
Appeal Decision

Site visit made on 10 March 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/K0235/W/19/3243103

Rutters Farm, Old Milton Road, Thurleigh MK44 2DJ

- 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 TJD Trade Ltd against the decision of Bedford Borough Council.
 - The application Ref 19/01931/FUL, dated 5 May 2019, was refused by notice dated 4 November 2019.
 - The development proposed is to change the use of the existing barn into 3 no. residential dwellings and 2 no. garages for the adjacent dwellings - (resubmission).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council refused planning permission it has adopted the Bedford Borough Local Plan 2030 (LP). As a result, the Policies within that document carry full weight and they have replaced the Saved Policies of the Bedford Borough Local Plan 2002 and the Policies of the Bedford Borough Council Core Strategy & Rural Issues Plan 2008. Both the Council and the appellant have provided comments on the updated planning position in their appeal submissions.
3. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement (ES) is therefore not required.
4. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving the listed barns and their setting or any features of special architectural or historic interest which they possess.

Main Issues

5. The main issues are (i) the impact of the proposed development upon the character and appearance of the appeal site and the setting of the Grade II listed Rutters Farm barns and (ii) the principle of the development in this location.

Reasons

Character and appearance of the appeal site and the setting of the listed barns

6. The appeal site occupies a remote location which is reached via an access road of substantial length. The two existing dwellings at Rutters Farm have been

created from the conversion of the two Grade II listed barns. The significance of the two listed barns lies in their historic interest, being threshing barns which date from the 17th Century and which are constructed with timber frames. As the existing storage barn is positioned very close to the listed barns and on the approach to them, it sits firmly within the settings of both listed barns. There are a small number of other dwellings close to the site and although the substantial built form of Yarl's Wood and the adjacent business park are visible in longer views taken from the site, the area surrounding the appeal site and the context in which it is viewed has a rural character and appearance.

7. The listed barns are no longer in agricultural use and they have been converted to residential use, but they retain their significance as important former agricultural buildings on a former agricultural site. Their continued presence is reflective of the previous use of the site and they are appropriate and expected features within a rural locality such as that which surrounds the appeal site. The storage barn which is the subject of the appeal is a building of substantial scale but one which retains an agricultural appearance. Despite its size, it sits well within the context of its wider rural surroundings and it forms an appropriate visual feature in this location.
8. The effect of the proposed development would be to introduce substantial visual changes to the storage barn and its immediate surroundings, resulting in it taking on a domestic appearance, with numerous openings inserted, residential garden areas defined to its front and rear and formalised parking areas created. Whereas the storage barn currently appears as an unassuming feature that assimilates well into the surroundings, as a result of the proposed development it would become a dominant visual feature. Whilst the appellant has evolved the scheme to minimise the impact that would arise on the rural surroundings and listed barns, including in terms of the design and number of openings and the site boundary treatments and landscaping, and they state that the impact could be further controlled by planning conditions, nonetheless the impact of the development would be to domesticate the storage barn in a manner that would significantly alter its character and appearance and its relationship to the listed barns.
9. The simple form of the current storage barn and its agricultural appearance limits the impact that arises to the setting of the listed barns as a result of its size and their close positioning. In particular, due to its simplicity and it being an agricultural feature that would commonly be expected in a rural location, whilst the storage barn obscures the listed barns from certain views, when the group of buildings are viewed as a whole and from various vantage points, it does not in itself draw attention away from the listed barns. The proposed development would however result in a built feature that would visually dominate and draw attention to its presence, substantially detracting from the listed barns and from their significance as historic agricultural buildings on a former agricultural site. This would cause harm to, and fail to preserve, their setting, which is a matter to which I afford considerable importance and weight.
10. Given the nature and scale of the development, I consider that less than substantial harm to the setting of the listed barns would occur. As the development would result in less than substantial harm, it is necessary to weigh the public benefits of the proposal against the harm that would arise to

the listed barns, in accordance with Paragraph 196 of the National Planning Policy Framework (The Framework). In this regard, the appellant considers that the proposal is justified on the basis of its design and on the prospect of local enhancements in terms of landscape, appearance and biodiversity, by development plan policies, by The Framework, by the overall benefits of the development, due to the lack of a 5 year housing land supply and by the presumption in favour of new homes.

