



Appeal Decision

Site visit made on 12 August 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Appeal Ref: APP/G2815/W/20/3251780

Wood Farm, 11 High Street, Collyweston PE9 3PW

- 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 Winterton, Rutland County Homes Ltd against the decision of East Northamptonshire District Council.
 - The application Ref 19/01299/FUL, dated 25 July 2019, was refused by notice dated 26 March 2020.
 - The development proposed is detached building conversions and extensions to create two residential properties and one new build unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site visit was delayed due to travel restrictions imposed in relation to the Covid 19 pandemic. It was carried out on an unaccompanied basis on 12 August 2020.
3. The submitted plans give the project address postcode as PE3 9PW. However, it is clear from the site location plan and the application form that the postcode is as set out above.

Applications for costs

4. An application for costs was made by Mr Winterton, Rutland County Homes Ltd against East Northamptonshire District Council. This application is the subject of a separate Decision. An application for costs was made by East Northamptonshire District Council against Mr Winterton, Rutland County Homes Ltd. This application is the subject of a separate Decision.

Main Issues

5. The main issues are: whether the or not the site is appropriate for the development proposed taking particular account of whether it would preserve or enhance the character or appearance of the Collyweston Conservation Area (the CA) and whether safe and convenient access would be available for all; and the effect of the proposal on protected species.

Reasons

Suitability of the site for the development proposed

6. Policy 1 of the Rural North, Oundle and Thrapston Plan 2011 (the RNOTP) sets out settlement roles and identifies Collyweston as a Category A Network

Village. The emphasis is on meeting local needs. Development opportunities include the re-use and conversion of buildings within the village; some windfall development including redevelopment of brownfield sites; and other small scale development within the defined village boundary subject to specified criteria. Collyweston is defined as a Village in the more recent Policy 11 of the North Northamptonshire Joint Core Strategy 2016 (the CS). As such development would be limited to small scale infill development and 'rural exceptions' affordable housing schemes.

7. In principle there would be no objection to small scale residential development within the specified villages provided planning policies and material considerations were satisfied. Policies 2 and 8 of the RNOTP seek a mix of houses to meet local need and on smaller sites (in villages) a mix which includes mainly one or two bedroom house types. In this instance there would be some conflict with Policies 2 and 8 of the RNOTP and Policy 11 of the CS. This is because these policies seek to ensure developments in villages meet local needs, and I have seen little indication that larger three bedroom houses have been identified as a specific local need in Collyweston.

The CA

8. Collyweston is about 5 miles from Burghley House. Its Estate is centred in Stamford and spreads to the outlying villages including Collyweston. Wood Farm was previously part of the Burghley Estate. Collyweston Stone Slate has been used as a roofing material since Roman times. The appeal site, No 11 High Street, is within the older core of the village, which has a rectangular plan formed around the broad High Street, and Back Lane. The older core is a designated CA.
9. The CA was designated many years ago. Whilst the Act requires a review of CAs from time to time the fact that no review appears to have been undertaken does not affect the CA designation, the status of the land within it, or the tests that apply to development within it, because the CA designation remains extant. Notwithstanding the concerns raised I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA as so designated.
10. From what I have seen, I consider that the special character of the CA derives from its historic development and the interesting and varied street scene arising from the position of buildings in relation to the highway network; the stone and stone slate materials used for many of the buildings; and the agricultural heritage arising from the number of farmsteads in and around the core of the village. To preserve the local character and appearance an Article 4 Direction has been made in respect of unlisted buildings in the CA to allow the Council to control development that otherwise would be permitted without the need for planning permission.
11. There are a number of Listed Buildings along High Street, including the Church of Saint Andrew, which is on the opposite side of the street. The Council, in the appeal Questionnaire, has indicated that the proposal would not affect any listed buildings or their settings. Due to the intervening buildings and street, I see no reason to come to a different view.
12. No 11 has been known as Wood Farm for 100 years or more and most probably was used for agricultural purposes and then as a butcher's shop. It comprises a

farmhouse, garden and outbuildings arranged around a courtyard (the Wood Farm complex). The appellant's Design and Access Statement (DAS) describes the oldest part of the farmhouse as appearing to be of Victorian construction and the majority of the barns as also being of Victorian heritage but with more recent additions and changes. The DAS also states that Buildings 1a and 1b have had their original Collyweston slates re-laid during the ownership of the appellant, indicating his commitment to conserving heritage assets.

