



Appeal Decisions

Site visit made on 27 November 2019

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 7th January 2020

Appeal A Ref: APP/P1940/W/18/3217074

**Barn South East of Old Mill House, Solesbridge Lane,
Chorleywood WD3 5SX**

- 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 Geoffrey Simm against the decision of Three Rivers District Council.
 - The application Ref 18/1560/FUL, dated 27 July 2018, was refused by notice dated 24 September 2018.
 - The development proposed is the conversion of agricultural barn into a single residential dwelling with associated access, demolition of stable and erection of direct replacement for ancillary storage use.
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Appeal B Ref: APP/P1940/Y/18/3217071

**Barn South East of Old Mill House, Solesbridge Lane,
Chorleywood WD3 5SX**

- 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 Geoffrey Simm against the decision of Three Rivers District Council.
 - The application Ref 18/1561/LBC, dated 27 July 2018, was refused by notice dated 24 September 2018.
 - The works proposed are the conversion of agricultural barn into a single residential dwelling with associated access, demolition of stable and erection of direct replacement for ancillary storage use.
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Decisions

1. Both appeals are dismissed.

Preliminary Matters

2. The proposal involves a listed building and is in a Conservation Area. As such I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have determined the appeal in accordance with those provisions.

Main Issues

3. The main issues are: the effect of the proposal on the special architectural and historic interest of the Grade II listed building; and in addition with regard to

Appeal A, whether the proposal would be inappropriate development in the Green Belt; and the effect of the proposal on the openness of the Green Belt.

Reasons

Listed building considerations

4. The appeal site is located off a private road to the south of Solesbridge Lane and adjacent to the M25. The barn which is the subject of this appeal is C17 in origin with a timber frame and peg tiled roof. On the eastern side is an attached C19 lean to addition whilst to the south but in close proximity is a detached former stable block. The barn is currently in a poor state of repair and at the time of my site visit was encased in scaffolding and protective sheeting. It is Grade II listed, the listing description explaining that it is listed for its group value. Adjoining to the north and on the other side of a driveway, is Old Mill House which is also Grade II listed and currently in residential use.
5. The barn is in separate ownership from Old Mill House and currently has an extensive open curtilage. Adjacent to the site on the east side of the private road are a number of relatively modern residential properties. The site is included within the Outer Loudwater Conservation Area and is within the Metropolitan Green Belt.
6. The proposal is to convert the building to a three bedroom dwelling with relatively open living space at ground floor and a mezzanine space over part of the first floor. In addition, the former stable block would be rebuilt to the same size and footprint for storage purposes. In terms of conversion works, the intention is to largely retain the character of the existing barn, including its current slightly distorted timber frame.
7. Previous proposals to convert the building to residential use were refused by the Council in 2018 for similar reasons to those in relation to the current appeals¹. Changes to the current scheme include no attempt to realign or square up the building, to retain the undulating roof, to reduce the number of window openings and the omission of a porch.
8. In my view the significance of the building includes a number of heritage values identified by English Heritage guidance (now Historic England)² as contributing towards such significance. Primarily its historical and aesthetic interest is as a fine and comparatively rare example of a C17 agricultural barn with all the building characteristics that such a barn includes, and in particular the timber frame and the dominant tiled roof. Despite being in poor condition, much of the historic fabric is remarkably intact and little altered apart from the C19 lean to. There is also the historical interest of the building in relation to the former role it played as part of a paper making complex, and whilst the water mill itself is no longer present, it still has an historical group value with the nearby Old Mill House reflecting the historical connection between the two. There is less significance in the lean to addition and the former stable.
9. The Council's primary concerns relate to the impact of the alterations on the barn itself, the loss of its setting with Old Mill House and the open landscape, the substantial repairs that would be needed, and the fact that alternative less

¹ Application Nos 18/0510/FUL & 18/0511/LBC

² Conservation Principles, Policies and Guidance (English Heritage 2008)

intensive uses do not appear to have been thoroughly explored compared to a residential use.

