
Appeal Decisions

Site visit made on 13 December 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 2 February 2017

Appeal A Ref: APP/J3720/Y/16/3153499

Snitterfield Fruit Farm, Kings Lane, Snitterfield, Warwickshire CV37 0QA

- 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 P Baker against Stratford on Avon District Council.
 - The application Ref 16/01031/LBC is dated 23 March 2016.
 - The works proposed are a part retrospective application for an alteration to an existing extension.
-

Appeal B Ref: APP/J3720/W/16/3153497

Snitterfield Fruit Farm, Kings Lane, Snitterfield, Warwickshire CV37 0QA

- 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 P Baker against Stratford on Avon District Council.
 - The application Ref 16/01030/FUL, is dated 23 March 2016.
 - The development proposed is a part retrospective application for an alteration to an existing extension.
-

Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary matters

3. Since the submission of the appeals, the Council has adopted the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS), on 11 July 2016. The policies contained therein have replaced those within the Stratford-on-Avon Local Plan Review (2006). This is explained in the Council's Statement and therefore the appellant has had opportunity to comment on this matter. No party has therefore been prejudiced by this change in the development plan.
 4. I do though note the appellant's concern that the application should have been determined prior to the CS being adopted. Nevertheless, planning appeals must be determined on the basis of the development plan that exists at the time of the Inspector's decision. I have therefore had full regard to the CS Policy CS.8. I find it consistent with the National Planning Policy Framework (the Framework) and I have given full weight to it.
 5. The Council's statement explains that had the applications progressed to a decision, the proposals would have been refused for reasons relating a
-

detrimental effect on the fabric and setting of the listed building and the historic scene. In this regard, the Council state that the proposal represents significant harm to the designated heritage asset and that there are no public benefits that outweigh the harm to the heritage asset, contrary to CS Policy CS.8, paragraphs 129-134 of the Framework, guidance within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and local guidance contained within The District Design Guide 2001.

Main Issues

6. The appeal site is situated within the West Midlands Green Belt. Section 9 of the Framework sets out the Government's approach to protecting Green Belt land. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework advises that local planning authorities should regard the construction of new buildings as inappropriate. However, Paragraph 89 provides a limited number of exceptions to this general approach. This includes the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the original building.
7. The Council's Statement does not address whether or not the proposal would amount to inappropriate development within the Green Belt and focuses on the concerns set out above. The appellant's evidence states that two previous extensions have been removed making the proposed alteration a net reduction.
8. Consequently, based on the evidence and representation before me, the main issue for both appeals is whether the proposed works would preserve the special architectural or historic interest of the listed building.

Reasons

9. The appeal relates to a threshing barn which is a grade II listed building of c1700 with attached ancillary buildings. The listing description explains that it is timber frame with mainly C19 brick infill and weatherboarding to the gable walls and with a tiled roof. The attached buildings are also early C19 brick.
10. The appeal site also includes a cart shed dating from the early C17, which itself is a grade II listed timber frame building with brick infill and a half hipped tile roof.
11. A number of planning permissions and listed building consents have already been granted for the conversion of the listed threshing barn and adjoining barns to create one dwelling and to convert the cart shed to provide associated garaging. Works to implement the permissions have commenced on site.
12. The appeal proposal differs from the previous permissions and is described as a part retrospective application for an alteration to an existing extension. It is explained that the works, which would relate to the south western elevation of the building, would incorporate two return ends in reclaimed brickwork to match the rebuilt Victorian gable and the reuse the internal oak beams across the original openings. Polyester powder coated aluminium doors and windows are proposed throughout, with large expanses of glass across the roof and frontage, which would face out onto a garden courtyard area and the open countryside beyond.

