



Appeal Decisions

Site visit made on 15 October 2019

by R Barrett BSc Hons MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 17th December 2019

Appeal Ref: APP/Y3615/W/19/3230485 (Appeal A)

Burchatt's Farm Barn, London Road, Guildford GU1 1TU

- 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 Hehir, against the decision of Guildford Borough Council.
 - The application Ref 19/P/00178, dated 23 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is described as 'change of use from D2 (assembly and leisure) to D1 (non-residential institution) with designated first floor flat (no change of use involved) and internal alterations, and listed building consent for a series of minor internal alterations'.
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Appeal Ref: APP/Y3615/Y/19/3230507 (Appeal B)

Burchatt's Farm Barn, London Road, Guildford GU1 1TU

- 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 Hehir, against the decision of Guildford Borough Council.
 - The application Ref 19/P/00179, dated 23 January 2019, was refused by notice dated 27 March 2019.
 - The works proposed are described as 'change of use from D2 (assembly and leisure) to D1 (non-residential institution) with designated first floor flat (no change of use involved) and internal alterations, and listed building consent for a series of minor internal alterations'.
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Decisions

1. Appeal A is allowed and planning permission is granted for 'change of use from D2 (assembly and leisure) to D1 (non-residential institution) with designated first floor flat (no change of use involved) and internal alterations' at Burchatt's Farm Barn, London Road, Guildford GU1 1TU, in accordance with application Ref 19/P/00178, dated 23 January 2019, subject to the conditions set out in annex A to these decisions.
2. Appeal B is allowed and listed building consent is granted for 'listed building consent for internal alterations' at Burchatt's Farm Barn, London Road, Guildford GU1 1TU, in accordance with application Ref 19/P/00179, dated 23 January 2019, subject to the conditions set out in annex A to these decisions.

Procedural Matters

3. After the appeal applications were determined the Council adopted the Guildford Borough Local Plan: strategy and sites 2015-2034 (2019) (Local Plan). I have made my decisions on this basis.

4. In the banner heading the descriptions of development and works have been taken from the appellant's planning permission and listed building consent application forms. However, in my formal decisions I have used the descriptions of development and works as set out in the Council's decision notices, as those more accurately reflect the development and works sought.

Main Issues

5. The main issues are the effect of the appeal proposals on the provision of valued social, recreational and cultural facilities and services and whether they would preserve the special architectural or historic interest of Burchatt's Farm Barn, a grade II listed building and designated heritage asset.

Reasons

Valued facilities or services

6. It is undisputed that the appeal proposal would result in the loss of a meeting venue. That use falls within the definition of social, recreational and cultural facilities or services, as referred to in paragraph 92C and D of the National Planning Policy Framework (the Framework). However, the proposed use, as a chiropractic clinic would fall into the same category, being a health facility and local service. Relocating the chiropractic centre as proposed would result in the release of space within its existing premises and the use class of that space would not change as a result. Therefore, overall, no net loss of floorspace for facilities and services would be a consequence of the appeals. In this respect the proposals would accord with paragraph 92 of the Framework.
7. There is concern regarding the loss of the existing use on the basis that there is an unmet need for community meeting venues, particularly with a kitchen, in an accessible location with access to open space. However, I have limited substantive evidence of such a need. There is further concern that the proposal would result in the loss of a public use for the appeal building. However, the proposed use would include an area suitable for lectures and training, which would be open to the public.
8. I have considered the appeal proposal against policy E6 of the Local Plan. However, that relates to the leisure and visitor experience and therefore that policy is not directly relevant to these appeals.
9. I conclude that overall the appeal proposals would not result in harm to the provision of valued social, recreational and cultural facilities and services. They would generally accord with paragraph 92C and D of the Framework, which, to provide the social, recreational and cultural facilities and services the community needs, it seeks planning policy and decisions that guard against the unnecessary loss of valued facilities and services and to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

Significance of the listed building

10. The appeal site includes the main barn, which is a four-bay timber framed 18th century barn, located within Stoke Park. Internally, its undivided open space, timber frame with historic openings along with its historic fabric generally, all contribute to its significance as a heritage asset.

