
Appeal Decision

Site visit made on 26 June 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Appeal Ref: APP/U1105/Y/19/3243521

Fiddle's Reach, Preston Farm, Upottery, Devon EX14 9PF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Mrs Carol Gay against the decision of East Devon District Council.
 - The application Ref 19/1962/LBC, dated 26 August 2019, was refused by notice dated 20 November 2019.
 - The works proposed are described on the application form as:
 - '1) Bed 1 on west elevation to fit 2 dormer windows
 - 2) Open patio area (under bed 1) close in open elevations (on north + south) to form a ground floor bedroom with ensuite- for disabled use.
 - 3) Front north elevation erect a porch.
 - 4) Front north elevation build a low wall stretching along front boundary of building to form a border area.'
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Decision

1. The appeal is allowed and listed building consent is granted for the proposed works set out in the banner heading above at Fiddle's Reach, Preston Farm, Upottery, Devon EX14 9PF in accordance with the terms of the application Ref 19/1962/LBC, dated 26 August 2019, subject to the conditions below.

Preliminary matters

2. The Council's decision notice contains a briefer description of the proposal than that reproduced in the banner heading. However that is only a terminological difference, rather than in respect of the substance of the scheme.
3. The proposal relates to Grade II Listed Fiddle's Reach, list entry No 1098207 'Barn, byre and cartshed adjoining north-west of Preston Farmhouse', hereafter referred to as the Listed Building. I have therefore approached the appeal in the context of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the '1990 Act').
4. Alongside application Ref 19/1962/LBC, the subject of this appeal, the appellant applied unsuccessfully for planning permission related to the proposal.¹ No appeal has, however, been made in that respect.
5. Preston Farmhouse is also Grade II Listed, list entry No 1333686. Fiddle's Reach historically partially enclosed the farmyard associated with Preston

¹ Application Ref 19/2049.

Farmhouse. However only part of the byre element of the Listed Building remains such that Fiddle's Reach no longer adjoins the Farmhouse (as was indicated by the list entry of 1988 to be the case at that time).

6. There is also an historic building perpendicular to Fiddle's Reach, next to the cartshed element of the Listed Building. That building also partially encloses the farmyard, and is now occupied as an independent dwelling named Wintercroft.² Sandwiched between the former byre and cartshed is an historic barn element of the Listed Building, which is now only readily discernible internally by virtue of exposed A frame trusses.
7. Planning permission and listed building consent for the subdivision of the historic farmstead including Preston Farmhouse, Fiddle's Reach and Wintercroft, and the residential use of the latter two, was granted in 2012.³ The overall form of Fiddle's Reach as it stands is consistent with the plans illustrating the 2012 scheme.⁴
8. In 2013 listed building consent was granted for alterations to Fiddle's Reach for a different internal layout and external appearance compared to the 2012 scheme.⁵ There are some discrepancies between the Listed Building as it stands and the plans related to the 2013 scheme, notably in respect of the location of windows, rooflights and internal partitions.⁶
9. However my decision focuses on the implications of the proposed works as described above. Insofar as the supporting plans relate to those works, they are sufficiently clear to enable an accurate assessment of the scheme. Any discrepancies in the supporting plans relative to Fiddle's Reach as it stands unrelated to the proposed works are therefore incidental (and a separate matter for the main parties to address, as necessary).

Main issue

10. Against the background above, the main issue is whether or not the proposed works would preserve the Listed Building, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

11. Fiddle's Reach represents part of a traditional range of agricultural buildings formerly associated with the holding around Preston Farmhouse. The Listed Building is otherwise surrounded by a patchwork of undulating fields cut by hedgerows and wooded stretches of land within the Blackdown Hills Area of Outstanding Natural Beauty ('AONB').
12. Preston Farmhouse traces its origins to the early-to-mid-sixteenth century. The list entry indicates, however, that what has become Fiddle's Reach was originally constructed around the late eighteenth or early nineteenth century.

² Permission for conversion was granted in 2013, Ref 13/1127/FUL.

³ Ref 11/1196/FUL and 11/1197/LBC.

⁴ Being 'P8 REV B' and 'P9 REV B'.

⁵ Ref 13/1619/LBC, to which approved plan '7181/6 Revision D' relates.

⁶ It also appears that the current proposal is supported by modified plans related to the 2012 scheme, as opposed to being based on those related to the 2013 proposal.

Fiddle's Reach therefore represents a latter addition to the historic farmstead, in all likelihood a response to increased demand for agricultural production associated with a growing urban population during that era.

13. The list entry describes the Listed Building as constructed of local flint rubble, with a corrugated sheeting roof in place of former thatch. Notwithstanding recent alterations, rubblestone walls remain, as do exposed timbers internally. Walls have an organic character; they were evidently created to serve a functional purpose from materials at hand. Wintercroft is of similar construction. The farmyard also remains in large part cobbled with local stone, which runs into the open cartshed at Fiddle's Reach.
14. Consequently, insofar as it relates to this appeal, I find that the special interest of the Listed Building is primarily the authenticity of its traditional materials and construction, along with their value in representing the evolution of the former historic farmstead here.

