The Planning Inspectorate

Appeal Decisions

Site visit made on 15 November 2016

by J Flack BA Solicitor

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

Decision date: 29 November 2016

Appeal A: APP/F2415/W/16/3153976
Church Farm, 53 Main Street, Houghton on the Hill, Leicestershire LE7 9GE

- 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 Philip Baker and Mrs Louise Baker against the decision of Harborough District Council.
- The application Ref 16/00374/FUL, dated 4 March 2016, was refused by notice dated 26 May 2016.
- The development proposed is described as: "repairing and extending the existing garage and storage barn in a sympathetic style that will contain a single storey double garage and an annex".

Appeal B: APP/F2415/Y/16/3153975
Church Farm, 53 Main Street, Houghton on the Hill, Leicestershire LE7 9GE

- 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 Philip Baker and Mrs Louise Baker against the decision of Harborough District Council.
- The application Ref 16/00375/LBC, dated 4 March 2016, was refused by notice dated 26 May 2016.
- The works proposed are described as: "repairing and extending the existing garage and storage barn in a sympathetic style that will contain a single storey double garage and an annex".

Decisions

1. **Appeal A:** the appeal is dismissed.

2. **Appeal B:** the appeal is dismissed.

Main Issues

3. The main issues in this case are:

   - Whether the proposed works and development would preserve the Grade II listed building known as Church Farm (listed as Manor Farm) or any features of special architectural or historic interest that it possesses, and whether or not they would preserve the character or appearance of the Houghton on the Hill Conservation Area;

   - The effect of the proposal on the living conditions of adjacent residents; and

   - The effect of the proposal on protected species.

Reasons

Listed building and conservation area

4. Church Farm is a large and impressive house fronting onto Main Street. This is the village's principal historic thoroughfare, containing many historic buildings alongside more recent development, and the conservation area centres on it. The house is mainly constructed of red brick and dates principally from the early C18, although it also contains a fine C17 rear wing with some exposed timber framing and some C19 elements. Altogether it is a fine example of rural vernacular architecture which occupies a prominent position in the street. The former farmyard area to the rear of the house has been subdivided by a brick wall to form gardens for the house and a large barn immediately to the north east which has been converted to form a two storey private dwelling.

5. Close to the other side of the house, and within its present curtilage, is a rectangular single storey brick building with a pitched roof. Currently in use for storage of various domestic items, it is the subject of the appeals, and I shall refer to it as the appeal outbuilding. Its rear wall, together with modern walls to either side, form the boundary between the house's present curtilage and one side of the rear garden of The New House, a modern two storey dwelling. Its plot was formerly occupied by a range of outbuildings around the farmyard of which the appeal outbuilding and the former barn are the remaining elements. Beyond The New House, former farmland is now occupied by extensive C20 housing. Despite this context and the subdivision of the former farmyard into residential gardens, the shared origins and relationships between the house, the former barn and the appeal outbuilding are still readily perceptible.

6. During the making, consideration and determination of the applications, both the appellants and the Council treated the appeal outbuilding as a curtilage listed structure. However, at appeal, the appellants argue that it should not be so treated, citing a commentary on the judgement in *R (Egerton) v Taunton Deane Borough Council*[1]. The judgement sets out a number of considerations relevant to the determination of whether structures associated with listed farmhouses are to be considered curtilage listed. However, it is clear that the outcome in any particular case will depend on the relevant facts. In *Egerton*, the disputed structure, a barn, was some 34 metres from the farmhouse. The appeal outbuilding is closely adjacent to the house, and whilst photographs dating from c1980 indicate a wall running closely parallel to the rear of the house, there is also a gate to the side between the house and the appeal outbuilding. The photographs also indicate that the latter had doors facing towards the street in addition to doors facing into the farmyard. Moreover, in *Egerton* evidence was given that the structure was not being used for purposes ancillary to the use of the farmhouse as a dwelling at the time of listing; there is no such evidence before me, and it would be inappropriate simply to assume that there was no such use given the appeal outbuilding's proximity to the house.

