



Appeal Decision

Site visit made on 4 August 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/L3245/W/20/3252315

**Barn South of Ivy Farm Cottage, Broughall, Whitchurch, Shropshire
SY13 4EE**

- 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 Matthew Dunn against the decision of Shropshire Council.
 - The application Ref 19/03143/FUL, dated 10 July 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the redevelopment of traditional agricultural dutch barn building to a single residential unit and associated amenity space.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. I have used the site address from the Council's decision notice as this accurately describes the site address of the appeal building. Furthermore, the application form has the incorrect road name.
3. I observed on my site visit that the existing elevation and floor layout did not fully reflect the plans I have before me. This includes both the ground and first floor layout, openings and a flu protruding above the roof. The appeal proposals relate to further alterations to the building, that would be necessary. I therefore consider that these alterations which have already taken place are part of the determining issues in this appeal.
4. Following the submission of further ecological information from Churton Ecology including a '*Great Crested Newt Habitat suitability assessment and work method statement*' and a '*Bat and nesting bird work method statement*', in relation to insufficient information being provided and the extent of works to the Ivy cover at the barn. The Council have advised that no further information would be required. As such, the second reason for refusal falls away which relates to protected habitats and species. I do not disagree with the views of the Council in respect of this matter, the enhancement measures could be safeguarded by suitable worded conditions, and hence it does not fall to be considered as a main issue.

Main Issue

5. The main issue is whether the proposed development would be suitable for conversion to residential use and accord with national and local development plan policies relating to the location.

Reasons

6. The appeal site is located in the area of Broughall and lies to the east of Whitchurch, outside of any settlement within the designated countryside. The appeal building itself is located within the grounds of Ivy Farm Cottage and is identified as a 19th century Dutch barn. The appeal building has been altered over time, particularly in 1999 by the infilling of open sections with part rendered blockwork, timber cladding, additional fenestration and the inclusion of a first floor.
7. I observed on my site visit the building appears to be in use as ancillary accommodation, storage and has a workshop. Although modest in size and scale, given the topography of the surrounding land, it is a prominent structure when viewed from along Ash Road. Visually the building no longer retains the appearance of a traditional barn, but nevertheless, appears to be in reasonable structural condition and makes a neutral impact on the landscape.
8. The proposed development would be for the conversion of the appeal building into a 3-bedroom open market dwelling with amenity space including a lawn area. The proposals would utilise existing openings, with the introduction of full height glazing along the southern elevation. The existing access would be used and a designated hardstanding area for parking would be formed.
9. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy (CS), 2011, advises that new development will be strictly controlled in accordance with national planning policies including protecting the countryside. The policy supports the conversion of suitably located buildings for small scale economic development / employment generating uses, including live-work and tourism, affordable housing to meet local need including agriculture and other uses appropriate to a countryside location. The policy stipulates that open market residential conversions will only be considered where respect for the heritage asset (as also required by Policy CS17) and high standards of sustainability are achieved.
10. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, 2015 sets out that new market housing will be strictly controlled outside of Market Towns, Key Centres and Community Hubs and Community Clusters. The criterion for market residential conversions requires *"where the building is of a design and form which is of merit for its heritage/landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character"*.
11. There is a disagreement between both parties as to whether the proposed development would meet the criterion set out for market residential conversions within the countryside location and as to whether the appeal building would comprise of merit for its heritage/landscape value.
12. The National Planning Policy Framework, (the Framework) includes the definition of a heritage asset¹ *"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated*

¹ The Framework, Annex 2: Glossary

heritage assets and assets identified by the local planning authority (including local lists)".

13. The Planning Practice Guidance (PPG) identifies what are non-designated heritage assets², including buildings, sites, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration, but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets.
14. The PPG also sets out the processes³ through which non-designated heritage assets may be identified, including local plan making processes. Irrespective of this, it is important that decisions to identify them as non-designated heritage assets are based on sound evidence. Plan-making bodies should make clear and up to date information is available for provision of greater clarity and certainty for developers and decision makers. Including the criteria used to select non-designated heritage assets, the location of existing assets, local lists and ensuring that information is included in the local historic environment record. A Local Planning Authority may also identify non-designated heritage assets as part of the decision-making process on planning applications.
15. The Council's Supplementary Planning Document (SPD) Type and Affordability of Housing, 2012 at paragraph 2.29 considers that "heritage assets" normally; pre-date 1950; comprise traditional materials and building methods; are of permanent and substantial construction; are of local significance and add value to the landscape.
16. The appellant's evidence relies on a Heritage Impact Assessment⁴ and an Addendum⁵ to this. It identifies Ivy Farm as part of a historic farmstead in the second half of the 19th century. An extract from a map in 1899 appears to show a footprint of a structure, identified by the HIA as the appeal building. It confirms that despite an absence of maker's plate, it is assumed the Dutch barn was manufactured at the W H Smith site, who manufactured constructional ironwork products in Whitchurch in the region of the 19th century. In summary it sets out *'It is not listed but given its date and its assumed provenance as a product of the nearby WH Smith Foundry in Whitchurch, it should be considered as a non-designated asset'*.
17. Therefore, taking into account the evidence submitted and my site observations, I consider that the surviving structure of the former Dutch barn, which dates from the late-19th Century, possesses some historical and evidential value. The building's vernacular form and construction, using traditional materials and methods, are illustrative of this particular type of historical Dutch barn.
18. Nonetheless, it is apparent that a substantial part of the historic barn has been lost along with some of its most important architectural features which were indicative of its former use. In addition, significant changes have been made to its original open and lightweight form, such as the addition of blockwork infilling, timber cladding, roof alteration, resulting in a contrived design and building of domestic appearance, which fundamentally distorts how the building

² Paragraph: 039 Reference ID: 18a-039-20190723 Revision Date: 23 07 2019

³ Paragraph: 040 Reference ID: 18a-040-20190723 Revision date 23 07 2019

⁴ A Heritage Impact Assessment (April 2019 Mercian Heritage Series 1381), Richard K Morriss & Associates

⁵ Addendum to Mercian Heritage Series 1381, May 2020

is read and understood both as a historic structure and within its setting in the character of the local landscape.

