



Appeal Decisions

Hearing Held on 11 December 2019

Site visit made on 11 December 2019

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2020

Appeal Ref: APP/J1860/W/19/3229053

Barn1, Woodhall Farm, Wichenford, Worcester WR6 6YE

- 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 John Pudge against Malvern Hills District Council.
 - The application Ref 18/01043/FUL, is dated 17 July 2018.
 - The development proposed is conversion/reconstruction/adaptation of existing building to a single dwelling.
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Appeal Ref: APP/J1860/Y/19/3229054

Barn 1, Woodhall Farm, Wichenford, Worcester WR6 6YE

- 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 John Pudge against Malvern Hills District Council.
 - The application Ref 19/00444/LB is dated 17 July 2018.
 - The works proposed are conversion/reconstruction/adaptation of existing building to a single dwelling.
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Decisions

1. The appeals are dismissed.

Procedural matters

2. The appeals are against the Council's non-determination of these cases within the statutory period. Whilst decision notices were not issued, the Council has set out what it considers to be the main issues relevant to the determination of the appeals in its statement of case.
3. Planning permission and listed building consent were granted for the demolition of modern farm buildings and the conversion of traditional farm buildings to four residential units in 2008.¹ This scheme was partially implemented, including the conversion of 'The Diary' and 'The Tack Room' to residential units which are now occupied. However, the building referred to both as 'The Dray Barn' and Barn 1 (henceforth Barn 1) was taken down.
4. A replacement building has been constructed in a similar location to Barn 1, though positioned a little further south in comparison with the original

¹ 08/00172/FUL and 08/00173/LBC

structure. This building, which has yet to be completed internally, has been the subject of separate enforcement action, and a recent appeal decision (the enforcement appeal)², which considered the requirement to remove the recently constructed building. The current appeals relate to the appellant's proposed alterations to this structure.

5. The application plans include 1510/6 which presents the plan form and elevations of the calf pens building as it currently appears on site. It was agreed that as the current applications do not relate to this building, this drawing should be excluded from the plans list.

Main Issues

6. The main issues are:

- The principle of development in open countryside;
- The effect of the proposed development and works on the special architectural and historic interest of Barn 1 as a curtilage building of the Grade II Listed Woodhall Farm, and the setting of the Listed group;
- The effect of the proposal on the character and appearance of the area; and,
- Whether any harm caused would be outweighed by other considerations, including public benefits.

Reasons

Principle of development

7. The appeal site is located within the open countryside outside any settlement boundary. The 2008 approvals were for the conversion of the traditional farm building range to four residential units with associated parking, access and garden areas, including a garage block. At this time the principle of development was associated with the re-use of curtilage listed buildings which were no longer required or suitable for their original purpose.
8. The appeal building has not been authorised and therefore the principle under consideration now relates to the new development of a four bedroomed dwelling in the countryside, not the re-use of a heritage asset. In this sense the fact that the new structure would have the same locational characteristics and sustainability credentials as the curtilage listed structures which have been converted is of limited relevance.
9. The South Worcestershire Development Plan (SWDP) 2019 Policy SWDP 2 sets out the Development Strategy and Settlement Hierarchy, including the principle of safeguarding and (wherever possible) enhancing the open countryside. It requires that development in the open countryside be strictly controlled and limited to that which supports other specific SWDP Policies. None of these appear directly relevant to the present case.
10. Furthermore, the isolated location and the lack of sustainable transport modes means that future occupants of the dwelling would be reliant on private transport to access services and facilities for all of their day to day needs. In

² APP/J1860/C/18/3204023

this sense the proposal would be in conflict with SWDP 4 which relates to moving around Worcestershire, and refers to the importance of genuinely sustainable travel choices.

11. I therefore conclude that the principle of new build residential development in this location would not be acceptable. In addition to the conflict identified with SWDP Policies 2 and 4, it would not comply with the Framework paragraph 79 seeking to avoid isolated homes in the countryside, or Section 9 of the Framework which seeks to promote sustainable transport. Whilst the appellant refers to the Framework paragraph 84 for support, there is no evidence before me to demonstrate that the development would meet local business or community needs.

