



Appeal Decisions

Site visit made on 17 September 2020

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal A Ref: APP/J1860/D/20/3251614

Barn Owl Cottage, Sankyns Green, Little Witley WR6 6LQ

- 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 & Mrs Morton against the decision of Malvern Hills District Council.
 - The application Ref 19/01901/HP, dated 20 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is single storey garden room extension to existing dwelling.
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Appeal B Ref: APP/J1860/Y/20/3251618

Barn Owl Cottage, Sankyns Green, Little Witley WR6 6LQ

- 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 & Mrs Morton against the decision of Malvern Hills District Council.
 - The application Ref 19/01902/LB, dated 20 December 2019, was refused by notice dated 17 February 2020.
 - The works proposed are single storey garden room extension to existing dwelling.
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Decisions

Appeal A: Ref: APP/J1860/D/20/3251614

1. The appeal is dismissed.

Appeal B Ref: APP/J1860/Y/20/3251618

2. The appeal is dismissed.

Procedural Matter

3. Applications were made for planning permission and listed building consent for the proposed extension. Barn Owl Cottage is not listed in its own right but the Council considers it to be within the curtilage of Eastgrove Farmhouse, a Grade II Listed Building and therefore a curtilage Listed Building. Although the submission of the Listed Building consent application suggests that the appellants also considered this to be the case, the statement of case submitted with the appeals questions whether Barn Owl Cottage is in fact a curtilage Listed Building citing relevant case law and matters of physical separation and distinction in use.

4. In response to the appellants assertions, the Council has, amongst other things, referred to Historic England Advice Note 10 which states that there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a Listed Building: the physical layout of the Listed Building and the structure; their ownership, both historically and at the date of listing; and the use or function of the relevant buildings both historically and at the date of listing. I have had regard to this Advice Note in reaching my decision.
5. In this case, Barn Owl Cottage, together with other nearby former agricultural buildings accessed via the same courtyard, is located to the rear of the Listed Building in close proximity to it. The main entrance to the farmhouse appears to be via a formal gateway giving access to the front of the house, though there is another, less formal vehicular access off the courtyard giving access to the rear. Although the appellants state that historical maps show that the former agricultural buildings had their own dedicated access, this does not appear clear from the evidence submitted or from my site visit. Whilst I note that the front of the farmhouse faces away from the courtyard of former agricultural buildings, I consider the proximity and layout of buildings is such that they appear to me to have historically formed a farm group comprising the farmhouse and its ancillary buildings.
6. With regard to ownership, the Council states that at the time of listing the farmhouse and barns were in the same ownership and this has not been disputed by the appellants. In terms of function, it appears from the evidence and from the site layout that the farmhouse and barns historically formed part of the Witley Hall Estate with the farmhouse being used primarily for residential purposes and the barns for ancillary agricultural use, albeit in connection with the same estate. Although the barns are now in separate ownership and residential use, it appears that they were ancillary in use to the farmhouse at the time of listing.
7. Taking the above matters into consideration, I conclude that as a matter of fact and degree, Barn Owl Cottage is a structure with the curtilage of Eastgrove Farmhouse and as such is a curtilage Listed Building.

Main Issue

8. The main issue for both appeals is whether the proposals would preserve Eastgrove Farmhouse, a Grade II Listed Building, and any features of special architectural or historic interest it possesses.

Reasons

Special Interest and Significance

9. Located in an isolated rural location, Eastgrove Farmhouse is included on the Statutory List at Grade II. The building is described in the list description as being early 19th Century constructed from red brick with slate roofs and an irregular double depth plan. It is two storeys in height and is said to be the former estate farmhouse of Witley Court Estate. Though not referred to in the List Description, there is a range of traditional former agricultural barns positioned to the rear of the Listed Building which together with the farmhouse form a farmstead complex. Whilst these former agricultural buildings all now

appear to be in residential use, they nevertheless have retained their largely rectangular plan form and simple, agricultural character and appearance.

