
Appeal Decisions

Site visit made on 29 December 2016

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 4 May 2017

Appeal A: Ref: APP/H1840/W/16/3159650

Besford Bridge House, Besford Bridge, Pershore WR10 2AD

- 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 M Brooks against the decision of Wychavon District Council.
 - The application Ref W/16/01644/PN, dated 11 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is conversion of redundant barn to dwellinghouse.
-

Appeal B: Ref: APP/H1840/Y/16/3159657

Besford Bridge House, Besford Bridge, Pershore WR10 2AD

- 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 M Brooks against Wychavon District Council.
 - The application Ref W/16/02624/LB is dated 11 July 2016.
 - The works proposed are conversion of redundant barn to dwellinghouse.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and listed building consent is refused.

Procedural Matters

3. Applications were submitted to the Council seeking planning permission and listed building consent for the proposals. These applications were submitted on a single, combined application form. The Council registered and determined the application for planning permission. The application for listed building consent was not registered and so was not determined. Following the lodging of the appeals, the Council has carried out the required publicity and notifications for the application for listed building consent. Accordingly, I have treated the appeal relating to the listed building application as an appeal against the failure of the Council to determine the application.
4. In my decision letter the naming of the elevations of the barn does not follow the annotation on the submitted drawings as these do not show the correct orientation in some instances. This has not affected my consideration of the appeals.

Main Issues

5. In respect of both appeals these are:
-

- Whether the proposals would preserve the curtilage listed building referred to as the barn at Besford Bridge House or any features of special architectural or historic interest it possesses.
- Whether the proposals would preserve the setting of Besford Bridge House and the barn.

In respect of appeal A:

- Whether the proposal would be sustainable development having regard to national and local policies.
- The effect of the proposal on the living conditions for occupiers of the neighbouring property with particular regard to privacy.
- Whether the proposal makes adequate provision for protected species.

Reasons

Whether the proposals would preserve the curtilage listed building referred to as the barn at Besford Bridge House.

6. The barn lies to the west of Besford Bridge House, which is a Grade II listed building and formerly a farmhouse. The barn has been altered and includes concrete block walling to parts of the north west and south west elevations and there is a large opening to the ground floor in the south east elevation. The evidence does not provide a detailed assessment of the historic or architectural significance of the barn. Nevertheless, it is clear that the barn retains its simple and robust form and its agricultural origins remain clear. It is timber framed and largely clad in weatherboard under a clay tiled roof. The first floor has window openings in the south east and south west elevations, whilst the north east elevation includes a timber shuttered opening. Although the submitted evidence does not indicate the date of the barn, the building retains evidence of historic timber framing and other historic timbers including a cross wall within the first floor.
7. The barn provides visual and historic confirmation of the site having been a working farmstead. The building therefore contributes to the overall significance of the listed building and other outbuildings within the group, bearing witness to their historic function and giving meaning to their architectural form. The north east elevation of the barn faces towards an open fronted former agricultural building across an open grassed area.
8. Whilst the principal elevation of Besford Bridge House faces away from the appeal site, the house is now reached via an access drive which passes the south east elevation of the barn. The two buildings can be viewed together from the front garden of the house. The barn is an integral part of the setting of the principal building.
9. The structural survey refers to the barn being in a generally satisfactory condition but also lists a number of areas requiring remedial work. However, whilst the appellant acknowledges that the barn is a heritage asset in its own right, the structural survey is not sufficiently detailed to confirm the extent of historic fabric which would need to be replaced. Nor do the drawings provide sufficient level of detail to be certain of the extent of new works or how any features of interest would be addressed.

10. The elevation drawings indicate that all elevations of the building would be timber clad. Whilst the drawings of the existing building show details such as the ends of purlins evident on the external elevations, the proposed drawings lack this detail. As part of the ground floor external walling is concrete blocks, the introduction of timber cladding would provide a more traditional finish to the north west and south west elevations. However, drawing 1606/02 is not sufficiently detailed to show how this would be achieved whilst taking into account the proximity of the building to the boundaries of the site.
11. The Council has provided a statement relating to both appeals. This does not set out in terms how the Council would have determined the application for listed building consent in the absence of the appeal. I have taken into account the conservation officer's comments with regard to the proposed conversion including finding no objection in principle, and noted his comments with regard to more specific matters including the number of openings being appropriate and querying the need for two flues.
12. Notwithstanding the conservation officer's comments, whilst the conversion would address the existing large opening in the ground floor of the appeal building, the resulting elevation would be asymmetrical in appearance as a result of the folding glazed doors and single doorway to one side. The increase in size of the opening in the first floor of the north east elevation and the introduction of the domestic style of 'Juliet' balcony would result in a reduction of the building's intrinsic character and potentially its historic interest.
13. The Council has provided suggested conditions but I find that these would leave for later approval matters which affect whether or not listed building consent should be granted, particularly with regard to the extent of historic fabric to be retained.
14. Taking all of these matters together, I find that the evidence is insufficient to show that the special interest of the barn would not be harmed and therefore I cannot conclude that the building would be preserved.

The setting of Besford Bridge House and the barn.

15. Besford Bridge House is a large, detached property with a number of outbuildings and a large garden. The parking spaces to be provided a short distance inside the site entrance would intrude into the grassed area which at present forms a simple and open setting, retaining a rural character, to both the barn and the approach to the house. The introduction of parked cars into this area would be harmful.
16. Whilst the immediate surroundings of Besford Bridge House are domestic in character, the introduction of a new dwelling with its own separate and defined curtilage would be likely to increase the amount of domestic paraphernalia within the immediate vicinity of the proposed dwelling and Besford Bridge House. The evidence does not show whether the area between the barn and the outbuilding to the east was formerly an open farmyard, however, its physical subdivision by a fence and hedge has the potential to harm the significance of the relationship between the buildings.
17. I find that the proposals would harm the setting of Besford Bridge House and the barn, and therefore would diminish the significance of the listed building.

Whether the development would be a suitable site for a dwelling having regard to national and local policies

18. The South Worcestershire Development Plan (SWDP) was adopted in February 2016. Policy SWDP2 sets out the development strategy and settlement hierarchy for South Worcestershire and is based on principles which include safeguarding and, where possible, enhancing the open countryside and focussing most development on urban areas where housing needs and accessibility to public services are greatest. Section C of the policy confirms that in the open countryside development will be strictly controlled and limited to circumstances which are cross referenced to other specific SWDP policies. SWDP2 does not include provision for the conversion of buildings to housing, nor is there reference to any other policy in the plan which addresses this.
19. Besford Bridge comprises a hamlet or small group of dwellings to the west of Pershore. The Council consider the appeal site to be within the countryside in terms of planning policies. The nearest settlements with facilities are stated by the Council to be some 1 to 2 km from the site and the evidence does not demonstrate that the site is well served by public transport. Policy SWDP4 is concerned with minimising the demand for travel and offering sustainable travel choice. The location of the site brings the proposal into conflict with Policy SWDP4.
20. The SWDP is a recent document, prepared and adopted in the context of the National Planning Policy Framework (Framework). Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. As the Council can demonstrate an adequate supply of land for housing, their policies for the supply of housing are not out of date. However, the Council acknowledge in their statement that the SWDP is silent in respect of the conversion of rural buildings to residential use. Policy SWDP1 sets out the overarching sustainable development principles of the development plan and reflects the Framework. SWDP1D states that where there are no policies relevant to the application permission will be granted unless material considerations indicate otherwise taking into account the Framework as a whole, or where specific policies of the Framework indicate development should be restricted.
21. The Framework at Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside are to be avoided unless there are special circumstances, one of which is where the development would re-use redundant or disused buildings and lead to an enhancement of their immediate setting. Although the appeal site is not isolated in the sense of standing alone or remote from other dwellings, it is isolated from services and facilities. The development is put forward by the appellant as complying with the special circumstances set out in Paragraph 55.
22. It is disputed whether the barn is either redundant or disused. I saw during my site visit some evidence of limited storage. The building is capable of being used for garaging and may have been previously modified to allow this to happen. However, the appellant explains that the building is not secure and is too far from the existing house for garage use. Whilst the Council's report referred to there being no access to the upper floor of the building, I was able

to look into the upper floor during my visit which appeared to be unused. I find that, on the basis of the available evidence, the building could reasonably be described as disused.

