
Appeal Decision

Site visit made on 5 November 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/E2205/Y/18/3218073

Odiam Barn, Smarden Road, Bethersden TN26 3HE

- 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 John Giles against the decision of Ashford Borough Council.
 - The application Ref 18/00286/AS, dated 19 February 2018, was refused by notice dated 15 June 2018.
 - The works proposed are alteration to the mezzanine level of the existing barn including the insertion of an *en-suite*.
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Decision

1. I dismiss the appeal.

Reasons

2. The property is listed Grade II and the main issue is the effect of the works on the architectural or historic significance of the building. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the Development Plan do not apply to applications and appeals made under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the latter Act requires special regard to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses. These duties are reflected in Policy ENV13 of the Ashford Local Plan 2030, on the conservation and enhancement of heritage assets. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
3. The barn was once associated with the farmhouse, and changes over time have resulted in it being separated from the farmstead but, from the outside the form of the building is still readily recognised as an agricultural barn, notwithstanding the additional openings to suit it for a residential use.
4. Internally, the building has retained an open double-height area at the previous cart entrance and to one bay eastwards, with open mezzanine floors having been inserted either side, that to the west having in addition an enclosed bedroom with its own access stairs. This arrangement has allowed the greater part of the original volume of the building to be seen and appreciated, including structural timberwork, and this is an important element of the building's architectural and historic significance. The lack of visible rafters does not seriously reduce the value of the space.

5. The proposal is to enclose the eastern mezzanine with glazed panels to form a more private bedroom, and to form an *en-suite* bathroom to one side in plasterboard on studwork. A tie-beam that runs across at about waist height would not be removed and whilst the Council query the practicalities of this layout, it appears that the room has previously been used as a bedroom with an acceptance of that limitation; any future application to remove the beam could be resisted. A previous occupier had used furniture to give some privacy, but loose items, which are not controlled by the listed building regime, would be seen as temporary and moveable.
6. The insertion of the solid walls of the *en-suite* would cause harm to the architectural and historic significance of the listed building, eroding the visual integrity of the tie beam and breaking up the space under the sloping ceilings. However, the appellant offers to delete this aspect of the scheme and to utilise the same arrangement of opaque and clear glass, essentially as an extension of the glazed wall around the proposed door.
7. That arrangement along with the glazed wall proposed to the south of the chimney could allow a view of the continuation of the sloping ceiling, but would likely appear as an interruption to the space through reflection, and would introduce an unsympathetic barrier within what is presently a successful presentation of the history of the building and the structural system.
8. The appellant has supplied a drawing indicating that the length open to the roof would be in the order of 50% of the total length of the barn, and a higher percentage of that presently remaining open, taking account of the already cellular west end. It would also be the fact that the cart entrance would be in the centre of that remaining space.
9. However, even without the solid *en-suite* arrangement, harm would be caused to the significance of the building, undoing the care that went into the original conversion in retaining features of interest, and in particular the architectural quality of the space above the mezzanine floors.
10. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
11. There does not appear to be any risk of the building falling out of its beneficial use as a dwelling and the word 'optimum' should not be taken to mean 'maximum'. The dwelling has a range of cellular rooms under the 2 mezzanine floors together with the bedroom at the west end of the upper floor, and provides a good quality and amount of accommodation whilst conserving and preserving the significance of the listed building. In the balance required under paragraph 196, the public benefits do not outweigh the harm and the failure to accord with policy and statute is not justified. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR