I shall call the proposed 'L' shaped unit by The Old Farmhouse Unit 3, the unit that would include the Threshing Barn Unit 2, and the final unit Unit 1

found around the site. However, the development would necessitate only a few new boundary treatments, and the design and detail of these could be agreed. Parking would also be suitably discreet. There would no doubt be formalised lawns, patios and flower-beds, and maybe play equipment or other garden furniture, and as much of this would not require planning permission controlling it by the removal of 'permitted development' rights would not necessarily be effective or possible. Despite that point though such features are, to a certain extent inevitable with conversions of this nature and would not necessarily cause harm in such large gardens.

10. However, there are presently 2 additions to the older parts of the complex – one is a concrete structure with a sheeting roof that contains a hopper, and the other is a garage/open-fronted cart store. At the moment these do not make a positive contribution to the complex due to their inappropriate materials and poor condition. However, their effect on the historic character is mitigated to some degree by their relatively temporary, light-weight nature and, in the case of the cart-store, by it being quite an open structure.
11. Both are to be rebuilt in a more formal manner to serve Units 1 and 2. As a result, because of their sizes these would become appreciable modern elements that would be prominent when the complex was viewed from the north-west and south-west, dominating the outward-facing elevation of the Threshing Barn. Moreover, the cart-store would have a more solid appearance and so, despite the glazing proposed, it would further conceal the older fabric and form behind. For these reasons these aspects would cause harm to an appreciation and understanding of the Threshing Barn and the complex by eroding their historic agricultural character, and in turn would harm the contribution this group of buildings makes to the setting of The Old Farmhouse.
12. I am aware too that it is proposed to build a parking barn next to Unit 3, but this would be detached and would be sited discreetly between the complex and the profile sheeted structure next to one of the semi-detached cottages. As such, its prominence and its concealing of historic fabric would be much less and so it would not cause harm.
13. In the Threshing Barn a large glass LCD wall is proposed at first floor level to a bedroom and its en suite bathroom. This could be obscured when privacy was required, but when privacy was not needed it could be made transparent, thereby allowing views through to the roof and an awareness of the building's scale. However, there is no way in which the use of this could be ensured, and so as a means of appreciating the historic form of the building to my mind its value is limited. Consequently, I am of the opinion that its presence is likely to restrict the sense of openness in the Threshing Barn and prevent an awareness of its scale and structure.
14. Finally, the Council has contended the scheme would be an overdevelopment of the site. The number of units proposed is not in itself a concern, though I acknowledge that it could well have resulted in the points highlighted above.
15. Accordingly, I find that the reconstruction of the elements to Units 1 and 2, and the introduction of the LCD wall would cause harm, albeit less than substantial, to the significance of the complex, to the significance of the Threshing Barn and its setting, and to the role the complex plays in the setting of The Old Farmhouse.

Effect on living conditions and the adjacent business

16. The Framework says that seeking a good standard of amenity for all future occupants of land is a core planning principle.
17. Starting first with the effect on the residents in the semi-detached cottages, they currently live in a quiet rural location. As a result, any new use in the complex would result in some change to their living environment, but that in itself is not a basis to resist this proposal. The parking barn would be to one side and so would not have a harmful effect on their outlook, while all the openings in Unit 1 facing those properties would be fitted with obscured glazing and would not cause an unacceptable loss of privacy. Concern was also expressed about the parking of cars between these cottages and the complex. Noting the siting of the parking barn and the provision of additional spaces next to Unit 1 (Drawing 14-023-01B), I am not satisfied an excessive number of cars should in fact park in this area and, mindful of the likely vehicle movements, the noise associated with the scheme would not be unacceptable. Therefore, the development would not detract unreasonably from their living conditions.
18. From the curtilage of Unit 2 views to the new farmhouse and into its garden would be possible. However, the distance to the farmhouse itself means there should not be an unacceptable loss of privacy, while inter-visibility between these 2 gardens is not, to my mind, unreasonable.
19. Turning to the effect on the scheme's residents, the windows of Units 2 and 3 facing The Old Farmhouse, and the windows to Unit 1 that look towards the semi-detached cottages should be obscured so as to protect their privacy. However, the proposal would result in a bedroom in Unit 2 being served only by an obscured window and a skylight. The light levels in that room may well be adequate, but to my mind this arrangement, which would allow views of the sky only, would result in an unacceptably poor outlook for the residents.
20. I note as well that a bedroom to Unit 1 would have only one clear glazed window facing outside² and that would be at floor level, while the Unit 2 bedroom in the Threshing Barn would be served just by a relatively narrow window. However it would still appear possible to see the gardens through these and so, based on that understanding, I find their outlooks would be satisfactory.
21. The windows in Units 2 and 3 facing over the passage would be obscured and so should not erode the privacy in The Old Farmhouse. Camels are kept commercially at that neighbouring site, to be rented out for events. These are housed in a Dutch barn at the rear of the building, and they use the passage to the side to access pasture and any transport. However, the yard round the Dutch barn is used to care for the camels and to exercise them when the pasture is too wet. At certain times of the year pigs are also kept in this Dutch barn, again to be rented for events.
22. As Units 2 and 3 would have windows facing onto the yard and the passage it was said that the noise and odour from the camels and pigs could result in the business at The Old Farmhouse being in some way restricted if the occupiers of those properties were to be disturbed. However, no objections have been

² It would have a second non-obscured window but that would look into the area beneath a covered entry

raised by the Council's Environmental Health Officers and I am aware that the windows on that elevation could be fixed shut and sound-proofed. Given this, whilst the concerns are noted I have no basis to consider the presence of the camels or pigs would adversely affect the living conditions in the adjacent properties, or that Units 2 and 3 would unduly influence the operation of that business.

