



Appeal Decision

Site visit made on 10 June 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/J1860/W/19/3243539

The Old Dairy, Church Road, Castle Morton WR13 6BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr & Mrs Will & Naomi Roberts against the decision of Malvern Hills District Council.
 - The application Ref 19/00640/DPDQ, dated 25 April 2019, was refused by notice dated 4 July 2019.
 - The development proposed is change of use of agricultural building to 1no. residential dwelling and building works reasonably necessary (including demolition) to facilitate and convert the building to a use falling within Class C3 (dwellinghouses).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development in the above banner heading is as described under Schedule 2 of the Council's decision notice as this most accurately describes the proposals.

Background and Main Issues

3. The appeal proposal relates to conversion of a redundant agricultural building (Barn B), situated within a former farmstead complex (The Old Dairy), located south of Church Road on the outskirts of Castle Moreton. Barn B has a T-shaped footprint and comprises a c. 19th century red brick tiled roofed element featuring brick chimney stack and louvered openings; a single-storey lean-to built off a brick and stone wall; and a modern, corrugated sheet barn that extends off it.
4. The Old Dairy and Barn B are situated east of the Grade II listed building known as Folliott House. The Council considers that Barn B is within the curtilage of Folliott House and should be treated as part of the listed building.
5. The main issues are therefore whether the proposals would comply with the provisions of GPDO Q.1(m), which establish that development is not permitted under Class Q if the building is a listed building; and, if so, whether or not prior approval should be granted.

Reasons

6. For the purposes of the GPDO, “listed building” has the same meaning as in Section 1 of the Planning (listed Buildings and Conservation Areas) Act 1990 (the Act). For the purposes of this Act, Section 1(5)(b) establishes that any object or structure within the curtilage of the building, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, shall be treated as part of the building.
7. Folliott House was added to the statutory list on 23 February 1987 (List Entry Number 1098860). Formerly listed as ‘Church Farmhouse’, the statutory list description identifies the Grade II listed building as dating from 1785, two storeys, red brick in Flemish bond with tile roof. The initials ‘GV’ (Group Value) indicate the building is listed as a group of special architectural interest as an entity.
8. At the time of its listing in early 1987, the Folliott House, Barn B and the land and buildings that collectively comprised Church Farm, were all in the same ownership. This is undisputed. Furthermore, historic map extracts indicate that Barn B was, at least in part, in existence from well before 1 July 1948. Barn B therefore certainly formed part of the land associated with the listed building and has done so since before 1 July 1948.
9. Folliott House and the buildings within The Old Dairy have independent entrances, and a modern blockwork wall now physically differentiates two separate sites. The appellant contends that the blockwork wall replaces an older section of wall and is indicative of a physical divide between Folliott House and The Old Dairy buildings. Taking into consideration the method of construction, the physical relationship to the outbuilding to which it is attached, and its alignment, I am not convinced that the existence of the wall usefully shows a clear physical divide prior to the date of listing.
10. The boundaries and ownership of the once integrated farmstead of Church Farm have inevitably changed over time. Nevertheless, there remains to this day a discernible physical relationship between the principal listed building and the ancillary agricultural buildings within The Old Dairy, including Barn B. Seen from Church Road, there is a definite and unified built edge provided by the range of outbuildings that bound it. The outbuildings on the Folliott House side of the blockwork wall and those within the Old Dairy all share perceptible similarity in their age, material, and informal working character. Folliott House is also orientated at right angles to Church Road and towards what is an open yard-like area lined on one side by the of outbuildings along Church Road.
11. The HER Report¹ relating to Church Farm refers to it being ‘a partially extant 18th century listed farmstead...with three sides of the courtyard formed by working agricultural buildings...the farmhouse is detached with side on to the yard’. This corroborates my own observations and serves to emphasise that a clear spatial interplay exists between the principal listed building and the subordinate collection of agricultural buildings that make up an historic, integrated farmstead group. The physical relationship between Folliott House and the complex of agricultural buildings, including Barn B, evoke a commonality typical of historic farmstead layouts where a main farmhouse is visually ascendant yet still integral to the wider group of interrelated accessory structures.

¹ Worcestershire Archive and Archaeology Service Monument Full Report 07/08/2019 HER Number WSM41010

12. It is clear that Folliott House and Barn B were historically part of the stock or dairy farm known as Church Farm. The HER indicates that individual buildings supported discrete functions, yet, inevitably the farmstead would be the sum of its parts. I have seen no evidence that Barn B has been used for anything other than agricultural purposes ancillary to the operations associated with the former Church Farm. Moreover, the appeal building's relatively simple design and modest size are an indication of its past demonstrably ancillary status in relation to Folliott House. This leads me conclusively to the view that the use and function of Barn B was related to Folliott House in the past and at the point of its listing.
13. I have given careful consideration to the matters of use and function, and to the arguments made in respect of use classes, planning units and the Jews Farmhouse case². I have also had regard to the various examples in Historic England Advice Note 10 and those cited by the Council. However, determining the statutory status of any objects or structures within the curtilage of a listed building will always depend on the very specific facts of any individual case. It must be remembered that site-specific circumstances involving listed buildings are inevitably nuanced and very often materially different. Even though Council Officers or other records do not make reference to Barn B or other buildings within The Old Dairy as being listed, my decision has been informed by the facts and evidence before me and from all I saw on site.
14. Taking account of the spatial, functional ownership and associative relationship between Barn B and the principal building, in the past and at the time of listing, I conclude that is a structure within the curtilage of Folliott House. The appeal building should therefore be treated as part of the listed building Folliott House, in accordance with the purposes of Section 1(5) of the Act.
15. On the first main issue, therefore, I conclude that the proposal would not be permitted development under Schedule 2, Part 3 Class Q.1(m) of the GPDO. Class. As such, there is not requirement for me to consider the matters for which prior approval is required under Paragraph Q.2(1).

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

H Porter

INSPECTOR

² R (Egerton) v Taunton Deane BC [2008] EWHC 2752 (Admin)