19. Taken together, these factors have severely eroded the building's historic integrity and architectural value to the extent that it cannot be considered of sufficient architectural quality or merit to make it worthy of conversion to open market residential use. Furthermore, I have no evidence that the appeal building is on any local list or is included in the local historic environment record.
20. The appellant's structural reports⁶, albeit brief and without detailed specifications assesses the general structural condition of the barn, it concludes that the roof has minor distortions and deterioration/rust and that repairs or replacement are required. However, it is inconclusive as to whether the foundations of the building are stable for a residential conversion including that insulation and finishes are required for the ground floor slab, of which would likely result in it being removed.
21. There are also a number of works required to external walls and roof, which would likely require replacement to bring it up to design standards. The glazed side elevation would inevitably mean the cladding would have to be removed. For these reasons, I consider that the works would be so extensive that they would be more than what can be considered as a minimal alteration or rebuilding. Moreover, Policy MD7a requires all of the criteria to be met, and in the first instance the building should be of merit for its heritage and landscape value.
22. In regard to higher standards of sustainable design, I acknowledge that the appellant is keen to undertake this project and of a high-quality build. Nonetheless, there is no substantive evidence before me to support this theory other than examples of existing developments and that existing alterations are already unsympathetic to the original form of the Dutch Barn.
23. Furthermore, the development does not represent the optimal viable use of a heritage asset as I have found it has little or no heritage significance and thus do not constitute a heritage asset. Neither is the building considered to be redundant or disused, given that it is currently used. As such it would not meet the criteria at paragraph 79 (b) and (c) of the Framework.
24. Although not a reason for refusal, the appellant refers to sustainability, the appeal site is not served by public transport and there are no footpaths in place or street lighting to enable safe navigation by walking to access the services and facilities, approximately 1-3 miles away. I acknowledge that it would be located within a group of dwellings and has a previous approval⁷ for a holiday let, albeit this was considered under different policy criteria. This physical location would not result in an isolated home in the countryside.
25. Despite this, future occupants of the development would be largely reliant on the private motor car to access services and facilities. This would result in minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services.

⁶ Structural Report, Carroll & Williams LLP, Dated 26/09/18 & Dated 28/04/20

⁷ 14/00086/FUL

26. For the reasons given above, I conclude that the proposed development would not be suitable for residential conversion to an open market dwelling having regard to its countryside location. Consequently, the proposal would not accord with the aims of Policies CS5, CS6, and CS17 of the CS, 2011 and Policies MD2 and MD7a of the SAMDev, 2015, which amongst other things seek to control development in the countryside, support sustainable, high quality design and aim to protect and enhance local character and distinctiveness including the landscape. It would also be at odds with the guidance in the Council's SPD.
27. Furthermore, these policies are consistent with the aims and objectives of the Framework, and as such the proposed development would be contrary to it.

Other Matters

28. I understand other developments have been granted by the Council⁸ in nearby areas. I have been provided with limited details of them, although there may be some similarities with the appeal scheme. The appellant suggests that the Council have been inconsistent, and the decision sets a precedent within the locality for the amount of alterations that are appropriate, but these do not affect the precise circumstances of the appeal scheme. However, based on the evidence before me, the decision appears to relate to a building that was considered to be of a level of importance as a non-designated asset due to its contextual relationship with the neighbouring Grade II Listed barn.
29. I have also had regard to the appeal decisions⁹ which have been brought to my attention, but the individual circumstances of that case differ from the proposals before me, including that it was for the erection of a new dwelling, unlike the proposed conversion before me and was found to be within the cluster settlement of Lee. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.
30. The appellant has referred to development which is acceptable under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Class Q. However, this relates to prior approval consent, of which do not consider the wider planning considerations. Therefore, it is not directly comparable with the proposals which apply to this S78 appeal and as such has had little bearing on my findings.
31. I recognise that no objections were raised from third party consultees for the proposals and the Parish Council. Moreover, the Council did not make findings of harm with respect to other matters including, amongst other things, drainage, living conditions, highway safety, bin storage and outdoor amenity space. I have no reason to disagree with these findings. However, the absence of harm in these respects is a neutral matter weighing neither for nor against the proposal.
32. I note the appellants concerns regarding a financial contribution and CIL, derived from the accompanying policy text under CS Policy CS5. However, I have not been provided with any evidence from the Council that any contribution is required to make the development acceptable in regard to sustainability or that the proposal would be exempt by the appellant under legislation¹⁰.

⁸ Authority Reference: 19/00425/FUL

⁹ APP/L3245/W/17/3188617, 3189268, 3194193

¹⁰ The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019

Conclusion & Planning Balance

33. The proposed development would result in part the retention and refurbishment of the remains of the former Dutch barn. However, as it has been found that the building is not of sufficient architectural quality, in regard to merit for its heritage and landscape value to make it worthy of conversion under Policy MD7a, this can only be afforded limited weight in favour of the appeal.
34. The provision of one additional open market dwelling would make a positive contribution to the Council's housing land supply when weighed in the overall planning balance, albeit that the contribution would be limited due to the quantum of development proposed. There would be small social and economic benefits derived from the redevelopment and occupation of the building.
35. However, the proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
36. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR