
Appeal Decision

Site visit made on 18 August 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 1 September 2020

Appeal Ref: APP/L2250/W/19/3239868

The Barnfield, Brabourne Lane, Stowting Common TN25 6BQ

- 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 James Short against the decision of Folkestone & Hythe District Council.
 - The application Ref Y18/1193/FH, dated 18 September 2018, was refused by notice dated 12 June 2019.
 - The development proposed is restoration and conversion of historic barn from agricultural use to holiday accommodation.
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Decision

1. I allow the appeal and grant planning permission for restoration and conversion of historic barn from agricultural use to holiday accommodation at The Barnfield, Brabourne Lane, Stowting Common TN25 6BQ in accordance with the terms of application Ref Y18/1193/FH, dated 18 September 2018 and subject to conditions 1) to 6) on the attached schedule.

Preliminary Matters

2. The Appeal Form was dated 24 October 2019, against a single reason for refusal of planning permission concerning the sustainability credentials of the proposal and in particular its alleged remote location. The Reason for Refusal further stated that it had not been satisfactorily demonstrated that the tourism use was the only means of safeguarding the building.
3. On the matter of the effect on the building, the Officer's Report identified it as being a non-designated heritage asset and concluded that as certain features would remain, the proposed alterations would not result in a significantly detrimental visual impact on the character or appearance of the barn or the wider site within the open countryside.
4. The building was listed at Grade II on 3 April 2020, and both parties were able to make further comment, with the appellant having the final word. The site inspection carried out on 18 August 2020 was made in the full knowledge of the listing description and the Historic England Report in addition to the original appeal documents, and included inspection of the interior.
5. This Appeal Decision can only consider the planning merits of the proposed development, as a Listed Building Consent application was not required to be made at the time of the planning application.

Main Issues

6. These are;

- The effect of the proposed change of use and associated development on the aims of policies on sustainable patterns of development.
- The effect of the proposals on the architectural or historic significance of the listed building and its setting.
- The heritage and planning balance.

Reasons

Sustainable Patterns of Development

7. Core Strategy Policy SS1 states that development should be focused on the most sustainable towns and villages, with development in the open countryside being allowed only exceptionally where a rural location is essential, with reference to Policy CSD3. That policy concerns rural and tourism development, with sustainable rural diversification being permitted subject to what is set out as a sequence; a defined settlement location, and where that is not available; on the edge of Strategic Towns and Service Centres; and failing that, Rural Centres and Primary Villages. Place-shaping and the sustainable settlements strategy is set out in Policy SS3 which restates the policy of directing development to sustainable settlements to protect the open countryside in line with Policy SS1, and all development is to meet stated criteria.
8. There is emerging policy in the Core Strategy Review Submission Draft which proposes amendments to Policies SS1 and SS3 that do not appear to change their aims in relation to the appeal proposal, and there is no change proposed to Policy CSD3.
9. The Places and Policies Local Plan Submission Draft also contains emerging Policy E3 on tourism which states that new tourist accommodation will be permitted in exceptional circumstances where it can be demonstrated that; available sites within or on the edge of settlements are not suitable and an open countryside location is needed; there are no suitable vacant buildings in the locality that could be converted; and the development is viable and will have significant economic and other benefits to the locality to outweigh any harm. Policy E7 permits the re-use of existing rural buildings to support the tourist industry subject to criteria. The Examining Inspector's Report was dated 26 June 2020 and did not propose changes to these policies. With the Main Modifications as proposed, the Plan was found to be 'sound' and hence substantial weight applies.
10. Paragraphs 83 and 84 of the National Planning Policy Framework seek to enable sustainable rural tourism which respect the character of the countryside and states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport; the use of previously developed land is encouraged.
11. The proposal is for the re-use of a rural building that sits on previously developed land, and whilst any imperative for that re-use will be considered in the heritage and planning balance, it is by definition outside settlement

boundaries and not in a Rural Centre and Primary Village, so even the end of the sequence in Policy CSD3 cannot be met.