11. A single storey 'box like' structure would be inserted into the end bay of the barn to create two consulting rooms. In addition, sail cloths would be hung from hooks fixed to the historic fabric to provide two changing rooms in part of the aisle space. The totality of these works, including measures to provide sound proofing and privacy, would sub-divide the internal space to an extent. However, as the proposed internal 'box' would be less than full height and the proposed curtains could be pulled back, an appreciation of the full height internal space would remain. Whilst other aspects of the works would cover part of the walls, significant historic fabric would still be open to view, such that they would not materially compromise an understanding of the historic structure. In addition, in accordance with the annotation on plan 1990-005B any fixing into the historic framework could be controlled. Overall, the proposed works would read as modern interventions, including the relationship of the internal structure to the existing entrance lobby. They would read as separate to the historic fabric and would enable an understanding of the building's history. However, some harm would be a consequence of the proposed works and development.
12. In accordance with paragraph 193 of the Framework, I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the heritage asset identified would be less than substantial at the lowest end of that spectrum. Mindful of my statutory duties¹, this is a matter to which I attach considerable importance and weight. However, public benefits, as identified in paragraph 196 of the Framework, are before me which would outweigh the harm that I have identified. In this regard, even though the appeal building appeared to be in generally good condition and it is in Council ownership, its future is uncertain, as regardless of the reasons, it is not at present used to full capacity. Evidence suggests that it has been running at a loss since at least early 2017. The proposed development and works would facilitate a long-term tenant and regular use for the appeal building, which would help to ensure its continued sound condition, future maintenance and ultimately its preservation. I come to this conclusion mindful that there are other potential users of the appeal barn. However, the evidence suggests that these would be on less favourable terms for the Council, involving the use of public money to secure maintenance and repair and therefore I have no assurance that they would come to fruition.
13. Overall, taking all factors into consideration, I conclude that the appeals would preserve the special architectural or historic interest of Burchatt's Farm Barn. For this reason, they would accord with policy D3 of the Local Plan. That policy seeks development of the highest quality that will sustain, and where appropriate, enhance the special interest, character and significance of the borough's heritage assets. It also requires the impact of proposals to be considered in accordance with caselaw, legislation and national policy.

Other Matters

14. The proposed use would accommodate a limited number of patients at any one time. Parking is available on site and further unmarked parking bays shared with the other businesses and uses in the Burchatt's Farm group would be available. Taking account of parking on site and the proximity of public

¹ Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

transport, I have no reason to take an alternative view to the Council on this matter and conclude that sufficient parking would be available.

15. There is concern that the proposals would result in the loss of a polling venue. However, other venues are available, and it is confirmed that the appeal property could still be used for polling if required. It is suggested that the appeal building was donated to the Council and that it should be open to the public for community and leisure use. However, this matter is not within the scope of these appeals. I am aware that another user wishes to use the appeal barn as a meeting venue. However, beyond my considerations in paragraph 12 above, that is not a matter that influences my decisions. Further, the way in which the Council has made its decision to rent the building and has chosen its preferred tenant is not a matter for me. As each appeal is judged on its individual merits, no precedent would be set by my decisions.
16. I have noted the other public benefits which weigh in favour of the proposals. However, they do not change my overall conclusions.

Conditions

17. Standard time and plans conditions are necessary for both appeal A and appeal B as they provide certainty. In relation to appeal A, a condition to ensure that the first-floor flat is used as ancillary to the chiropractic clinic use is necessary to ensure acceptable living conditions for future occupiers. In relation to appeal B, conditions to control the detail and location of new fixings, the proposed in-line tile, how the proposed works relate to the historic timber frame and details of the junction of the lobby and consulting room 3 are all necessary to safeguard the special architectural and historic interest of the listed building. Given those conditions, and details on the submitted plans, a further condition restricting fixings into the historic fabric is not necessary.

Conclusion

18. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be allowed, subject to the conditions attached in annex A to my decisions.

R Barrett

INSPECTOR

Annex A

Appeal A (Planning permission)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1990-001A; 002; 005B and 6A.
3. The residential flat associated with the main barn and adjoining cottages should be used as ancillary to the main use of the building.

Appeal B (Listed building consent)

1. The works for which listed building consent is hereby granted shall be begun before the expiration of three years from the date of this consent.
2. The works hereby permitted shall be carried out in accordance with the following approved plans: 1990-001A; 002; 005B and 6A.
3. Prior to the commencement of any works, details and locations for the new fixings shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
4. Prior to commencement of any works, details of how new work will be trimmed and fitted around the historic timber framing, including drawings at a scale of at least 1:20, shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details and retained as approved thereafter.
5. Prior to the commencement of works, a section drawing showing the entrance lobby and the join to consulting room 3 shall be submitted and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details and retained as approved thereafter.
6. Prior to the commencement of works, details, including precise location, and a sample of the in-line tile shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details and retained as approved thereafter.