Heritage effects

12. Woodhall Farmhouse originated in the 17thC and was altered and extended in the mid-19thC. It is part timber framed with painted brick infill, and has a tiled roof with bargeboards. In addition to the range of vernacular features, of importance is its relationship with its immediate setting, including the moated site to the north, and the loose courtyard arrangement of traditional and more contemporary farm outbuildings to the south east. Therefore, the special interest and significance of the Farmhouse relates to the evidential value of its architectural form, and its historic interest as a farmstead, including the group value associated with nearby farm buildings.
13. It is agreed that the farm buildings are curtilage listed structures. A detailed heritage statement relating to Barn 1 is not before me. Some appreciation of its heritage value can be gained from the inspection dating from 2004, submitted as part of the 2008 application (2004 inspection), which includes photographic evidence. Further photographic evidence was submitted by the Parish Council. This structure was designed as a threshing barn. The photographic evidence indicates that this was a five unequal bay structure of two storeys in height, and was clad in horizontal timber boarding under a clay tile roof. It had a brick and stone plinth and minimal window and door openings, apart from sets of full height double doors on the north and south elevations. Internally, it had a timber wall and roof frame with a range of beams and posts, thought to have been of interest in terms of their finer details, such as jointing and carpenters' marks. To the east was an attached lean-to single storey structure which was of no historic significance.
14. Whilst the provenance of this building was not confirmed, the 2004 inspection noted that 'arguably this is architecturally and historically the most interesting of the buildings inspected and deserves special consideration for repair/retention'. This gives some credibility to the suggestion that it could have been one of the original outbuildings to the Farm. Overall, the evidence suggests that the significance and special interest of this structure lay in its evidential and historic value, both in the details of its construction, and the fact that it formed one side of the historic layout of the loose courtyard.
15. The appeal scheme proposes that the new building be modified so that it would more closely resemble the intended appearance of the permitted conversion of Barn 1. It would remain positioned a little further south than Barn 1, behind the retaining wall which previously provided the base of the Barn. Safety railings would be required to manage the resulting drop between the top of the wall and the yard. The length of this structure would be reduced to more

- closely reflect that of Barn 1 without the lean-to element, which would have been removed as part of the 2008 scheme. Nonetheless, it would retain a depth of around 8m, in comparison with the original depth of around 6.3m. The replacement building has reused the existing clay roof tiles, which would also be used in the proposed structure, though the roof pitch would be 40° in comparison with the 45° of Barn 1.
16. The exterior would be clad in timber boarding to reflect the original, and the openings would be timber framed. These openings would be repositioned to reflect the 'random' distribution of windows/doors contained in the approved conversion. Whilst such a conversion is likely to require some formalisation of openings, the degree of domestication of the appearance of the appeal structure would appear more pronounced than the approved scheme. For example, there would be an increase in the number of openings on the eastern side of the north elevation, and the western side of the south elevation.
 17. The appeal building would appear as an approximation of Barn 1, and I have no doubt that high quality materials would be used. However, the combined effect of the discrepancies identified including the width of the building, the roof pitch, the introduction of railings and minor alterations to openings, would undermine its credibility. More fundamentally, it would not embody the historic fabric of Barn 1, the fact of which formed the basis of the previous approvals. Whilst little of this original structure would have been visible in either the exterior or interior of the retained building, the approved scheme sought to capture and preserve the evidential and historic significance of this heritage asset.
 18. I noted on my site visit that some of the timbers from Barn 1 have been retained on site. The appellant suggests that these materials could be salvaged and incorporated into the proposed conversion. However, there was little evidence of any effort having been made to protect or preserve the random pile of broken timbers, left largely exposed to the elements under the open sides of the Dutch barn. As such, it is not clear that in this condition these timbers could be used in any meaningful way in the appeal structure.
 19. Overall, the appearance of the modified structure would be an improvement on the building currently present on site, and may reflect elements typical of barn conversions. However, it would in essence be an artificial representation attempting to mask the loss of an historic structure.
 20. Turning to consider the effect of the proposal on the setting of the Listed Farmhouse, the proposal would in basic terms re-create the courtyard form. The Worcestershire Farmstead Character Statement identifies characteristic courtyard plans, with the appeal site falling into the 'loose courtyard farmstead' category. These have typically evolved around a yard on a piecemeal basis, with examples of yards being enclosed on one, two, three or four sides. Typically, over time, farm buildings have been added, adapted or removed to reflect varying needs.
 21. The tangible loss of a structure on this side of the yard would create a different, more open arrangement, with only the brick/stone base remaining from Barn 1. Nonetheless, this loss would in effect create a three sided courtyard, which would not in itself be uncharacteristic historically. Furthermore, whilst the loss of Barn 1 and its historic fabric is irreversible, this

would reflect the sort of evolutionary change seen in Worcestershire farmsteads.

