
Appeal Decisions

Site visit made on 20 December 2016

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 16 January 2017

Appeal A Ref: APP/C1760/W/16/3158104

Northern Farm Barn, Station Road, Over Wallop, Hampshire SO20 8BF

- 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 & Mrs H Mackenzie against the decision of Test Valley Borough Council.
 - The application Ref 16/01106/FULLN, dated 5 May 2016, was refused by notice dated 26 August 2016.
 - The development proposed is the insertion of 3 No windows, replacement door and construction of glazed link to facilitate conversion to guest wing to existing dwelling.
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Appeal B Ref: APP/C1760/Y/16/3158101

Northern Farm Barn, Station Road, Over Wallop, Hampshire SO20 8BF

- 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 & Mrs H Mackenzie against the decision of Test Valley Borough Council.
 - The application Ref 16/1107/LBWN, dated 5 May 2016, was refused by notice dated 26 August 2016.
 - The works proposed are internal alterations to the existing farm building and insertion of 3 No windows, replacement door and construction of glazed link to facilitate conversion to guest wing to existing dwelling.
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Decision

1. The appeals are allowed. Planning permission and listed building consent are granted for internal alterations to the existing farm building and insertion of 3 No windows, replacement door and construction of glazed link to facilitate conversion to guest wing to existing dwelling at Northern Farm Barn, Station Road, Over Wallop, Hampshire SO20 8BF in accordance with the terms of the planning application Ref 16/01106/FULLN and listed building application 16/1107/LBWN both dated 5 May 2016 subject to the conditions listed in the schedules below.

Main Issues

2. The main issues in Appeal A are whether:
 - (a) the change of use of the barn to domestic accommodation ancillary to the main dwelling would be acceptable in terms of local and national policy,
 - (b) the works proposed to the listed building to form the opening and glazed link would preserve its special interest, and
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- (c) the proposed replacement glazed door to the barn would adversely affect the setting of the listed building.

The main issues in Appeal B are (b) and (c) above.

Reasons

The Change of Use

3. The proposal seeks to convert the former agricultural barn lying parallel to Station Road. This barn is located less than a metre from Northern Farm Barn, which was fairly recently converted into one large dwelling following permission in 2011. That permission also granted the conversion of the other redundant agricultural buildings at Northern farm into a variety of uses; in particular the adjacent staddlestone barn to a dwelling, the stable block to storage and the barn the subject of the appeal (labelled the 'Hayloft' in the permission plans) to office accommodation.
4. That permission has clearly been implemented but the appeal barn formed part of the land purchased by the appellants when they acquired the converted Northern Farm Barn (referred to as the 'Long Barn' on the 2011 permission plans). Some internal and external works to the barn were carried out by the developer of the 2011 permission but it was not fitted out as an office and is currently used by the appellants for domestic storage.
5. Policy LE10 of the Test Valley Borough Revised Local Plan (RLP) states that alternative uses will be permitted on existing, allocated or sites with permission for employment use which have not been fully implemented subject to three criteria. The Council argues that none of these criteria would be met and the proposal would be contrary to this Policy.
6. Criterion a) is that the land is no longer required to meet the economic development needs of the area. The appellants claim that they have no need to use the barn as an office since they are not home workers and that the requirement to use it for such is outdated. Whilst this may be the case, their personal circumstances are irrelevant because the objective of the Policy is to retain or replace rural employment space and lessen out-commuting to work. There is no condition or restriction tying the office use to the occupier of Northern Farm Barn; it is a free-standing Class B1 use. Since the appellants have provided no evidence that the barn has been marketed for its authorised office use I must conclude that this criterion has not been met.
7. However, criterion b) is that the employment use is causing or could cause significant harm to the amenities of residents. The appellants claim that such an independent office use would cause them a distinct reduction of privacy. I agree because the barn is located right next to their house within its walled garden. There is no condition on the 2011 permission limiting working hours for any commercial occupier of the barn and the parking for any such use would be shared by the house and be directly in front of its main habitable room windows. Hence there is serious potential for loss of privacy to the occupiers of the house resulting from comings and goings to the office, including that occasioned by vehicles and their headlights at night.
8. At the site visit I saw that the appellants also have young children and the vehicular traffic associated with a commercial office directly adjacent to the

house and its domestic garden could be potentially dangerous if children were playing in the garden. There is also a potential safeguarding issue.