10. Dealing first with the principle of the proposed use, there is no dispute between the parties that the building is in a poor state of repair. Indeed, I note the Council wrote to the appellant in a letter dated 29 November 2018 expressing its concern about the state of the building and the possibility of serving a Repairs Notice under Section 54 of the Act, unless certain works were undertaken. I understand this is what prompted the scaffolding and protective sheeting. It seems to me therefore that any alternative use of the building would require considerable repairs and renovation if only to make it weathertight and structurally sound. Such works would require considerable investment. It is also the case that whilst short term repairs might arrest the decline of the building in the short term, a longer term use would be required if the asset is to be preserved for future generations.
11. In terms of alternative uses, the Council acknowledges that agricultural use is unlikely given the current limited land ownership associated with the barn and with little likelihood of that changing. Similarly, it is in separate ownership to Old Mill House and there is also no indication that it likely to change in the foreseeable future. It seems to me that storage, community or light industrial uses are all potential options, and might well reduce the need for the extent of alterations inevitably required by a residential conversion, particularly internally. However, I have serious doubts that the level of investment required to restore the barn would make such options viable. I also consider that such uses would inevitably involve a degree of activity, possibly with commercial vehicles, which would be likely to give rise to amenity problems given the proximity of Old Mill House directly opposite.
12. Notwithstanding the above, without evidence before me of serious attempts to find alternative uses which may be compatible with the adjoining residential use and which might be viable in terms of costs of renovation, it cannot be said with any certainty at this stage that such alternatives do not exist. In that context therefore I am not satisfied based on current evidence that a residential use is the only viable use.
13. With regard to the detailed conversion scheme itself, the proposal would be a sensitive one in my view, allowing for the largely open character of the barn to be preserved, with internal subdivisions in the main barn at ground and first floor corresponding to the historic bays and allowing the timber frame to be appreciated internally. The main kitchen, dining area and one of the bedrooms would be in the less sensitive C19 lean to. A number of window openings would be historic ones. I also observed evidence in the timber frame for a larger former opening in the west elevation where the proposed main entrance would be. Although there would be some new openings, they would be limited and located between historic stud frames.
14. I see no objections to the rebuilding of the former stable and indeed a sensitive rebuilding would enhance the current setting of the main barn. I also find no objections with the proposal to retain the form and alignment of the current timber frame, which is very much part of its character and interest, nor to the sensitive replacement of more appropriate weatherboarding as is proposed.
15. However, I note that the repair method statement acknowledges that the plinth walls are in poor condition and that there is structural movement in the timber

frame causing over stressing of certain joints. A number of other defects are also identified. The method statement goes on to explain how these issues would be addressed and I have no reason to doubt the intentions. However, the method statement also acknowledges that it will be necessary to realign parts of the frame, remove some secondary inserted timbers and reinstate original braces. Whilst this may be possible, without a full structural survey before me to demonstrate that it would be feasible and would satisfy building regulations for example, I cannot be sure that would be the case. Similarly, a full survey would also be needed to demonstrate that any increased loadings on the timber frame, either by the insertion of the mezzanine floor or in order to retain its overall current slightly distorted appearance, could be achieved without damage or adverse effect to the historic structure.

16. Although there is a reference in the Heritage Statement to a structural survey apparently having been carried out at some point, it does not appear to have been done so in relation to the current scheme and does not form part of the application supporting documents.
17. Without the above, I cannot be certain at this stage that the historic interest and form of the building could be retained. I have considered whether a condition might be appropriate. However, if the survey revealed that the resulting form or appearance of the building had to be altered in some way, then it may result in a materially different scheme coming forward and might well negate any permission as a result.
18. In terms of the setting of the listed building, the formerly open landscape has already been compromised by the subdivision of ownership, establishment of new curtilages including fences, and more modern buildings within close proximity. The relationship with Old Mill House would largely remain as existing with the overall form of the conversion having minimal external alterations and no increase in current footprint. Similarly, I see no reason why the surrounding open land could not largely remain as such and be adapted to a residential use without it being over domesticated, subject to adequate safeguarding conditions. In addition, as the appellant points out, the erection of fences and hard surfaces are already controlled by an Article 4 Direction. Additionally, a tarmac driveway currently exists between the barn and the Old Mill House, together with external parking. The latter does not appear to change from the submitted plans, whilst providing a gravel pathway to the barn itself would be acceptable in that it would be a sensitive surfacing material, and some form of driveway/path would be required whatever the proposed use of the building was.
19. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. A conversion to residential use would result in some harm because of the necessary alterations required to the historic fabric of the building to enable that use. However, given the sensitive nature of the proposed conversion and the fact that the building was listed for its group value, which would remain, I consider the harm would be less than substantial.