13. As a threshing barn, the midstretey is of central significance to its historic and architectural interest. To this end, the south west elevation as approved provides a strong visual expression of a midstretey by its vertically emphasised architectural elements reflecting the large doors which would have existed historically. This key historic reference feature would appropriately provide the main focal point of the south west elevation. However, this would be lost as a result of the proposed extension, which would occupy the full width of this section of elevation.
14. Consequently, the predominantly glazed extension, with its strong horizontal emphasis, would become the dominant feature of the elevation and its design would bear no relation to the historical form of the barn and would be overtly domestic in its appearance and function.
15. Whilst it is submitted that the barn has lost its agricultural character from previous works, in my view, the listed building as a whole still expresses a high degree of special architectural interest as an historic former farm building. Moreover, although the barn has previously been extended, this in itself does not justify a further extension, particularly given the associated harm I have identified.
16. I accept that the extent of glazing proposed would allow views into part of the barn. However, I am not convinced, based on the evidence before me, that an internal midstretey would be readily seen due to the positioning of the internal and external walls, and any filtered or oblique views through to the brick walls, would not outweigh the harm I have identified.
17. Whilst it is stated that the Council's Conservation Officer provided verbal support for the proposal, this is not reflected in the comments made to the application for listed building consent which refers to a strong and consistent opposition to the glazed extension. I appreciate that Conservation Officers may have changed and that differing views and advice may have been provided. I also note the appellant's concern of how these and previous applications have been dealt with by the Council, including any portrayed inaccuracies and the failure to determine those which are the subject of this appeal within the relevant period along, with the associated delays. However, these matters, and those relating to the extent and nature of the work carried out, as well as the details which have already been approved, are not matters for this appeal, which I have determined afresh and on its individual merits.
18. The north eastern extent of the appeal building also adjoins other traditional barns which have been converted to holiday lets. These join into a private dwelling located to the east of the site known as Hollow Meadow. Neither form part of the appeal site and although I have not been made aware of any listed status of these buildings, they are clearly of some heritage interest, and may reasonably be considered heritage assets as such. However, there would be little or no inter-visibility between these elements and the appeal proposal due to the relative position of the buildings and the largely enclosed positioning of the extension. Similarly, due to the screening provided by the existing extension to the threshing barn, the proposal would have no effect on the setting of the listed cart shed. Consequently, the proposal would preserve the setting of this designated heritage asset and the aforementioned structures.
19. I have noted the letter submitted in support of the appeals and accept that, although the proposal would face out onto the open countryside, public views

of the same would be very limited. Nevertheless, I find that the proposal would fail to preserve the special architectural interest of the listed building, contrary to the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of which is a consideration the Courts have determined as a matter of considerable importance and weight. Moreover, it would fail to accord with the expectations of paragraph 132 of the Framework which anticipates great weight being afforded to the conservation of designated heritage assets. For the same reasons they would also conflict with CS Policy CS.8, which seeks to underpin these statutory and national policy objectives. I have also found the proposal to be contrary to the Council's District Design Guide, which states in the section relating to the 'Conversion of traditional agricultural buildings', that extensions will not normally be acceptable.

Planning balance and conclusion

20. In accord with paragraphs 133 and 134 of the Framework, it is for the decision maker, having identified harm to designated heritage assets, to consider the magnitude of that harm. In this case I conclude that, on balance, the proposal would lead to less than substantial harm, rather than substantial harm when assessed in the context of the significance of the asset as a whole. In such circumstances the Framework further requires that any identified harm is weighed against any public benefits the works might secure.
21. In this regard, the appellant states that the development is crucial to the design of the dwelling but this is not explained further other than in the supporting Planning and Heritage Statement where it states that the proposed works are to complete the glazed breakfast/dining area to provide access to the courtyard garden as well as views across the field beyond. However, such matters would not amount to 'public benefits' which would outweigh the harm I have identified. Moreover, I note from the plans that the already approved conversion works would provide a substantial amount of accommodation, including a summer lounge which would open onto the courtyard garden. This further diminishes the suggested benefits to the proposals.
20. Therefore, for the reasons given above, and having considered all matters raised, I conclude that both appeals should fail.

Richard S Jones

Inspector