11. With regard to the design and appearance of the proposal, I have found that there would not be benefits arising in this respect. Some benefits relating to landscape and biodiversity could potentially be secured but they do not represent a public benefit that would outweigh the harm to the listed barns that I have identified. The proposal would provide 3 additional dwellings however this would make only a very limited contribution to boosting the supply of housing in the borough. Overall therefore, the public benefits that would arise do not outweigh the harm to the setting of the listed barns.
12. In determining this appeal, I have had regard to the Heritage Impact Assessment submitted by the appellant, however this does not alter my conclusions on the proposed development and the harm that would arise.
13. For these reasons, I conclude that the proposed development would significantly alter the character and appearance of the appeal site resulting in harm to, and therefore failing to preserve, the setting of the two listed barns. Accordingly, the proposal would conflict with Policy 41S of the LP which seeks to safeguard the historic environment and heritage assets. I have also identified conflict with The Framework, because the harm to the setting of the listed barns is not outweighed by public benefits.

Location of the development

14. Although remotely located, the proposed dwellings are close by to several other existing dwellings. Due to the positioning of the appeal site, there would be a reliance upon motor vehicles to access it, but there is already residential development in this area and the existing storage building has a permitted use in part for business related storage, which too would have a reliance on motor vehicles. Furthermore, Policy 65 of the LP is permissive of the conversion of buildings in the countryside, subject to a number of criteria being met. None of these criteria require consideration of the location of the development site in relation to facilities, amenities or to the settlements which provide these services, or for a specific judgement to be made as to whether a site is isolated, which are the areas of concern referenced by the Council.
15. Central to the application of Policy 65 of the LP is that the building is redundant or disused. During my visit to the site the building was being used on a limited basis for storage purposes, although this is countered by the declaration provided by the appellant that the building is redundant and not needed for the purposes for which it was permitted. However, aside from this point, Policy 65 sets out further criteria which requires that a proposed development results in an enhancement to its immediate setting and that regard is had to any impact upon designated heritage assets. As I have found that the proposal would cause harm to the setting of the listed barns, it follows that it would fail to meet with these criteria of the policy.

16. For these reasons, I conclude that the proposed development would conflict with Policies 7S and 65 of the LP, which set out the criteria that proposals to re-use rural buildings in the countryside must meet. The Council has also drawn attention to Policy 3S of the LP which sets out a spatial strategy for the borough, however there is no conflict with the strategic aims of that policy. Of the other policies referred to by the Council, Policy 5S of the LP relates to development in villages with a settlement policy area and Policy 6 to development in small settlements, and therefore neither are relevant to this appeal. Although The Framework allows for new housing development in rural areas, it too contains provisions to protect the built environment and designated heritage assets, which the appeal proposal would fail to do.

Other Matters

17. The Council has stated that it can now demonstrate a 5 year housing land supply and that in light of this and the newly adopted LP, paragraph 11d) of The Framework is not triggered. No evidence has been provided to substantiate the 5 year housing land supply figure given. However, in the event that paragraph 11d) of The Framework were to be triggered due to the absence of a 5 year housing land supply, the harm that would arise to the setting of the listed barns provides a clear reason for refusing the development proposed under paragraph 11d)i) of The Framework.
18. The economic, environmental and social benefits that the appellant has highlighted would be limited due to the small scale of the proposal. The appellant has stated that the proposal would make good use of previously developed land, that future alterations or extensions to any dwellings permitted could be restricted and that it could provide ecological and environmental enhancements to the area, including with respect to views of the site from the adjacent public right of way. Taken together, these considerations offer some weight in support of the proposed development, but they do not outweigh the harm that I have identified as resulting from the appeal proposal.
19. The appellant has made reference to the fact that the storage barn has been reduced in size and refurbished in recent years, and that the listed barns have also been successfully restored. Whilst I do not dispute that this is the case, I must assess the appeal proposal on its own merits, based upon the impact it would have. The fact that the storage barn would remain if the appeal is unsuccessful and the fact that it may not be needed for the purposes of its approved planning use, or for agricultural purposes, do not justify a harmful development.
20. I have no substantive evidence before me to suggest that if the appeal is unsuccessful then the storage barn would be left to decline or that its presence renders the listed barns as unattractive prospects as live/work units. Furthermore, I have nothing before me to demonstrate that there are no alternative means of overcoming such concerns in a way that would not lead to the degree of harm that the appeal development would cause. These considerations therefore also do not justify a development which would cause the level of harm that I have found.
21. The appellant has made reference to permitted development rights that allow for the conversion of agricultural buildings to dwellings and suggests that these highlight a direction of travel in the national approach to such buildings. Whilst this may be the case, the storage barn is not in an agricultural use and

therefore such permitted development provisions do not represent a viable fallback position. They cannot therefore offer any weight in support of the appeal proposal.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wright

INSPECTOR