23. Accordingly, I find that the bedroom arrangement in Unit 2 would result in unsatisfactory living conditions for future occupiers, in conflict with guidance in the Framework.

Reliance on the private car

24. The appeal site lies well away from any services, shops or similar, in a relatively remote location. Therefore, to my mind the residents at the proposal are likely to be reliant upon the private car to access even the most basic of day-to-day facilities, while those who did not have access to a car would find their opportunities to visit or leave the site restricted.
25. While it was said alternative uses could generate more trips, the uses stated would be associated with rural areas such as stabling and the rearing of animals. Therefore, such flows are not unreasonable or inappropriate. Indeed, the uses could be connected to the buildings around thereby reducing the overall number of trips necessary. In any event, the likelihood of such uses taking place has not been specified.
26. Accordingly I find that the location of the development would result in undue reliance on the private car, in conflict with Core Strategy Policy CS.15, and this aspect of the aims of sustainability in the Framework.

Other possible harm

27. With suitable mitigation works I have no reason to consider the scheme would cause harm to wildlife or ecological interests.
28. Although the application shows the site being accessed along a long drive to the south, it could also be approached by drive of similar length that runs from the north. In my opinion the visibility at the junction of each of these drives with the adopted road network would be satisfactory. At the southern end suitable visibility is available in both directions, and although the northern junction has restricted sight splays to the right (when leaving) I anticipate that drivers approaching from that direction will be travelling relatively slowly due to the series of sharp bends and the limited forward visibility on this single track road.
29. The drives themselves are not in good condition, but they are nonetheless sufficient to serve the scheme and any issues of maintenance obligations are private matters. Similarly if a third party has a right of access through the proposed gardens that should be resolved separately.
30. There was concern about the suitability of water provision and infrastructure at the site, but on the evidence before me those are not reasons to resist this scheme.

Matters to outweigh the harm

31. In the Framework one of the core planning principles is the need to conserve heritage assets in a manner appropriate to their significance. Paragraph 132 says great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. Paragraph 134 goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits, including securing its optimum viable use. Moreover, section 38(6) of the *Planning and Compulsory Purchase Act 2004* says that developments for planning permission should be determined in accordance with the development plan '*unless material considerations indicate otherwise*'.
32. The Appellant contends this scheme would allow the reuse of these historic and listed buildings. Certainly I accept that reusing such a building is the best way to secure its long-term maintenance. However, this has to be balanced against the harm that is caused as a result. In the absence of any information to show why the rebuilt extensions are required, why the Threshing Barn needs the LCD wall or why the bedroom can have outlook through a skylight only I cannot conclude that the harm caused by these aspects is necessary to secure the reuse of the buildings in this way.
33. Moreover, it is also said that the traffic flows to and from the site would be less than if it was reused for rural enterprises. The submissions in relation to traffic generation states that the buildings are in good structural condition and could be used for a raft of agricultural and equestrian activities '*without any alterations*'. However, the Appeal Statement says the design and layout of the complex is poorly suited to modern agricultural practices and the conversion costs prohibit business uses. Therefore I have no basis to consider it reasonably likely that such uses, with their greater traffic generation and higher parking demands, would in fact take place if these appeals were dismissed, and so that benefit has not been given significant weight. Furthermore, for these reasons I cannot assume alternative uses at the site would generate greater noise and disturbance in and around the buildings. In any event I have not found the amount of traffic associated with the scheme to be harmful.
34. I appreciate that if a proposed conversion is in a location that results in a reliance on the car any harm arising from this can be outweighed by the benefits of reusing existing buildings. I also acknowledge that to achieve the conversion of listed buildings it is sometimes necessary to accept a level of accommodation slightly below that which would otherwise be expected. However, given my findings above I am not satisfied that there are public benefits or material considerations that would be sufficient to outweigh the harm identified in these areas.
35. Given my concerns with regard to the scheme's effect on the historic environment and the reliance on the car I consider it does not accord with the dimensions of sustainable development in the Framework, and so any shortage in the 5 year supply of housing land does not lead me to different findings.

Conclusions

36. Accordingly I conclude that the proposal would not preserve the special architectural or historic interest of the Threshing Barn or this complex of 'curtilage listed' buildings, and would adversely affect the setting of The Old Farmhouse, causing less than substantial harm to their significance. Moreover, it would also lead to increased reliance on the use of the private car and would create unreasonable living conditions in one of the units. In the absence of any public benefits or material considerations to outweigh these harms I find the proposal would be contrary to Policies AS.10, CS.8 and CS.15 of the Core Strategy and the Framework.

J P Sargent

INSPECTOR