13. Minor outbuildings, such as those at the Wood Farm complex, provide important evidence of how a farmstead evolved over time and should be retained if they contribute to the farmstead group whether or not they are prominent from the street. They can be put to good use for parking, storage or home office when agricultural use ceases such as has occurred at Wood Farm. The evidence also indicates that permission was granted, planning Ref 95/00172/FUL, for the use of Buildings 1a and 1b as tourist accommodation though this appears not to be the case at the present time.
14. Three of the outbuildings within the Wood Farm complex would be affected by the proposed development. Buildings 1a and 1b would be incorporated into the proposed house at Plot 1. Building 2 would become part of the proposed house at Plot 2.
15. Building 1a is highly visible from the street in some views, albeit screened from some views by the adjoining buildings. From the front and side it appears as a traditional, low, former stable block, without windows or doors in the front elevation. I agree that, as set out in the DAS, it is a significant characteristic of the High Street providing an attractive break in the façades. It has historic architectural detailing which is not shown on the plans. The rear elevation has been renewed with timber cladding and is fitted with doors and windows.
16. The other out-buildings are further back in the site. Building 1b is in use for storage and has a mezzanine floor, part timber cladding and a timber lean-to facing Building 1a. Building 2 appears as a traditional, former low barn with a steeply pitched roof and double timber doors in one elevation.
17. The proposed layout, with buildings arranged around a courtyard, would not be dissimilar in pattern to those in the locality. The intention of retaining and re-using the out-buildings would also be in keeping with the CA although their relative positions restrict the way in which development could take place. There is no evidence that the historic indications of former use such as ventilation slits would be retained in line with the Historic England advice¹. Traditional stone is proposed for some walls and roofs. However, the proposed extent of timber cladding and clay pantiles would be uncharacteristic of dwellings, although I acknowledge their use on some out-buildings within the appeal site and locally. The appellant has indicated that more stonework could be required by condition. However, it would not be appropriate to attach such a condition as this would be at odds with the plans which clearly show the extent of the different materials being proposed.
18. The character and appearance of Buildings 1a and 2 in particular would be significantly altered. The simple buildings with traditional proportions would be harmed by the raising of the walls and ridge heights, to allow for living

¹ Adapting Traditional Farm Buildings

accommodation at first floor level, and the resultant discordant proportion of walls to depth of roof slopes. Further harm would be caused to Building 1a, as its side wall would be demolished and re-built some 1200mm further away from the farmhouse, and to Building 2, as the scale and position the proposed extensions would overwhelm it and compromise its current character and setting notwithstanding the actual date of construction or additional works that have taken place.

19. There is nothing wrong in principle with the overall appearance of the proposed dwellings in an appropriate location. However, in this case, for all three of the proposed houses, the shapes and sizes of the windows and other openings and the heavy reliance on dormer windows, which generally would not relate well to the openings below in size, position and arrangement of glazing bars, would appear suburban in character rather than respecting the local tradition. They would result in over complex roof forms that would be harmful to the traditional appearance of the CA.
20. Successful adaptation should increase daylight in traditional buildings without unduly compromising external appearance which would not be the case particularly for Building 1a. The scale the dormers on its front elevation in particular would be out of proportion with the depth of the roof slope, and would differ in width and arrangement of glazing bars from those below, unlike most of the other nearby dormers. The proposed changes set out above, together with the installation of uPVC rainwater goods and the failure to preserve historic detailing would result in a very different appearance in the street. The character would change from that of a simple agricultural out-building to a more modern appearing residential building which would be harmful to the historic agricultural character and appearance of the street and this part of the CA.
21. The house at Plot three would be constructed very close to the existing boundary retaining wall. Its proposed ground floor level would be significantly below the existing land levels. I concur with the Council in considering that house three would be far enough away from windows of neighbouring properties so as not to unacceptably overshadow them in planning terms. However, in my judgement the proposed house due to its position, length and height, notwithstanding the reduced levels, would be overbearing and would materially harm the living conditions of occupiers of the neighbouring properties by creating enclosed and gloomy private open areas. This would not amount to good design. Moreover, had I found the proposal acceptable in all other respects I would have sought further evidence regarding the satisfactory construction of the rear wall in relation to the different levels so close to the boundary.
22. The private garden areas would be dispersed around house one, and in parts would be relatively narrow, providing less than desirable outdoor private amenity space. The sharing of a bin storage area between the proposed houses two and three would also be less than desirable. Whilst on their own these matters would not amount to reasons for dismissing the appeal, they are further indicators of the cramped and contrived form of the development proposed.
23. The appellant considers that the permission Ref 95/00172/FUL allows more changes to Buildings 1a and 1b. The Parties do not agree as to whether or not

that permission is extant. Even if it is, the permitted changes as shown on the plans provided, are much less extensive and so do not lead me to a different view in respect of the proposals before me. Nor do I consider the risk that the buildings might fall into disuse would be sufficient to outweigh the harm I have identified or to justify the development as proposed.

