



Appeal Decisions

Site visit made on 21 January 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal A Ref: APP/Q3305/W/19/3239972

The Old Stables, Hurlingpot Farm, Kings Road, Doultong, Shepton Mallet BA4 4PY

- 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 & Mrs S Tuxworth against the decision of Mendip District Council.
 - The application Ref 2019/0653/HSE, dated 25 March 2019, was refused by notice dated 20 September 2019.
 - The development proposed is single-storey front extension to a property in the curtilage of a Grade II listed building.
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Appeal B Ref: APP/Q3305/W/19/3239981

The Old Stables, Hurlingpot Farm, Kings Road, Doultong, Shepton Mallet BA4 4PY

- 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 & Mrs S Tuxworth against the decision of Mendip District Council.
 - The application Ref 2019/0654, dated 25 March 2019, was refused by notice dated 20 September 2019.
 - The works proposed are single-storey front extension to a property in the curtilage of a Grade II listed building.
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Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

Preliminary matter and Main Issue

2. The Old Stables (the appeal building) is a converted barn that formed part of an historic farmstead complex ancillary to Hurlingpot Farmhouse (the Farmhouse), a Grade II listed building. The appeal building is within the curtilage of the Farmhouse and is therefore covered by the same statutory protection.
3. The main issue common to both appeals is the effect of the proposals on the special interest and significance of the Grade II listed buildings.

Reasons – both appeals

4. From the evidence available to me, I consider that the significance of the Farmhouse is largely drawn from its age, use, vernacular form and fabric, and

connection with the rural landscape. Additionally, there is an intrinsic relationship between the Farmhouse within a traditional farmstead group, comprised of various traditionally constructed former working farm buildings. Despite their conversion to residential use, the former barns, byre and stable buildings continue to reflect the agricultural origins and associations with the main Farmhouse. Thus, these are part of the setting of the Farmhouse and contribute to its historic interest and significance.

5. Though altered and extended over time, the appeal building today is of L-shaped form, constructed of local rubble stone with a clay tile roof. The double-height barn entrance is a prominent and defining feature that, together with the extent of traditional stonework and minimal glazing, denote the simple characteristics of an ancillary farm building.
6. The proposal is to construct a single-storey lean-to kitchen extension and a raised patio area. The extension would face towards the enclosed courtyard area, reaching between the entrance projection and to the end of the building's stone south elevation. The proposal would add significant bulk to the front of the building, which would alter legibility of its original plan-form, compete with the form of the extant entrance feature, and encroach upon the undeveloped courtyard area in which the building sits. Even with a 0.5 metre set-back from the front of the entrance and a 0.2 metre gap under the eaves, the proposed extension would still dominate the front of the building, detracting from its simple and unassuming character.
7. Though new openings through the stonework would be limited, the proposal would cover a significant portion of the frontage stonework, while the black-painted timbers and a zinc standing-seam roof would undermine the consistency and simplicity of the extant material treatment. Fundamentally, the extension, its bi-fold doors, side glazing and raised patio area, combine to starkly announce the domestic formality of the appeal building. Further deviation away from the building's historic, agricultural origins would cause dilution of the historic and architectural integrity of the appeal building. The proposed works and development would thus cause harm to the character and appearance of the appeal building, which, it follows, would not be preserved.
8. The effect on its setting does not depend on visibility. Even if the appeal scheme would not be visible from the listed Farmhouse, or vice versa, the proposed works and development would weaken the legibility and integrity of the wider farmstead ensemble. Through development within its setting, therefore, to some small degree, the proposal would also detract from, and fail to preserve, the significance and special interest of the Grade II listed Farmhouse.
9. While reasonably localised in its extent, the scale and form of the proposed extension would fail to preserve the Grade II listed appeal building and Farmhouse, contrary to the expectations of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The harm to the significance of the listed buildings would be less than substantial. Paragraph 196 of the National Planning Policy Framework, Revised February 2019 (the Framework) requires the less than substantial harm be weighed against the public benefits of the proposal.
10. The appeal building has been relatively recently converted, appears to be in sound condition, and benefits from a large kitchen. While the existing structure

may lack storage and desired head-height in the kitchen, I have no compelling evidence to indicate that the appellants' bed and breakfast business would be under threat in the absence of the appeal proposals. Ultimately, the proposal would satisfy personal needs and wishes, which are not public benefits.

11. In considering whether to grant planning permission or listed building consent, the Act requires decision-makers to have special regard to the desirability of preserving listed buildings and their settings. Even though the overall harm would be less than substantial in this case, the overarching statutory duty must be given considerable importance and weight. Accepting some short-term economic benefits associated with the construction phase, the public benefits of the proposal would not outweigh the harm to designated heritage assets.
12. Conflict therefore arises with the historic environment policies within the National Planning Policy Framework, Revised February 2019. There would also be conflict with Saved Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006 – 2029, 2014, insofar as it seeks to ensure proposals enhance the significance and setting of heritage assets, and for any harm to be outweighed by overriding public benefits.

Other matters

13. The Council do not object to the principle of an extension and have suggested an alternative location for a kitchen extension to the north of the appeal building, however, no other proposals are before me consider. I do not know the specific planning considerations applicable to the consent to grant a garage and extensions at The Byre. As the significance and special interest of designated heritage assets is inevitably nuanced, my decision has been informed by the the individual merits of the proposal and the site-specific circumstances in the case before me.

Conclusion

14. For the reasons given above and having considered all other matters raised, including some expressions of support for proposals from interested parties, I conclude that both Appeal A and Appeal B should be dismissed.

H Porter

INSPECTOR