20. Under such circumstances, paragraph 196 of the Framework says that such harm should be weighed against any public benefits of the proposal including, where appropriate, securing its optimum viable use. However, given my findings above regarding the potential alternative uses and the lack of certainty regarding the deliverability of the detailed scheme proposed, the public benefits are not currently proven.
21. Given the above, and in the absence of any substantiated public benefit, I find that, on balance, the proposal would currently fail to preserve the special historic interest of the Grade II building. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. It would also be contrary to Policies CP1 and CP12 of the Council's Core Strategy 2011 (CS) and Policy DM3 of the Development Management Policies: Local Development Document 2013 (LDD), in that it has not been shown that the historic environment could be protected or that heritage assets could be retained or preserved. As a result, the proposal would not be in accordance with the Development Plan.

Gren Belt considerations

22. Policy DM2 of the Council's LDD allows for conversion of buildings in the Green Belt, subject to certain criteria, including that the proposal would be in keeping with the surroundings and would not have a significant adverse effect on the openness of the Green Belt. This is consistent with paragraph 146 of the National Planning Policy Framework 2019 (the Framework) which says that certain types of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the provisions relates to the re-use of buildings provided that they are permanent and of substantial construction.
23. The Council's concerns regarding the loss of the open landscape character, urbanising effect, potential extensive curtilage and gravel pathway, have already been considered above. For the same reasons as the impact upon the setting of the building, they are all matters which could be adequately controlled by condition or are already controlled through the Article 4 Direction, and consequently there would be no harm to the openness of the Green Belt. Although I have not been persuaded that the evidence shows that the historic structure could be protected, the overall proposed form and design of the building would also not affect openness. I note that the Council raises no objections to the proposed rebuilding of the stable building which I agree with.
24. Having regard to the above, I find that the development would not be inappropriate development within the Green Belt. As such it is not necessary to consider whether very special circumstances exist. Accordingly, there is no conflict with Policies CP11 of the CS and Policies DM2 and DM7 of the LDD in that the development would not be inappropriate, it would preserve the openness of the Green Belt and would not harm the surrounding landscape. For similar reasons it would not conflict with the objectives contained within the Framework.

Other Matters

25. Whilst the Council makes no reference in its reason for refusals to the effect of the proposal on the character and appearance of the Outer Loudwater Conservation Area, I am required to give special attention to this matter in

determining the appeals. Given my findings above in terms of the proposed alterations to the building being generally acceptable in design terms, notwithstanding the absence of certain evidence, and that there would be no harm to the openness of the Green Belt or the character of the surrounding landscape, I am satisfied that both the character and appearance of the Conservation Area would be preserved.

26. A number of technical studies were submitted in support of the application, including ecological surveys, a flood risk assessment and an energy statement, all of which the Council found to be acceptable and which I concur with. Similarly, the Council raised no objections with regard to amenity issues, parking, refuse provision, impact upon trees or archaeology and I see no reason to disagree with those findings. Finally, a viability assessment was submitted in order to demonstrate that the proposal could not support a financial contribution towards the provision of affordable housing. The Council accepted the findings of the report and there is no evidence before me to disagree with that view.

Conclusion

27. Whilst I have found the proposal to be acceptable in some respects, for the above reasons, and having regard to all other matters, I conclude that both appeals should be dismissed.

Kim Bennett

INSPECTOR