9. The Council argues that a B1 use can, by definition, be compatible in a residential area. I acknowledge this but, for the specific reasons indicated above, an independent commercial office use in the barn would be likely to significantly harm the living conditions of the occupiers of the adjacent house. Criterion c) is also met because the use of the barn as part of the house would obviously be ideal for its occupiers.
10. For these reasons I consider that the change of use of the barn to domestic accommodation ancillary to the main dwelling would be acceptable and would comply with RLP Policy LE10. Paragraph 28 of the National Planning Policy Framework states that planning policies should support economic growth in rural areas, but for the above reasons the change of use of the barn would comply with Policy LE10.

Works to the Listed Building

11. Northern Farm Barn is a Grade II listed building. Its conversion into a dwelling has been done respectfully, in particular by retaining and leaving exposed the main queen strut roof timbers and retaining the original timber framing of its eighteenth/nineteenth century walls. Its significance and historic and architectural interest lies in the continued preservation and appreciation of its timber structure and form.
12. There would be some minor loss of historic fabric to form the new doorway into the proposed glazed link between the listed building and the barn, which the Council states is not curtilage listed. The loss would be by way of a short section of one of the original horizontal wall timbers, new timber boxing and a short section of the wall below a retained diagonal timber in order to create the necessary opening.
13. The listed barn is a large structure and the loss of such a minimal section of its historic fabric would not harm it or diminish its significance as a listed building and it would therefore be preserved. The Council acknowledges that the small glazed link itself would not cause any harm to the listed building or the appeal barn.
14. There is no requirement to link the two barns to enable the appeal barn to be used residentially but since the significance of the listed building and the appeal barn would be preserved there is no reason to withhold permission. The proposal would comply with RLP Policy E9, which requires works to heritage assets to make a positive contribution to sustaining or enhancing their significance.

The Replacement Door to the Appeal Barn

15. Although not original, the proposal is to replace the existing timber door to the barn with one that is largely glazed, on the grounds that this matches the main doors to the house and the prominent side window of the barn, which is visible from the street.
16. Whilst that might be so this barn is a subsidiary one to the main barn, in terms of its form and size and its future use, and I agree with the Council that the

proposed glazed door would be inappropriate and out of keeping with its ancillary character.

17. However, it is not unnecessary to dismiss the appeal solely for this reason because this matter can be simply conditioned to ensure that the detailed design of any replacement front door is approved by the Council.

Conditions

18. The Council has suggested 4 conditions for the planning application and 5 for the listed building application. I agree that the 5 suggested conditions should be attached to the latter but they do not all need repeating on the former because implementation of the planning permission will also mean implementation of the listed building consent.
19. Conditions listing the plans are necessary on both applications as this provides certainty, though the one in respect of Appeal A needs to clarify that the new glazed door is not approved for the above reason. Condition 3 in Appeal B reserves the detailed specification of the new windows and doors, including any new front door to the barn, which is necessary to protect the character of the building and the setting of the adjacent listed barn. For the same reasons conditions are also required reserving precise details of the glazed link and a method statement for the opening up and provision of the new opening in the listed building to effect the necessary connection into the link extension.

Conclusion

20. For the reasons given above I conclude that the appeals should be allowed, subject to the two schedules of conditions below.

Nick Fagan

INSPECTOR

Schedules of Conditions

Appeal A

01. The development hereby permitted shall be begun within three years from the date of this permission.

02. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 0188/PL/01 Rev A & 0188/PL/02 Rev B. Notwithstanding the details of the replacement front door the current door shall be retained or details of any replacement door shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation.

Appeal B

01. The works hereby consented to shall be begun within three years from the date of this permission.

02. The works hereby consented shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 0188/PL/01 Rev A & 0188/PL/02 Rev B.

03. No new windows or doors hereby consented shall be installed until their details, including joinery plans and cross sections at a scale of 1:10 have first been submitted to and agreed and in writing by the Local Planning Authority. The details submitted in compliance with this condition shall include the position of windows and doors in relation to outer and inner faces of the wall including cills, lintels and arches. The windows and doors shall be installed in accordance with the approved details. Notwithstanding the details of the replacement front door on drawing number 0188/PL/01 Rev A, details of any new door are reserved by this condition.

04. No works to construct the glazed link hereby approved above DPC level shall take place until full joinery details of the glazed link have first been submitted to and approved in writing by the Local Planning Authority. The glazed link shall be constructed in accordance with the approved details.

05. No works hereby consented to the wall of the listed barn shall take place until a method statement for the opening up and full details of the new opening have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved.
