



Appeal Decision

Site visit made on 29 June 2020

by **P N Jarratt BA DipTP MRTPI**

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

Decision date: 2 July 2020

Appeal Ref: APP/W1145/F/19/3228232

Land at Hay Meadow Farm, Ashwater, Beaworthy, EX21 5DJ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Jane Godfrey against a listed building enforcement notice issued by Torridge District Council.
 - The enforcement notice, numbered SMD/ENF/001/0019, was issued on 5 April 2019.
 - The contravention of listed building control alleged in the notice is work that has been carried out to the curtilage listed barn adjacent to Hayes Farmhouse, namely extensions to the North facing and East facing elevations and to the height of the building and that such works involve a contravention of section 9(1) of the Act in that the said works are for the alteration of the listed building in a manner affecting its character as a building of special architectural or historic interest.
 - The requirements of the notice are:
 - i) remove from the building all the unauthorised extensions;
 - ii) restore the building to its former state in terms of its footprint, height, building form and appearance which had existed immediately prior to the unauthorised work being carried out;
 - iii) remove from the land all building waste materials resulting from the carrying out of steps (i) and (ii)
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1) (a), (c), (d), (e), and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - **Summary of decision:** Appeal dismissed.
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Planning Policy

1. Section 16 of the LBCA requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, before granting listed building consent.
2. In addition to the duties under the Act referred to above, the policies for the North Devon and Torridge Local Plan (2011-2031) are also material considerations in these cases. Policy DM27 supports the reuse of redundant farm buildings subject to various requirements including any conversions not harming the intrinsic qualities and historic interests of the building.
3. The local plan policies are also broadly in accordance with the aims of the National Planning Policy Framework (the Framework) which is also a material consideration in these cases. Paragraphs 193 - 196 of the Framework note that great weight should be given to conserving the significance of heritage assets and that any harm must be outweighed by public benefits of the

proposal, including securing the optimum viable use of the building, before listed building consent is granted.

Appeal Site and Planning History

4. The appeal site consists of about 7.5 hectares of land in open countryside and comprises a Grade II listed dwelling (Haye Farmhouse) and a curtilage listed barn, which has been converted and substantially extended into holiday accommodation, containing four letting units, and now known as Oak Cottage. There are two other detached barns constructed in 1948 but they are outside the historic curtilage of the farmstead.
5. The detailed listing description of Haye Farmhouse describes it as a small farmhouse with adjoining shippon and barn with the house being late medieval and remodelled in the C16.
6. The building subject to the notice has no planning history although in the wider context of the site, listed building consent and planning permission were granted in 1991 for the conversion of an outbuilding to lounge and bedroom.
7. The appellant has run a bed and breakfast business on the farm since 2013. There is an on-site café and proposals to develop the business through the provision of a farm shop, glamping facilities, a shower block and as a centre for information on green building and sustainable food production. A 'Pre-Planning Application' document has been submitted as part of the appellant's case.

Reasons

Appeal on ground (a)

8. An appeal on this ground is that the building is not of special architectural or historic interest.
9. The appellant describes the barn prior to the works as very dilapidated with two sections of the wall being stone and two of concrete block, with a rusty tin roof. The renovations have preserved the old stonework, adding new stone and local English oak. The appellant did not consider that the building was listed but now understands that it is considered listed due to its proximity to the farmhouse and not due to any special architectural features or historical interest of the building.
10. The barn is of a traditional form of 5 bays but with the east end furthest from the house completely rebuilt. Despite C20 alterations, the barn is considered important for its traditional form and location within the farmstead layout with the approach to the farmstead being between the barn and the house with the yard being to the north of the house and behind the barn. The survival of the farmstead in a form that is still able to be interpreted is reflected in the detail in the list description and on historical maps referred to by the Council in its statement.
11. The barn as a historic structure associated with the farmhouse and forming part of the farmstead is considered to be a curtilage structure¹ which is subject to listed building procedures.
12. The appeal on this ground fails.

¹ Listed Buildings and Curtilage (Historic England Advice Note 10)

Appeal on ground (c)

13. An appeal on this ground is that the matters if they occurred do not constitute a contravention on the basis that the main listed building has not been affected.
14. The Council's case rests on the effect of the works on the setting of Haye Farmhouse and not on any works affecting the physical structure of that building.
15. The barn is located within the curtilage of Haye Farmhouse and forms part of the historic farmstead. Its juxtaposition, size and domestic form has a visual impact on Hayes Farmhouse and its setting. Consequently the works constitute a contravention of section 9(1).
16. The appeal on this ground fails.