10. Insofar as is relevant to the appeal proposals, the significance and special interest of the Listed Building derives from its formal architectural composition and appearance in contrast with the simple plan form and vernacular appearance of the former barns which reflects the historic use of the farmstead.

The Proposals

11. The proposals are to construct a single storey extension to Barn Owl Cottage, a former barn now in residential use positioned within the farmstead complex at Eastgrove Farm.

The effect of the proposals

12. Barn Owl Cottage is a brick built, two storey former agricultural barn with a single storey brick and timber lean-to at one end. The building has a simple, linear plan form and vernacular appearance reflective of its former use. The extensive use of bricks and size and position of windows and doors means that it has a solid, robust appearance.
13. Although modest in size and simple in plan form, the proposed extension would extend off the front elevation of the building, undermining its existing rectangular plan form. Moreover, the lean-to roof of the extension would partially cover a former door opening within the first floor of the building, retained at the time of conversion, resulting in the opening appearing as a window rather than a door. This would result in a change to the historic form of the building and would not be adequately compensated for by the infill bricks being set back from the elevation.
14. In addition, though subservient in scale to the host building, the particular design and appearance of the proposed extension is not reflective of the former agricultural use of the building. The elevations of the extension would be constructed from a combination of timber weatherboarding and glass, with large sliding glass doors and a fully glazed gable to one end. The use of large areas of glazing within the extension would be at odds with the solid, robust appearance of the host building and would result in the extension having a domestic appearance. The architectural form and composition of the extension mean that, whilst incorporating traditional materials, it would nevertheless be at odds with and would appear visually jarring in the context of its host building. I do not agree with the appellants that the form and construction of the extension mean that the original linear form of the host building would be easily read and maintained by the proposal which would be positioned perpendicular to it.
15. Taking the above matters into consideration and mindful of the duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the significance and special interest of the Grade II Listed Building would not be preserved by the proposal.

Other Matters

16. It is stated that the elongated form of former agricultural buildings such as the host building can result in cramped internal spaces and that the linear form of the building is making living conditions in it difficult.
17. The proposals would provide additional floorspace for the dwelling and would provide some benefits to the living conditions of current and future occupiers of the building. However, it has not been demonstrated that the appeal scheme would be necessary to secure a continued use of the building consistent with its conservation. It has not therefore been established that the appeal scheme would be necessary to secure the optimum viable use of the building.

Planning Balance and Conclusion

18. The National Planning Policy Framework (the Framework) anticipates that once a finding of harm to the significance of a heritage asset, such as a Listed Building has been reached, then the magnitude of that harm should be assessed. In this case, given the scale and nature of the proposals, I conclude that they would cause less than substantial harm to the significance of the Grade II Listed Eastgrove Farmhouse. Nevertheless, at paragraph 193 the Framework sets out that great weight should be given to a heritage asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Moreover, at paragraph 196 the Framework states that the harm should be weighed against the public benefits of a proposal. Such benefits could include circumstances where a proposal would secure the optimal viable use of a building.
19. For the reasons given above, the proposals would not result in the optimum viable use of the building. Moreover, the public benefits of the appeal schemes would be limited and would not be of sufficient weight to tip the overall planning balance in their favour when set against the great weight and importance that I attach to the harm that would be caused to the significance of the heritage asset. In this way the proposals conflict with the Framework insofar as, amongst other things, it requires heritage assets to be conserved in a manner appropriate to their significance. For the same reasons, the proposals would conflict with policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan adopted February 2016. These policies seek, amongst other things, to ensure that proposals conserve and enhance heritage assets.
20. In respect of Appeal A, no material considerations advanced in favour of the proposal are of a sufficient weight to justify a decision other than in accordance with the development plan, with which, in terms of the above referenced policies, the appeal scheme would clearly conflict.
21. For the above reasons and having regard to all matters raised, I conclude that both appeals should be dismissed.

Beverley Wilders

INSPECTOR