The proposal

15. The proposal is to erect a low stone wall a short distance out from the farmyard-facing elevation of Fiddle's Reach, to create a porch, enclose the presently open cartshed, and to add two gabled dormers within the westwards-facing roof slope. The only alterations to the historic fabric of the Listed Building internally are the creation of a ground floor doorway between what is shown as an existing utility room and the cartshed, and the overlaying of cartshed cobbles with a floating floor; dormers would relate to an element of the roof created pursuant to the 2013 scheme.
16. Some making good and cosmetic internal finishes would also inevitably be required, albeit that the supporting Design and Access Statement ('DAS') sets out that the cartshed stone pillars would remain exposed. The DAS further details how local flint, oak or dark-stained softwood, and natural 'Abbey Grey' (imported) slates would be used, consistent with existing external materials.⁷

The effect of the proposed works

17. The scheme would, I acknowledge, result in a more intricate and domestic appearance to Fiddle's Reach. Porches and dormer windows are seldom associated with traditional utilitarian agricultural buildings. The creation of a low stone wall would also result in some degree of physical division to the former historic farmyard. The proposed enclosure of the cartshed, and overlaying of cobbles there, would alter the character of that element of the property (which remains, as historically, a functional space). The openness of that element of the property was accorded some importance in the determination of the 2013 scheme. A section of historic barn wall would also be removed to enable the creation of an additional internal doorway to the cartshed, thereby entailing the loss of original fabric.
18. However the extent of change proposed would, in my view, be of such limited consequence so as to preserve the Listed Building. Fiddle's Reach has been subject to extensive alteration. A thatch roof has given way over time to corrugated sheeting, and thereafter to imported slate punctuated with

⁷ Including as specified via condition No 2 to the 2013 consent referenced above.

rooflights. The byre only partially remains, the roof of the property has been extended over the cartshed and is supported by substantial exposed rolled steel joists, and a lean-to addition has also been erected abutting the cartshed. Fiddle's Reach therefore now has a complex and asymmetric arrangement diverging from its simpler functional origins.

19. Similarly the authorised independent residential use of the Listed Building is reflected in its present character. Whilst of understated design, doors, windows, rooflights and internal finishes are of a domestic quality as opposed to robust agricultural character. As noted above, neighbouring Wintercroft is also now an independent dwelling. By consequence alterations to the Listed Building and the surroundings in which it is experienced have diluted its historic form and an appreciation of its connection to its surroundings. That is not to say that any special interest has been vitiated, however in my view it establishes the baseline relative to which the effects of the proposed works should be assessed.
20. In that context, the proposed porch, dormers and low wall would have no discernible effect on established character or historic integrity. The porch would be a modest structure limited in size to the existing main entrance to Fiddle's Reach, rather than over-writing or obscuring historic stone walling. It would be comparable in scale to those at neighbouring Wintercroft and Preston Farmhouse, notwithstanding that the design of each differs. The porch would employ materials consistent with those already present, thereby assisting its assimilation with the Listed Building (as opposed to representing a discordant addition).
21. Similarly, the proposed dormer windows are modest, and would entail a barely perceptible change relative to the existing bulk of the Listed Building. The roof of Fiddle's Reach is asymmetric, both in overall form and by virtue of the arrangement of rooflights, such that the proposed dormers would not appear incongruous. As the westward-facing roof slope is hipped, and on account of the presence of Wintercroft, there would be no meaningful visual significance of the dormers.
22. The front boundary wall would result in no more than a subtle clue to the authorised subdivision of uses here. Substantively the same separation could be achieved by way of planting or freestanding planters, which are in place in front of Wintercroft (and to which the Council have no objection).⁸ That element of the scheme would have no appreciable effect on an understanding of the Listed Building's origins or relationship with its surroundings.
23. As attested to by hanging brackets still in place, along with the function for which it was created, the cartshed would historically have been an enclosable space. Accordingly timber cladding infilling openings there would not unduly affect historic integrity. Cartshed cobbles, an authentic linkage with the farmyard, have evidently been damaged with the passage of time. It appears that wear has resulted principally from the use of that space, as opposed to by consequence of deliberate agency. Nevertheless cobbles would be retained beneath a floating floor, rather than being removed. In my view the legibility of

⁸ Notwithstanding that certain permitted development rights, including under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) England Order 2015 as amended, which allow for the provision of certain gates, walls and fences in certain circumstances were withdrawn via the 2013 consent.

the cartshed as such would remain by virtue of the use of timber cladding externally and the maintenance of exposed pillars.