Appeal on ground (d)

17. An appeal on this ground is that the works were urgently necessary in the interests of safety or health or, as the case may be, the preservation of the building by works of repair or works affording temporary support or shelter, and the works carried out were limited to the minimum measures immediately necessary.
18. Whilst the dilapidated state of the original barn is not in dispute, the works carried out far exceed what is considered to be repair and maintenance. The works are significant as illustrated by the aerial images provided by the Council which show an increase in the footprint of the building and a substantial increase in the scale and size of the roof. The Council estimates that the length of the barn has been increased by 3.5 metres with the projecting gable to the north of the barn being a new structure of 4 metres by 10 metres. Although there was a projecting bay as the 2015 photograph shows, this has now doubled in size.
19. Site photographs dated 2016 and 2018 show a distinct increase in the height of the eaves at the west gable end. The simple single ridge roof structure is now far more substantial and complex.
20. The appellant concedes that the works carried out were not limited to the minimum measures immediately necessary but in mitigation states that she thought planning for the conversion of the building had been granted previously (which actually applied to the shippon); and that the only way to afford the cost of saving the building was to convert it to a holiday let. Additionally, she states that the work was inspected by Building Control.
21. Notwithstanding the appellant's explanation, the works far exceed the minimum measures necessary to secure public safety and to preserve the building. The appeal on this ground consequently fails.

Appeal on ground (e)

22. An appeal on this ground is that listed building consent ought to be granted for the works and the main issue is whether the works subject to the notice preserve the listed building or its setting or any features of special architectural or historic interest it possesses.
23. As stated above, the works to the barn have been extensive involving an increase in its footprint and a change in its roof form to a more complex

arrangement with higher eaves. These works have led to a substantial increase in its scale and massing. Whilst remnants of the original stone walls have been incorporated in the structure, the overall design has introduced a distinctive domestic appearance as a result of the disposition of window openings, the introduction of flues and the construction of decking and balconies, all of which lead to a change in the form and character of the building from that of a simple utilitarian farmstead structure to one that is overtly domestic. The geometry of the architecture and the materials employed are in stark contrast to the shape, tones and thatch of the listed farmhouse. These changes are exacerbated as a result of the close proximity of the barn to the farmhouse.

24. The cumulative impact of the physical changes to the fabric and visual impact on both the original form of the building and on the setting of the listed farmhouse causes harm to a designated heritage asset. I consider that the level of harm to the significance of the asset is less than substantial in the context of paragraph 196 of the Framework.
25. The appellant contends that as the historical aspect of the building has been preserved in that the original section of wall is no longer at risk and there has been an increased opportunity to view the wall. Additionally, the barn's purpose and functionality have increased, and in view of these factors the retention of the barn is justified.
26. Although it was not necessary for me to access the interior of the building, it was evident that the extended barn had been constructed to a high standard. on the basis of external observations and from the internal photographs submitted, However, this alone does not overcome the harm caused by the extensive works to the heritage asset. Nor are there any significant public benefits arising from the works. The absence of both a heritage statement prior to the works being carried out and the submission of an assessment of the justification for the need for alterations to secure the barn's optimum viable use, prevent any such aspects being weighed against the harm caused.
27. Although the appellant's farming practises and commitment to habitat protection and wildlife diversity are commendable, these do not add significant weight to any justification for allowing the harm to the heritage asset to remain.
28. I have had regard to the various representations made by interested persons in respect of the dilapidated state of the original building and the quality of the work carried out.
29. I conclude on this issue that the works subject to the notice fail preserve the listed building or its setting or any features of special architectural or historic interest it possesses. It is contrary to the Framework's objectives of protecting heritage assets and to achieving well-designed places (paragraph 27). It is also contrary to Policy DM27 of the Local Plan. The appeal on this ground fails.

Appeal on ground (i)

30. An appeal on this ground is that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve any purpose.

31. The appellant considers that restoring the character of the building to its former state would seem very excessive given that its former state was as a dilapidated barn and the parts of the original barn are remaining, and are now restored and safe. However, this appears to be missing the point as a ground (i) appeal arises when an appellant considers that the restoration of the character of the building would not be achieved by the steps as set out in the enforcement notice. This ground is directed at the condition or state of the building in architectural terms and not to its state of repair.
32. The appeal on this ground fails.

Other matters

33. Although there is no appeal on ground (h), I am aware of the uncertain situation that continues to exist with regard to COVID-19. Nevertheless, under s173A the Council have the power to extend the time for compliance with the notice. This is however, a purely discretionary power that is within the Councils' gift to exercise.

Conclusions

34. For the reasons given above I conclude that the appeal should fail.

Decision

35. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

P N Jarratt

Inspector