7. The judgement in *Egerton* was based on a finding that although, as appears to be the case here, the disputed structure and the farmhouse were in common ownership at the date of listing, the former was both physically separated from and functionally distinct from the latter. I am not convinced that this was so

[1] [2008] EWHC 2752 (Admin)

here, and whilst there is no mention of the appeal outbuilding in the list description, it is far from unusual for curtilage listed structures not to be specifically described. I therefore consider that the appeal outbuilding is to be treated as curtilage listed. My assessment proceeds accordingly, although I observe that even if it was not curtilage listed, it would nevertheless be an obviously prominent element of the setting of the listed building.

8. Whilst the appeal outbuilding is clearly not as early as the principal elements of the house, its appearance and presence on historical maps are indicative that it is nevertheless of considerable age. I saw that the side elevation facing the boundary with the adjoining house, No 55, has some spalling, but this has only affected a small percentage of the bricks. There is no substantive evidence before me that this elevation is in poor structural condition, still less the appeal outbuilding as a whole.

9. I saw that there have been some alterations to the appeal outbuilding in addition to its C20 truncation. Most obvious and dissonant is the installation of a wide metal garage door in the front street facing elevation, this clearly postdating the C1980 photographs. However, the brickwork to either side and above it survive, the latter having a rectangular window which appears to be an early feature. These elements continue to speak clearly of the structure's origins, albeit not as powerfully as the three cowshed doors set into the side elevation facing into the garden. There is some evidence of infilling in other side elevation, but this is minor, and the rooflights set into the otherwise plain roof slopes are extremely small and evidently not recent. Internally, the appeal outbuilding is divided into two sections. There is some evidence of alterations to partitioning over the years, and part of the larger front section contains a modern raised platform supported on a metal frame. However, the exposed roof structure appears early, and I noted apparent remains of a cattle trough in the rear section.

10. Overall, whilst I have noted the various alterations to the appeal outbuilding, even collectively they are far from overwhelming, and the structure's agricultural origins and character continue to read powerfully. This modest and simple structure possesses considerable charm, and also makes a clear contribution to understanding and legibility of the house's history, status and context. The appeal outbuilding therefore makes a material contribution to the significance of the listed building as a whole.

11. The proposed works would be very extensive. Only the garden-facing side elevation and rear elevation would be retained. The outbuilding would be extended forwards, and considerably widened towards the boundary with No 55. The side walls would only be slightly raised, but the ridge would be substantially higher. The resulting structure would in my view appear somewhat top heavy, its proportions at odds with those of the current structure. Moreover, the increase in overall bulk and scale would in any case be excessive: although the appeal outbuilding would clearly remain subordinate to the house, the proposal would severely reduce the current sense of the historic scale of the outbuildings of which the appeal outbuilding formed part, and their relationship with the house.

12. Whilst the proposed garage door would be an attractive timber design, it would nevertheless share the fundamentally residential character of the current door. I acknowledge that care has been taken in the choice of traditional materials and design of other elements of the works, which include the provision of a

large number of roof lights, the insertion of a part glazed door in the retained garden elevation and provision of windows in the other side elevation, together with the brick detailing to the eaves where none exists at present. Collectively, however, these would add considerable and discordant complexity to the appeal outbuilding, and also materially diminish its modest agricultural character, giving it a notably more residential and domestic appearance.

13. For the above reasons, I conclude that the proposed development and works would fail to preserve the special architectural and historic interest of the listed building, the desirability of which is a matter to which I am required to have special regard by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). For the same reasons, the proposal would also diminish the positive contribution that the listed building makes to the conservation area, and I saw on my visit that clear public views of the front and roof of the appeal outbuilding are available from the street. I therefore conclude that the proposal would fail to preserve the character and appearance of the conservation area, the desirability of which is a matter to which special attention must be paid pursuant to section 72 of the Act.