24. The loss of a section of historic barn wall would represent a very small proportion of the historic fabric to the building, appreciable only internally on account of the proposed enclosure of the cartshed. In my view, and on account of my reasoning in paragraph 23, that element of the scheme would not have any meaningful effect on an understanding of the different component areas of the Listed Building.
25. The Council express concern that the creation of a boundary wall and insertion of an internal doorway may undermine structural integrity. Planning and construction intersect, amongst other instances, where the latter has the potential to create pressure for further works in time (such as remedying structural defects).
26. However there is no robust evidence to indicate that the proposed wall could not be constructed in such a manner so as to avoid adverse effects in terms of water run-off or accumulation. There is likewise nothing to indicate that the removal of a small section of barn wall could not be undertaken with appropriate sensitivity and in such a manner so as to safeguard structural integrity. Relevant works would, in any event, need to comply with the separate provisions of the Building Regulations 2010 as amended.⁹
27. As such, and subject to an appropriately-worded condition requiring compliance with a detailed construction methodology, I am not of the view that the proposed works would result, indirectly, in adverse implications for the structural or historic integrity of the Listed Building.

Consideration

28. I have set out how the special interest of the Listed Building, insofar as it relates to this appeal, lies primarily in the authenticity of its traditional materials and construction, along with their value in representing the evolution of the former historic farmstead. The proposed works would inevitably result in some change.
29. However, by virtue of alterations over time, the Listed Building now has a complex form and domestic character diverging from its functional origins. In that context, on account of the modest extent of the proposed works and subject to securing an appropriate approach to construction via condition, the scheme would be of such limited consequence so as to have a neutral effect.
30. In summary, and amongst other things, section 16(2) of the 1990 Act, policy EN9 of the East Devon Local Plan (adopted 28 January 2016), and paragraphs 184 and 193 of the National Planning Policy Framework ('NPPF'), set out that great weight should be given to the conservation of designated heritage assets relative to their significance. In that context, as I have found that the proposal would preserve the Listed Building, no conflict arises with those provisions. In the absence of harm, it is unnecessary to address any public benefits related to the scheme.

⁹ In respect of structure, currently subject to guidance in Approved Document A (September 2013).

Conclusion

31. For the above reasons, and having taken account of all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

32. In addition to requiring commencement within the relevant statutory period,¹⁰ I have imposed conditions requiring that works are carried out in accordance with the supporting plans, that various construction details are established before works commence, and that agreed external materials are used. With regard to NPPF paragraph 55, those conditions are necessary for certainty, to ensure that the proposal is undertaken as assessed above, and in order that the Council can exert proper control over detailed matters of design and construction (with particular regard to the provisions of Local Plan policy EN9). In my view, none of the requirements of the conditions below are excessive or unduly onerous.¹¹
33. Condition No 3 must necessarily apply before any works are commenced; construction details are intrinsic to undertaking the proposed works. In imposing conditions I have had regard to the tests in the NPPF, the Planning Practice Guidance, and to relevant statute. Accordingly I have amended the wording of certain conditions proposed by the Council to ensure that they are appropriate, without altering their aims.¹²

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby authorised shall be carried out in accordance with approved drawings 'No 4' and 'No 5, Revision 1'.
- 3) Notwithstanding condition 2, no works hereby authorised shall take place until a detailed construction methodology has been submitted to, and agreed in writing by, the local planning authority. The construction methodology shall include details of: (i) any structural works necessary to ensure the soundness of the Listed Building, (ii) any alterations or repairs to the fabric of the Listed Building, whether internal or external, required by consequence of undertaking the works hereby authorised (iii) provision for making good any effects of undertaking the works hereby authorised (iv) cosmetic internal finishes. The

¹⁰ Section 18 of the 1990 Act.

¹¹ Noting that the details shown on the supporting plans are limited, their being at 1/100 scale.

¹² Notably combining the Council's proposed conditions 3, 4 and 5 into a single condition addressing practical considerations in respect of construction, and, following my reasoning in paragraph 9, omitting the suggested requirement for roof light details (as none are proposed).

works hereby authorised shall be undertaken in line with the agreed construction methodology.

- 4) Notwithstanding condition 2, before their use as part of the works hereby authorised, details and specifications of the following materials shall have been submitted to, and agreed in writing by, the local planning authority: (i) roofing materials and dormer cheeks, including product details, samples and method of fixing (ii) new rainwater goods including profiles, materials and finishes, (iii) lead work, including profiles and details of any ornamentation, (iv) roof ventilation systems, (v) new timber windows including sections, mouldings, profiles and finished colour; sections through casements, frames and glazing to be at a minimum scale of 1/5, (vi) new timber doors, including sections, mouldings, profiles and finished colour; sections to be at a minimum scale of 1/5, (vii) eaves and verge details including construction and finishes, (viii) external vents and fixings including lighting, as necessary (ix) samples of any new stonework to be created including mortar colour and specification, (x) floating floor provision, including a section at a minimum scale of 1/5 demonstrating how any cobbles present will remain in situ. The works hereby authorised shall be undertaken in accordance with the material details and specifications thus agreed, which shall thereafter be retained.