



Appeal Decisions

Site visit made on 9 June 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal A Ref: APP/D1265/W/20/3247286

The Barn House, Main Street, Loders, Bridport DT6 3SA

- 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 A Chant against the decision of Dorset Council.
 - The application Ref WD/D/18/002737, dated 23 November 2018, was refused by notice dated 21 August 2019.
 - The development proposed is demolition of an outbuilding and the conversion and extension to an outbuilding to form a dwelling together with associated works.
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Appeal B Ref: APP/D1265/Y/20/3247285

The Barn House, Main Street, Loders, Bridport DT6 3SA

- 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 A Chant against the decision of Dorset Council.
 - The application Ref WD/D/18/002738, dated 23 November 2018, was refused by notice dated 21 August 2019.
 - The works proposed are demolition of an outbuilding and alterations and extension to an outbuilding to facilitate the conversion to a dwelling.
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Decisions

Appeal A

1. Appeal A is allowed, and planning permission is granted for demolition of an outbuilding and the conversion and extension to an outbuilding to form a dwelling together with associated works at The Barn House, Main Street, Loders, Bridport DT6 3SA, in accordance with the terms of the application, Ref WD/D/18/002737, dated 23 November 2018, and the plans submitted with it, subject to the attached schedule of conditions.

Appeal B

2. Appeal B is allowed, and listed building consent is granted for demolition of an outbuilding and alterations and extension to an outbuilding to facilitate the conversion to a dwelling at The Barn House, Main Street, Loders, Bridport DT6 3SA, in accordance with the terms of the application Ref WD/D/18/002738, dated 23 November 2018, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

3. On 1 April 2019, West Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies set out within the West Dorset, Weymouth and Portland Local Plan¹ (LP) and Loders Neighbourhood Plan² (NP).
4. The description of the proposal as stated on the application form has been amended in subsequent documents. I have used the descriptions contained within the appeal forms, which refer to the proposal before me more accurately.
5. The appeal buildings are classified as curtilage listed buildings under Section 1(5) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and as such are treated as part of the Grade II Listed Building known as The Barn House (formally listed as Waddon Farmhouse). As the appeal site lies in a conservation area and the proposal relates to a curtilage listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Act.
6. The appeals relate to similar development and works. I shall therefore consider applications for both planning permission and listed building consent in a single document, in the interests of brevity.

Main Issues

7. The main issues are:
 - The effect upon the significance of the Grade II listed Barn House and curtilage listed barns, including their respective settings; and
 - In respect of Appeal A, whether the appeal building is capable of conversion without being substantially rebuilt or extended.

Reasons

Heritage Assets

8. The appeal site comprises two curtilage listed barns which form part of a walled enclosure and are separated by a courtyard. They are sited to the rear of the main Grade II listed Barn House, which dates from the mid- to late-18th century. The significance of this designated heritage asset principally derives from its architectural and historic interest as a large farmhouse with coursed, squared rubble walls and thatched roof with stone gable copings. The attached farm buildings are subtly different in appearance, with their random rubble walls and roman tiled roofs.
9. The outbuildings are separated from the Barn House by an informal courtyard/parking area and large garden, and lie some distance away from the main listed property, at a lower level. The evidence submitted by the appellant

¹ Adopted in

² Made July 2016.

shows that the outbuilding which is proposed to be converted was built as a two-storey stone barn, however little of the historic fabric remains, to the exception of the envelope single storey walls. The barn, which was constructed as a functional outbuilding associated with the farmhouse, retains a secondary role in relation to the main property, having regard to its form, size, detailing and siting.

10. It is accepted that the additional storey and roof form would be visible, despite the changes in level across the site and the degree of separation between the Barn House and the curtilage listed barn. The size of the barn would also be significantly increased as a result of the proposal, but this would be to some extent offset by the removal of the southern barn. Additionally, the L-shaped form would ensure that the converted barn does not appear as a large monolithic structure and retains an appropriate secondary relationship with the main listed property.
11. The simple vernacular detailing of the proposal, and the relatively low eaves height of the new dwelling, would ensure that the outbuilding retains the appearance of an agricultural building and its rural character, whilst preserving the relationship with the Barn House. The construction of stone walls and additional planting would assist further in retaining a rural and functional character appropriate to the setting of the designated heritage assets. No harm would therefore be caused to the significance of the main farmhouse and appeal barn, or their respective settings. The demolition of the southern barn, a later addition which holds limited historic value, would not adversely affect the significance of the Barn House or its setting, and is thus considered acceptable.
12. For the foregoing reasons, I am satisfied that the proposal would preserve the special architectural and historic interest of the Grade II listed Barn House, as derived from its setting, or to the listed curtilage barn which would be converted, and therefore find no conflict with LP Policy ENV4. This policy notably requires the impact of development on a designated heritage asset and its setting, to be thoroughly assessed against the significance of the asset to ensure that it is conserved and where appropriate enhanced.

Building works

13. LP Policy SUS2 sets out the spatial strategy and settlement hierarchy, which are applicable to development proposals within the West Dorset, Weymouth and Portland areas. This policy seeks to direct a greater proportion of development within the larger and more sustainable settlements, whilst adopting a stricter approach in respect of proposals outside defined development boundaries.
14. The appeal site lies outside but immediately adjacent to the defined development boundary for the village of Loders, as established through the NP. LP Policy SUS3 supports the adaptation and re-use of buildings outside of defined development boundaries, subject to a number of criteria. These include proposals for open market housing or built tourist accommodation, where the building(s) was in existence in 2011. The appeal development would comply with this particular criterion.
15. In accordance with Policy SUS3, the adaptation and re-use of buildings outside defined development boundaries is however also subject to the existing

structure being of permanent construction and making a positive contribution to the local character, whilst not needing to be substantially rebuilt or extended. The proposal would include the creation of a first floor level of accommodation within the fabric of the existing building, as well as one and a half storey and single storey extensions.

16. Although the proposal appears to have been sympathetically designed, the extent of the works required and the scale of the additions, as well as their overall footprint, clearly indicate that the northern barn would need to undergo substantial works and be extended to enable its conversion to residential accommodation.
17. My attention has been drawn to applications for planning permission and listed building consent, which were granted in 2018³ for the conversion of both outbuildings to form a single dwelling, subject to a condition restricting its occupation to holiday accommodation. Although I have not been provided with the full details of this particular scheme, I understand that these consents relate to a different proposal, which would result in the conversion of both outbuildings without relying on large additions. The circumstances that led to these proposals being accepted are therefore not considered to represent a direct parallel to the scheme before me.
18. By reason of the extent of the works and extensions required to enable the conversion, I find that the building would need to be substantially rebuilt and extended and would therefore conflict with LP Policy SUS3 i).

Other Matters

19. A number of interested parties have referred to other policies within the Loders NP which, they feel, the proposal would not accord with, having particular regard to Policies E5 and E6. These policies focus on the location of development in relation to the defined development boundary and the re-use of redundant rural buildings. The Council did not however refuse the planning application on these grounds, for reasons which have been detailed within the Case Officer's report. The proposal relates to the conversion of an existing building, which is presently used for storage purposes in association with the main property. Additionally, the supporting text to Policy E5 notes that there will be exceptions where development may be permitted outside a defined development boundary, as listed within the over-arching local plan. As noted above, the adaptation and re-use of buildings outside defined development boundaries is supported by LP Policy SUS3, subject to a number of criteria. For these reasons, I find no conflict with the NP Policies E5 and E6.
20. As referred previously, the appeal site lies within the Loders Conservation Area. The detailed design of the proposal is considered appropriate to the character and appearance of this designated heritage asset. I am therefore satisfied that, subject to the imposition of suitably worded conditions, the proposed development and works would preserve the character and appearance of the Loders Conservation Area.
21. The appeal site is also located within the Dorset Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the National Planning Policy Framework (the

³ Local Planning Authority References WD/D/18/000262 (planning permission) and WD/D/18/000263 (listed building consent).

Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. As the proposal relates to a site located within the village of Loders, no harm would be caused to the landscape and scenic beauty of the Dorset AONB.

Planning Balance

22. The appellant argues that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites, although I have not been provided with any substantive evidence regarding the extent of the shortfall. The lack of deliverable housing land supply is not disputed by the Council. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 7, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The scheme would make a modest contribution to housing supply and choice, and would support the local economy, through the construction works and use of local facilities. The Council is satisfied that the new dwelling would be located in a sustainable location, and there are no reasons for me to take a different view. I have found that no harm would be caused to the significance of the Grade II listed Barn House and the curtilage listed building subject to the conversion works, or their respective settings. Additionally, the proposal would secure the long-term use of a historic outbuilding. It is of note that no harm would be caused to the Loders Conservation Area or the Dorset AONB either, although these are neutral factors which weigh neither for nor against the proposal.
24. The development and works would conflict with the development plan, as it would not fully accord with LP SUS3, which deals with the adaptation and re-use of buildings outside defined development boundaries. Additionally, the proposal would not reflect the need for small two- or three-bedroom dwellings, as requested by NP Policy H2. However, when the appeal scheme is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits derived from the development and works.