22. The appellant argues that the Inspector in the enforcement appeal supported the principle of preserving the courtyard format. That Inspector noted that the removal of the building would erode the characteristic farmyard layout, though he found that the form of the replacement building was more visually harmful than the gap which would be left. In that case the Inspector was considering the effect of the structure which currently exists on site. In contrast, the current cases consider the effect of the modified structure. However, based on the evidence before me, and notwithstanding the fact that the appeal structure would resemble a converted barn, it remains that the heritage values of the Farmhouse and its curtilage buildings would be better represented without the appeal building being present.
23. The appellant makes reference to an 'exemplar' appeal decision relating to the conversion of a building within the Green Belt, which had previously been reconstructed to appear as part of a courtyard arrangement of former farm buildings³. The appeal sought to remove a condition restricting the use of this structure to holiday let. The Inspector found that, based on its appearance, this building added value to a visually cohesive group of structures on site, which together constituted a 'heritage asset' for the purposes of local policy. However, unlike the present case, the appeal building and associated structures were not *designated* heritage assets, and there is no suggestion that they had any equivalence with the present case in terms of special interest and significance. Also, in that case, the principle of the reconstructed building had already been accepted in that it had planning permission for use as a holiday let. Therefore, direct parallels with the present case cannot be drawn.
24. Sections 16(2) and 66(1) of the Act⁴ require that when considering whether to grant listed building consent for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses. Paragraph 193 of the Framework requires that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation.
25. SWDP Policy 6 sets out that development proposals should conserve and enhance the significance of designated heritage assets. SWDP Policy 24 requires development proposals affecting heritage assets to be considered in accordance with the Framework, and relevant legislation as well as guidance.
26. In this case, the removal of Barn 1 has caused the total loss of the historic fabric and therefore the significance of this curtilage listed structure. The structure proposed as in replacement would, in superficial terms, recreate the converted appearance of Barn 1, and also the loose four-sided form of the farm yard. However, it would lack the provenance of the original structure and would therefore not support the integrity of the designated heritage asset. As a result, I conclude that the scheme would fail to preserve the special architectural and historic interest and significance of the setting of Woodhall Farmhouse, and specifically the group value with the retained structures of the

³ APP/L3245/A/13/2210381

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990

associated farm yard. This would be contrary to Policies SWDP 6 and SWDP 24, as well as the provisions of statute and the Framework.

Character and appearance

27. The appeal site is located within the 'Principal Timbered Farmlands' of Worcester County Council's Landscape Character Assessment Supplementary Guidance (2012). This area is characterised by a densely dispersed pattern of farmsteads and wayside cottages, with the Farmhouse and its outbuildings being one of a number of examples in the local area typifying this landscape type. These buildings are visible from a number of points along the public footpath to the west, and to a much lesser degree the road to the north. They appear as a typical ensemble of farm house and range of outbuildings, including both traditional and more contemporary additions.
28. The domestic appearance and domineering size of the current structure appears distinctly incongruous in views from the public footpath. Whilst its appearance would be modified to more closely resemble the converted barn, important elements of detail such as its width, roof pitch and the position of openings would remain as visible evidence of the spurious nature of this addition. The fact that there was no visibility of the appeal building from the footpath prior to the removal of the steel building to the west does not negate this point. Furthermore, whilst the loss of the appeal building would leave a visible gap, the grouping of the remaining structures would be sufficient to enable an appreciation of the traditional farmstead within the local landscape.
29. I agree that the comings and goings associated with the domestic use of this building would not necessarily be more intense than its previous agricultural use, though they would be of a different nature. The issue of the defined residential curtilage and presence of domestic paraphernalia could, if this scheme were considered satisfactory in other regards, be controlled by condition. However, this would not overcome the harm caused to local character.
30. I conclude that due to its incongruous appearance the appeal building would have a harmful effect on the character and appearance of the area. This would be contrary to Policy SWDP 21 which requires development to be of high design quality, to reflect the characteristics of the site in terms of siting and layout, and to complement the character of the area. It would also conflict with Policy SWDP 25 which requires development proposals to demonstrate that they are appropriate to, and integrate with, the character of the landscape setting.