Access

24. Access is from High Street which is wider in parts than other streets in the CA. Some properties do not have on-site parking so rely on parking on the street as do customers of the nearby community shop. Nevertheless at the time of my visit there were a number of on street parking spaces available. Two spaces per new property and two visitor spaces are proposed which would appear sufficient for three houses with three bedrooms each. Even if some visitors were to park on the street this would not be so harmful as to amount to a reason for dismissing the appeal if the proposal were otherwise acceptable.
25. The existing access is constrained by the wall of the farmhouse and the boundary wall and fence in front of Building 1a. The proposals include the reduction in width of Building 1a, alterations to the boundary fence/wall and provision of a widened access mouth. These measures would improve visibility on exiting the site. Even so, part of the proposed access would be some 160mm - 230mm below the width sought for two cars to pass which would fail to take the opportunity for ensuring the area would function well. This would not amount to good design and could lead to congestion, inconvenience and possible safety implications for users of the highway and access.
26. Even if permission Ref 95/00172/FUL is extant, it seems probable to me that the vehicle and pedestrian movements associated with the permanent occupation of three family sized detached houses would exceed that of temporary tourist occupation of the two relatively small Buildings 1a and 1b when journeys are more likely to be shared. The appellant also has a modest collection of vehicles and car transporter trailers but, as a large outbuilding would be retained for use with the farmhouse, I cannot with confidence conclude that the vehicle usage associated with the farmhouse would materially diminish in this context. For the reasons set out above I conclude that safe and convenient access would not be provided for all and that the proposal would not amount to good design.
27. I acknowledge that conservation area status does not mean that there can never be changes to the built environment. However, for the reasons set out above I conclude that the proposed development would not amount to good design for a number of reasons including the harmful effect on the character and appearance of this part of the CA. I therefore find conflict with Policy 2 of the CS and those principles of the National Planning Policy Framework (the Framework) that seek good design and to protect, preserve and enhance heritage assets.

Protected Species

28. A Protected Species Survey for Wood Farm, dated June 2019, has been carried out and was submitted to the Council in September 2019, although it is not entirely clear when the Council's Planning Officer received it. The Survey found bat droppings within one of the buildings at the Wood Farm complex. This building is not part of the current appeal scheme but it is evidence that bats

are present at times. Features with the potential to support roosting bats were noted on the three buildings that would be affected by the proposals. The Survey recommends further survey work is carried out to fully establish the presence/absence of roosting bats within the appeal site and the three affected buildings.

29. All bat species are afforded full protection under UK and European legislation. It is illegal to intentionally or deliberately take, kill or injure a bat; damage, destroy or obstruct access to bat roosts; and deliberately disturb bats. A bat roost is defined in the legislation as "any structure or place which a bat uses for shelter or protection". Roosts are protected whether or not bats are present at the time. Circular 06/2005 "Biodiversity and Geological conservation – Statutory obligations and their impact within the planning system" states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances..."
30. It seems there is reasonable likelihood of bats being present in the Wood Farm complex. The proposed changes to three buildings are extensive. I therefore consider the survey work should be completed and any necessary measures to protect any bats and/or roosts should be clearly identified and securable through conditions and/or planning obligations, before permission could be granted even were the proposals to be acceptable in all other respects.
31. I cannot confidently conclude that the effect of the proposed development on bats, which are protected species, would not be harmful. Accordingly I find conflict with Policy 4 of the CS which seeks to protect and mitigate against harm to protected species.

Other Matters

32. The appellant engaged with the Council both before the application was submitted and during its consideration. The appellant has expressed dissatisfaction with the way the Council has handled the application and particularly the delay in reaching a decision. However, this does not affect my findings in relation to the planning merits of the proposal.
33. Agricultural buildings can in some circumstances be converted into dwellings without the need for planning permission². However, restrictions apply to such rights and, even should such rights apply in this case, these would not justify the extent of development now proposed.

Public Benefits

34. The harm I have identified to the character and appearance of the CA, whilst real and enduring, would be limited in terms of the effect on the significance of the CA as a whole. I conclude in this regard, that the harm to the CA would be less than substantial for the purposes of the Framework. Less than substantial harm does not equate to a less than substantial planning objection. As a decision maker I am required to give considerable importance and weight to

² Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

the conservation of the CA as a designated heritage asset. Having found less than substantial harm to the significance of the CA, Paragraph 196 of the Framework states that the harm should be weighed against the public benefits of the proposal.

35. Public benefits would arise from the addition of much needed dwellings to the housing stock on previously developed land; from employment, albeit short term, during the construction period; and additional residents would help support facilities such as the community shop and public house, and the local community. These are public benefits which attract some weight in favour of the proposal. However, I conclude lack of good design and the harm to the designated CA would not be outweighed by these public benefits.

Planning Balance and Conclusion

36. The Parties do not agree on whether or not the Council can demonstrate a five year deliverable supply of housing land. Even if the supply amounts to 4.28 years, as cited by the appellant, footnote 6 of Paragraph 11d of the Framework indicates that the presumption in favour of sustainable development does not apply where designated heritage assets are involved. Nevertheless the proposal would provide additional housing to help boost the supply of homes and, as set out above, there would be some economic and community benefits.
37. There would be no unacceptable loss of privacy in planning terms and the buildings would be constructed in accordance with sustainability principles. However, these are matters expected to be satisfied by all developments and do not add particular weight in favour of the proposals.
38. I have found that the proposed development would not amount to good design, would cause harm to the established character and appearance of the CA that would not be outweighed by public benefits, would not provide appropriate safe and convenient access for all and has not satisfactorily addressed the impact on protected species.
39. In failing to fully comply with Policies 2 and 8 of the RNOPT and Policies 11, 2 and 4 of the CS, the proposal cannot comply with the development plan as a whole. I have found no material considerations that would outweigh the conflict with the development plan and conclude, therefore, that the appeal should not succeed.

S Harley

INSPECTOR