Conditions

25. A number of conditions had been included within the Case Officer's report to the Planning Committee. I have considered the conditions suggested by the Council, making minor amendments where necessary, to ensure compliance with the tests as set within the Framework and the Planning Practice Guidance. The appellant has confirmed his agreement to pre-commencement conditions.
26. In addition to the standard time limit, I have imposed conditions specifying the relevant drawings which have to be complied with. These conditions are required to provide certainty and clarity. Conditions regarding external materials and detailing are required to preserve the architectural and historic interest of the curtilage listed building, the setting of the Barn House and the character of the conservation area.

27. I shall also impose conditions requiring the demolition of the barn to the south of the site and approval of landscaping details, which are necessary in the interests of the visual amenity of the area and to protect the setting of the listed building. Conditions requiring the implementation of measures detailed within the Flood Risk Assessment and the approved Biodiversity Mitigation and Enhancement Plan are considered necessary to prevent flooding and in the interests of biodiversity. The retention of the hedge along the boundary with Loders Primary School is considered reasonable in the interests of privacy and amenity. Finally, in respect of Appeal A, I am satisfied that, in order to ensure the conservation of the heritage assets, a condition withdrawing permitted development rights to extend the dwelling meets the tests of reasonableness and necessity.

Conclusion

28. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be allowed.

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

List of conditions for Appeal A Ref: APP/D1265/W/20/3247286

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 38/119/1, 38/119/13, 38/119/6, 38/119/7, 38/119/12, 38/119/8, 38/119/9, 38/119/11, 38/119/10.
- 3) The development hereby permitted shall be carried out in accordance with the flood risk management measures as detailed in the Flood Risk Assessment dated September 2019 and shall be maintained as such thereafter.
- 4) The biodiversity mitigation measures set out in the approved Biodiversity Mitigation and Enhancement Plan dated December 2019 shall be implemented in full in accordance with the timetable set out or, in the absence of a specific timetable, prior to the development hereby permitted being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.
- 5) Prior to first occupation of the dwelling hereby approved, the barn to the south of the site shall be permanently removed, in accordance with the submitted plans.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no

enlargement(s) of the dwellinghouse hereby approved shall be erected other than those expressly authorised by this permission.

- 7) The hedgerow on the boundary shared with Loders Primary School shall not be removed unless the written consent of the Local Planning Authority has first been received.

List of conditions for Appeal B Ref: APP/D1265/Y/20/3247285

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 38/119/1, 38/119/13, 38/119/6, 38/119/7, 38/119/12, 38/119/8, 38/119/9, 38/119/11, 38/119/10.
- 3) Prior to the commencement of the construction works, external material samples shall be submitted to and approved in writing by the Local Planning Authority. The slates shall be nailed, not hooked into place. Thereafter, the works shall be carried out in strict accordance with the approved details prior to occupation of the dwelling hereby permitted.
- 4) Prior to occupation of the dwelling hereby permitted, all new guttering shall be black-painted cast metal and retained thereafter in that condition.
- 5) Prior to occupation of the dwelling hereby permitted, all external flues should be painted black and retained thereafter in that condition.
- 6) Prior to commencement of the construction works, details and plans of all new vent/extract/flue/boiler locations, together with their material and finish, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details, which should be retained thereafter.
- 7) Prior to commencement of the construction works, a sample wall panel measuring at least 1sqm, showing the proposed stone, coursing, mortar mix (which shall be lime based) and method of pointing for the new extension, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details prior to occupation of the dwelling hereby permitted. The approved details shall be retained thereafter.
- 8) Prior to commencement of the construction works, detailed elevations (scale 1:10) and sections (scale 1:5) of all new windows and external doors, including details of their material and finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the agreed details prior to occupation of the dwelling hereby permitted. The approved details shall be retained thereafter.

- 9) Prior to commencement of the construction works, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) earthworks showing existing and proposed finished levels or contours;
 - ii) means of enclosure and retaining structures;
 - iii) boundary treatments;
 - iv) vehicle parking layout;
 - v) other vehicle and pedestrian access and circulation areas;
 - vi) hard surfacing materials;
 - vii) retained historic or other landscape features and proposals for restoration, where relevant;
 - viii) lighting.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of management and/or maintenance. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END OF SCHEDULE