Other considerations

31. The circumstances around the loss of Barn 1 are not entirely clear. In this regard the appellant's oral submission differed from that set out in the Heritage Statement. Notwithstanding these discrepancies, it is clear that the condition of Barn 1 was of concern in 2008. The permissions granted at that time were conditional on the requirement that, before any works commenced, Barn 1 should be supported by a framework of scaffolding to be retained during the conversion in order to safeguard the fabric of this structure.
32. I understand that the appellant purchased the farm buildings in 2012, and progressed implementation of the 2008 approvals through the conversion of the brick-built structures initially. It appears that at this time Barn 1 was

- supported by scaffolding, though this was subsequently removed by a third party. I have some sympathy with the challenging financial circumstances faced by the appellant. However, this does not justify the neglect and subsequent removal of this structure, in clear breach of the previous approvals.
33. The Framework indicates that planning decisions should play an active role in guiding development towards sustainable solutions, and allows for the re-use of redundant or disused buildings, as well as the effective re-use of heritage assets. However, these provisions apply to pre-existing lawful buildings, and therefore do not relate to the circumstances of the present case.
34. The appellant refers to caselaw which has established that the enforcement procedure is intended to be remedial rather than punitive. The suggestion is that consideration should be given to obvious alternatives which would overcome planning difficulties at less cost and disruption than total cessation. However, this principle relates specifically to enforcement cases and is therefore of limited relevance to the current appeals which I am required to determine on their planning merits. Further, I have considered the alternative proposed by the appellant and found it to be unsatisfactory.
35. Reference was also made at the hearing to a recently upheld challenge to an enforcement appeal decision. This related to rebuilding orders made after the unlawful demolition of three unlisted buildings in a conservation area.⁵ In that case the Inspector's decision to allow the appeal was made on the basis that the buildings were not of any great historic significance, and that their demolition would lead to the suitable development of the site. This was seen as being a public benefit in an area of high demand for new development. These circumstances are entirely different to the present case, which relates to the provision of a poor facsimile to an historic structure.

Planning Balance and Conclusion

36. I have found that the principle of new build residential development in this countryside location would not be acceptable. I have also found that there would be harm to the character and appearance of the local area. Turning to heritage matters, the works have resulted in the loss of and therefore substantial harm to the special interest and significance of Barn 1. In ordinary circumstances the Framework at paragraph 195 advises local planning authorities to refuse consent for such action, unless this is necessary to achieve substantial public benefits that outweigh the loss.
37. The appeal building would also result in less than substantial harm to the significance of the listed Farmhouse, when considered in relation to the significance of the heritage asset overall. Based on my analysis, I do not agree with the appellant's assertion that the retention of the appeal building is required to avoid less than substantial harm at the higher end of the spectrum. The Framework allows for less than substantial harm to be weighed against public benefits which the proposal might secure.
38. The works and development implemented as part of the 2008 approvals have resulted in alterations to some of the farm buildings to secure the retention and re-use of heritage assets. This included the removal of a number of the more contemporary farm buildings, including those which, largely obscured the yard

⁵ Tower Hamlets v Secretary of State for Housing , Communities and Local Government & Anor [2019] EWHC 2219

area. This has facilitated an improvement in the inter-visibility between the Farmhouse and the yard buildings. However, these benefits were considered as part of the planning balance undertaken as part of the 2008 scheme. As such, these considerations do not weigh in favour of the appeal proposals.

39. In the present case there would be very modest public benefits. This would include the short term boost to the economy through the building work required. The addition of a dwelling would also boost housing supply in the district. Finally, the occupants of the dwelling would make use of rural facilities, though in fact they would be likely to need to travel some distance to access most day to day facilities. These limited benefits would not be sufficient to outweigh the harm identified to the designated heritage asset.
40. I therefore conclude that both appeals should be dismissed.

AJ Mageean

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nina Pindham	Advocate for the appellant
John Needham	Appellants architectural adviser
John Pudge	Appellant
Mary Pudge	Appellant's wife
John Pudge (Jnr)	Appellant's son

FOR THE LOCAL PLANNING AUTHORITY:

Thea Osmond-Smith	Advocate for the Council
Lee Walton	Senior Planning Officer
Sarah Lowe	Senior Conservation Officer
Aaron Black	Planning Enforcement Officer

INTERESTED PERSONS:

Heather Rendall	Kenswick and Wichenford Parish Council
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DOCUMENTS

1 Statement of Common Ground