12. However, the building is attractive and is set within a pleasant rural landscape with ready access to footpaths and quiet rural roads. The main access from either Stowting or the garage site on the B2068 is not overly narrow and has been improved north of the works at Lymbridge Green. The site is not so remote as to be poorly accessible, whilst allowing many activities, once arrived, without the use of a private vehicle.
13. To the extent that the one-time farm building is in the countryside and depending on conclusions as to the need for intervention, the acceptability of a re-use for tourism, and the possibility of alternative more policy compliant uses, a countryside location is needed as that is where the building is. This is an existing building, albeit not vacant, that could be converted, and whilst not meeting the precise requirements of Policy E3, accords with the thrust of Policy E7 and paragraphs 83 and 84 of the Framework. These matters will be considered further in the heritage and planning balance, following consideration of the effect on the listed building.

Architectural or Historic Significance

14. The listing description is full, as would be expected of a recent entry, and includes the following; *Listed for Architectural interest: as a threshing barn of the C18 or late C17, retaining a substantial proportion of its original timber frame, though with some alterations, and replacement of timber; the building is regionally distinctive, the frame following a traditional Kentish pattern, and the roof continuing to be covered with thatch, now a comparative rarity; the barn has group value with the Grade II-listed farm house, thought to be early-C18 or earlier.*
15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The second limb of the Council's Reason for Refusal accepted the need to safeguard the building but referred to the possibility of other uses being able to achieve that. That recognition that the building was worthy of safeguarding, based on it being a non-designated heritage asset assumes a higher level of importance through it being a listed building, at the same time there is a greater need for care over the effect of any re-use.
17. In addition to the detailed list entry, there are numerous background reports which provide essential analysis. The Council's Conservation advisor goes into detail over the need for further information on the internal works affecting fabric and structure, admitting that no inspection had been carried out, but found that, subject to the approval of joinery details, there would be no significant harm to the character of the barn through the insertion of windows, and the glazing of the former cart-bay. That is compatible with the statement in the Officer's Report when the building was only a non-designated heritage asset.

18. The east doorway has been modified in the past to cut-back the porch feature and appeared to be more recent or replacement timber, while the former west side of the threshing or cart bay has been stopped-up with corrugated iron and above it the thatch has been covered in tarpaulins. The introduction of glazed entries here would not cause harm to the significance of the building, although thought could be given in the listed building consent regime to leaving the east doors hanging.
19. The most significant intervention subject to the planning regime would be the insertion of three windows on the south elevation facing the road. This is a more recent wall in any event, as the southernmost half-bay is no longer in place, hence the high wall as opposed to the low eaves where the half-bay remains to the north end. For that reason, the introduction of the windows would not strike at the heart of the building's significance which resides to a great degree in the structure and the retention of a thatched roof.
20. As to setting, the relationship with the listed Park Farm House and the thatched granary has been diluted but not entirely lost, and the presence of the modern house to the rear of the appeal barn is a recessive feature. The barn is clearly a part of a former agricultural entity and the proposed use would not unduly alter that character and appearance. There could be some additional garden furniture and the like, but the present use close to the house does not preclude similar.
21. Turning to the condition, this is described well in the appellant's Report on a Structural Inspection, and the Heritage Statement, and the later listing reports add further to that information. Defects were identified at the site inspection, including 'acrow' props either side of the door, and it appears likely that the thatch would require replacement, with works required to the structure in advance of that.
22. To conclude, the building can accommodate the changes proposed in this planning application with only limited harm to the simple agricultural character and appearance. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies, and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Consideration of possible uses is to be weighed as part of the heritage and planning balance which follows.

Heritage and Planning Balance

23. Appendix D to the appellant's Appeal Statement gives a commentary on possible uses and appears to have considered all reasonable alternatives, including remaining ancillary to the dwelling, largely as a place for storing grounds maintenance items and some domestic paraphernalia.
24. The finding of the barn being redundant from an ongoing agricultural use appears correct. Various commercial and event uses are discussed but each have drawbacks that should be considered more serious now the barn is listed. These drawbacks include the formation of a separate curtilage were a residential use to be found otherwise suitable, having mind to paragraph 79b) of the Framework. A tourism use would be preferable, notwithstanding the remote location.

25. The proposed tourism use is stated to be able to draw on a Rural Development Grant and would provide an income stream to finance gap-funding for the capital works, as well as essential future maintenance. In the heritage balance, the limited harm through this use as opposed to others indicates that it is the optimum viable use in the interest of the building and its setting, and that the limited harm is outweighed by the public benefit of securing the future of a listed building in private ownership.
26. It is the case that the location is contrary to the details in Policy CSD3, but the proposal does accord with the aims and detailed criteria of emerging Policy E7 which includes visitor accommodation in the list of permissible uses, other business uses having been found unacceptable in their effect. In the planning balance, there are good reasons to allow the visitor accommodation use in this location, notwithstanding the location being contrary to certain policy objectives.
27. In conclusion, although the use may not be the 'only means of safeguarding the building', as asserted in the Reason for Refusal, it has been found to be the 'optimum viable use', one of the tests in paragraph 196 of the Framework. Planning permission should be granted for the change of use and the physical development required so far as is within the planning regime. Listed Building Consent will be required for other works, but this does not appear to be unattainable subject to further detail and the Council's decision.

Conditions

28. The Council had suggested 6 conditions, but that was at the time when the building was unlisted. Following listing in April 2020 the Council's Conservation advisor suggested the need for more information by way of a Listed Building Consent application, and were consent to be forthcoming, conditions would be required to secure compliance with the details and the ensure delivery of the benefits of repair.
29. For the planning permission, in addition to the standard time limit and a condition naming the 'as proposed' drawings for the avoidance of doubt, it is necessary to seek joinery details as suggested by the Conservation advisor, but there would not then be a need to seek the samples of materials suggested in the list of conditions. Building recording as a whole is a requirement that can be attached to the Listed Building Consent, but it is appropriate to limit the use of the building to the holiday purposes applied for, and cycle and bin accommodation should be controlled to avoid undue clutter.
30. Although it would be unlikely that tourism use could actually be taken up without the repair work, it is reasonable in view of the heritage and planning balance that a condition be attached stipulating this.

Conclusions

31. The recently listed building is in need of repair works to secure its future, and a holiday accommodation use would be suitable, subject to detailed consideration of structural and conversion proposals by way of a Listed Building Consent application. The heritage balance is that this would represent the optimum viable use and that the 'less than substantial' harm would be outweighed by public benefits. In the planning balance, whilst not being in a location specified in some policies, a countryside location is not precluded for holiday

accommodation. As the optimum viable use required to secure the future of the building in this location, permission should be granted, subject to conditions that ensure that the benefits are delivered and not just the harm. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

Schedule of Conditions

- 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: Foul Drainage Plan and JS/18/02 both received on 19/09/2018, JS/18/03 Revision A and site location plan JS/18/001A both received on 05/10/2018.
- 3) No windows or glazed doors shall be inserted before full details of joinery, glazing and ironmongery, as well as of the method of forming the openings, have been submitted to and approved in writing by the Local Planning Authority, and the work shall be carried out only as approved.
- 4) The holiday accommodation hereby permitted shall be used only for *bona fide* holiday purposes and shall not be used by any person or group of people for more than one month in any three consecutive months.
- 5) Prior to the first occupation of the holiday accommodation hereby permitted, details of covered bicycle parking spaces and bin storage for the accommodation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
- 6) The holiday accommodation hereby permitted shall not be occupied until repair work and other works specified and permitted under the Planning (Listed Buildings and Conservation Areas) Act 1990 have been carried out.