14. In its decision on the applications, the Council cites Policy CS8 of the Core Strategy[2], but this does not appear materially relevant to the proposal given that its subject matter is green infrastructure. However, the proposal would be contrary to the objective of Policy CS11 that the district's heritage assets be safeguarded, and there would be conflict with Policy CS17, whose approach includes limiting development in villages to that which accords with their character.

15. For the purposes of the National Planning Policy Framework, the listed building and the conservation area are designated heritage assets. Within their overall contexts, I consider that the proposal would lead to less than substantial harm to their significance. Paragraph 134 of the Framework requires that such harm be weighed against the public benefits of the proposal. The fact that the appellants have pursued the proposal to appeal is of itself a demonstration that it will be of benefit to them. However, I regard this as a private benefit: the appeal outbuilding has a current domestic storage use, and there is no evidence that the present proposal is necessary to secure the future beneficial use of the appeal outbuilding or the listed building as a whole. There is no evidence that the proposal would result in any other public benefit.

16. The Act requires that considerable importance and weight are to be given to the desirability of preserving the listed building and the conservation area: I conclude on the evidence before me there are no public benefits of the proposal which would outweigh the material harm the proposal would cause to the designated heritage assets. Moreover, the great weight to be apportioned to the conservation of designated heritage assets anticipated in paragraph 132 of the Framework affirms this conclusion: it follows that the proposal would be contrary to the historic environment policies of the Framework.

Living conditions

13. I saw on my visit that The New House has a glazed garden room which occupies the central portion of its rear elevation. Its rear garden is not generously sized. It also appears quite hemmed in, at the rear by high

[2] Harborough District Local Development Framework Core Strategy

vegetation in the garden of No 55, and on the north west side by an adjacent single storey pitched roof extension to the neighbouring dwelling on this side, Ayresome House. Moreover, the rear of the appeal outbuilding lies on the south east boundary of the New House's rear garden. The current context is thus one of substantive sensitivity to further built development.

14. The proposal would not extend the appeal outbuilding towards the rear elevation of The New House, and the increase in the height of its eaves would be very modest. However, the increase in its width and ridge height would be significant. Although partly screened by a silver birch tree in The New House's garden when in leaf, the increase in the bulk of the appeal outbuilding would be prominent and seen at close quarters by the occupiers of this dwelling, and I consider that it would have an unacceptably dominating and oppressive effect on outlook. Moreover, given the positioning of the appeal outbuilding, the proposal would result in some loss of daylight and sunlight.

15. There is no evidence before me that the proposal would have any other materially detrimental impacts on adjacent residents. However, my findings in relation to The New House lead to me to conclude that the proposal would have an unacceptably adverse effect on the living conditions of adjacent residents. The proposal would in this respect conflict with the requirement of Policy CS11 that development should ensure that the amenities of neighbouring occupiers are safeguarded.

Protected species

16. I note that the County Council has raised the possibility that the proposed works might cause disturbance to bats. It does not appear that the observations were based on a site visit, but the appeal outbuilding is of a nature which might allow use by bats. Moreover, the appellants have not responded to the concerns expressed, either by way of a survey or an explanation of why this is not necessary. This seems to me unsatisfactory given the statutory protection afforded to bats, and that a precautionary approach is thus necessary. On the evidence before me, I conclude that the proposal would pose an unacceptable risk of harm to protected species. It would in this respect be contrary to Policy CS8, which aims amongst other things to protect and enhance biodiversity and avoid demonstrable harm to protected species.

Conclusions

17. I have concluded above that the appeal proposal would fail to preserve the special architectural and historic interest of the listed building, that the proposal would fail to preserve the character and appearance of the conservation area and that there are no public benefits which outweigh the harm that would be caused. These findings are sufficient on their own to cause me to conclude that neither listed building consent nor planning permission should be granted. Moreover, my conclusion in relation to the latter is reinforced by my further findings that the proposal would have an unacceptably adverse effect on the living conditions of adjacent residents and would pose an unacceptable risk of harm to protected species. The appeals are therefore dismissed.

J Flack

INSPECTOR