23. Although the appellant refers to the building as being in need of repair and that the timber cladding is well weathered, it is not unusual for agricultural or former agricultural buildings of this nature to show signs of age but this is not necessarily detrimental to the building's appearance. The structural survey refers to the cladding on the front of the building as showing its age but not appearing to show obvious signs of distress. The building is not derelict neither does it appear to be dilapidated.
24. Taking into account my findings above in relation to the work to and setting of the barn and the setting of Besford Bridge House, I find that the proposals would not lead to an enhancement of their immediate setting and therefore would not meet the expectations of Paragraph 55.

Living conditions

25. The south west and north west elevations of the barn are immediately adjacent to the neighbouring property known as The Bramblings. The south west elevation faces onto an area of lawn and trees, which although visually detached from The Bramblings, is nonetheless part of the gardens of that property. The existing upper floor window in the barn would be replaced with a window in the same position which is shown on the drawings to have obscure glazing. Given the height of the window above floor level, and subject to appropriate conditions to secure the glazing details, I am satisfied this window would not cause unacceptable loss of privacy to the neighbouring occupiers.
26. A pair of French windows would be introduced into the north east elevation. Whilst there is an existing opening, this would be enlarged to make the opening taller and a 'Juliet' balcony railing would be added outside the windows. This would be the principal window serving the living room as the other window would have obscure glazing. The French windows would look over the side garden of The Bramblings which is paved and used as a sitting area. Whilst there are other areas of the garden of The Bramblings which would remain private, I consider that the proposed French windows would cause an unacceptable loss of privacy to the occupiers of the neighbouring property.
27. The appellant suggests that the building could be used as ancillary accommodation without planning permission. However, even if this were to occur, it is unlikely that it would result in the degree of overlooking which would result from the proposed French windows serving a principal living room.
28. The proposal would therefore fail to meet the requirements of SWDP Policy SWDP21 which, amongst other matters, requires development to provide an adequate level of privacy in relation to neighbouring amenity.

Whether the proposal makes adequate provision for protected species

29. The appellant has submitted survey information which confirms that the barn is used as a minor Lesser horseshoe bat night roost, a minor Brown long-eared bat night roost and a Common pipistrelle bat day roost. A licence from Natural England would therefore be required before the development could proceed.

30. There is a difference of opinion between the parties with regard to the appellant's suggested mitigation measures and the size of the suggested bat 'shed'. Although the position of the bat shed is indicated on the layout plan, details of the shed does not form part of the application proposals and the permitted development provisions relating to buildings incidental to the enjoyment of dwellinghouses do not extend to the curtilage of listed buildings. Accordingly, I find that there is uncertainty with regard to securing satisfactory mitigation measures.
31. Therefore, whilst I have had regard to the likelihood of a licence being granted, taking into account the above and as I have found that the proposals are unacceptable for other reasons, this issue has not been a determining factor in my decision.

Other matters

32. I have taken into account that the Parish Council has not raised objections to the proposals but this does not alter my findings.

Appeal A Conclusions

33. The conversion of the building to a dwelling does not comply with development plan policy SWDP2 and in this location is not supported by policy SWDP4. I have also found conflict with Policy SWDP21. I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration to which I give significant weight. The provisions of Paragraph 55 would not be met as the proposals would not lead to an enhancement of their immediate surroundings.
34. The proposals would not preserve the curtilage listed building or its setting and would not preserve the setting of Besford Bridge House. As a consequence the proposals would diminish the significance of the listed building.
35. When considered in the context of Section 12 of the Framework, the harm to the significance of designated heritage assets would be less than substantial. However, the Framework requires that great weight be given to the conservation of heritage assets. There would be public benefits in the provision of an additional dwelling but these would be limited, particularly when the location of the site in relation to access to services and facilities is taken into account. Whilst it could be argued that public benefits would also arise from securing a future use for the barn which is a heritage asset, for the reasons set out above I am not satisfied that the proposals before me would achieve this in a manner which maintains the significance of the heritage assets. The public benefits of the proposal would therefore not outweigh the harm to heritage assets and the proposals would not comply with the Framework.
36. The proposal would not be a sustainable form of development and the proposal does not satisfy the SWDP Policy SWDP1. I find the proposal would not comply with the development plan when considered as a whole.

Appeal B: Conclusions

37. The proposals fail to show that they would preserve the special interest and setting of the barn and they would fail to preserve the setting of Besford Bridge House.

Conclusion

38. For the reasons given above, I conclude that the appeals should be dismissed.

J E Tempest

INSPECTOR