
Appeal Decisions

Hearing Held on 4 November 2020

Site visit made on 5 November 2020

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal A: APP/K3415/C/19/3240242

Appeal B: APP/K3415/C/19/3241396

Land at Broomy Fields, Smithy Lane, Longdon, Rugeley WS15 4QH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Martin Humphreys and Mrs Sandra Humphreys against an enforcement notice issued by Lichfield District Council.
 - The enforcement notice was issued on 2 October 2019.
 - The breach of planning control as alleged in the notice is the erection of agricultural buildings.
 - The requirements of the notice are:
 - i. Demolish the agricultural buildings shown approximately edged in black on the notice plan.
 - ii. Remove all debris resulting from compliance with step i. from the land.
 - iii. Reinstate all land previously occupied by the buildings by reseeding with grass.
 - The period for compliance with the requirements is six months.
 - The appeals are proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Appeal C: APP/K3415/W/19/3239085

Sandmart Farm, Hay Lane, Longdon Green, Rugeley WS15 4QQ

- 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 and Mrs Humphreys against the decision of Lichfield District Council.
 - The application Ref: 18/01596/FUL, dated 30 October 2018, was refused by notice dated 29 May 2019.
 - The development proposed is described on the Council's decision notice as "*retention of 5no outbuildings for agricultural purposes*".
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Decisions

Appeals A and B

1. The appeals are dismissed and the enforcement notice upheld.

Appeal C

2. The appeal is dismissed.

Procedural Matters

3. I have taken the description of the proposed development from the Council's decision notice rather than the original application form as it more accurately describes the proposal before me.
4. I have noted that the address used on the enforcement notice is different to the one used on the planning application; however, it is agreed between the main parties that the appeals relate to the same site.
5. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
6. A Statement of Common Ground was submitted for the appeals, which set out the matters of agreement between the main parties.

Background

7. The appellant purchased the agricultural land now known as Sandmart Farm in November 2015. The property is accessed off Hay Lane via an existing track which also leads to properties at Broomy Fields Farm. The agricultural land holding extends to approximately 5 hectares of which 3.2 hectares are owned and the remainder rented. I also understand that the appellants have access to other agricultural land at Pye Green, Hednesford. The land holding is registered with the Department of Environment, Food and Rural Affairs (DEFRA) and details of the livestock, including poultry, pigs and sheep, are registered with Animal Health. The holding is also registered with the Rural Payments Agency and has a business identification number. It is common ground that appeal site is in agricultural use.
8. The existing buildings on site to which the enforcement notice and planning application relate and are currently used for agricultural purposes comprise of:
 - i. One open fronted timber framed storage building measuring approximately 10.8 metres by 4.8 metres with a height to the front of approximately 3.2 metres, which is currently used for hay and equipment storage, including a tractor;
 - ii. A two bay enclosed timber framed barn with a corrugated green sheeting roof and a lean-to attached building. The footprint measures approximately 10.95 metres by 3.65 metres with a ridge height of approximately 2.8 metres and an eaves height of approximately 2.4 metres. Currently used for storage and animal housing. The lean-to structure is used for some general storage and also contains some office equipment.
 - iii. A group of three timber framed buildings which are joined together having a total footprint of approximately 12.6 metres by 3.7 metres. Each building has a sloping roof with a rear height of approximately 2.7 metres and a front height of 2.3 metres. The buildings are used for tools and equipment storage and housing various poultry, including peacocks and geese.

9. Fields in the vicinity of the buildings are used for grazing, including pigs, sheep and horses. However, the evidence submitted is clear that the buildings are not used for stabling horses. The appellants acknowledge that the buildings have been adapted to serve their current uses to accommodate the needs of the poultry enterprise, for lambing, growing and fattening pigs, an isolation space for sick animals and for storage purposes. I do not find the way the buildings have been adapted is unusual for agricultural operations such as this.
10. The appellants have submitted evidence relating to the agricultural enterprise, including the activities that take place on the land, the requirements for the buildings, income sources and business practices which I have considered in determining these appeals. However, the Council does not appear to dispute that the buildings are being used for agricultural purposes, nor consider the erection of the agricultural buildings is inappropriate development within the Green Belt. Therefore it is not necessary to consider the impact on the openness of the Green Belt or whether the development conflicts with the purposes of including the land within the Green Belt.

Appeals A and B on Ground (a) and Appeal C

11. The ground of appeal is that planning permission should be granted. The main issues are:
 - i. the effect on the character and appearance of the area; and
 - ii. whether the development preserves or enhances the setting of a nearby listed building.

Character and appearance

12. The appeal buildings form a cluster which are purposely configured in an approximate 'L' shape and are set against an existing mature hedgerow to the rear. The surrounding landscape is mainly characterised by its open agricultural appearance. The land undulates and there are small groups of trees and a pattern of irregularly shaped fields divided by hedgerows, some of which are further sub-divided by fences.
13. The appeal site is physically separated from the Broomy Fields complex of now converted residential properties. The development has introduced new built development onto land which appears to have been previously vacant and in agricultural use. The physical separation of the buildings from other permanent built form in the immediate locality is amplified by the presence of extensive boundary treatments and vegetation in the locality which separates the buildings from Broomy Fields.
14. The appeal buildings are mainly constructed of timber with dark coloured roofs and are mainly seen from the access track and nearby open fields against a backdrop of mature vegetation. Other than the hay barn the buildings have the appearance of modest stables which have been adapted to suit current requirements. Those requirements seem to have developed over a period of time and particularly since the refusal of planning permission for equestrian uses. Consequently, the buildings may not be specifically designed for their current uses, but that does not alone justify withholding permission. However, as a group of sporadic buildings in a relatively open field setting, they draw attention from the local area, particularly from the access road from Hay Lane.

Although they are mainly seen against a backdrop of mature hedgerow, the development is nonetheless at odds with its immediate surroundings and forms an incongruous form of development within its landscape setting. The larger hay barn is particularly prominent given its scale and rather flimsy rudimental construction which gives a rather makeshift and untidy appearance to the group.

15. It has not been clearly demonstrated that due regard has been given to the effect of the development on local views as well as their immediate context and as a consequence the development has a harmful effect on the visual quality of its setting and the wider agricultural landscape. The group does not sit comfortably within the landscape and is harmful to the prevalent open pastoral land characteristic.
16. I recognise that my colleague Inspector has previously concluded that on balance the proposal for stables would have a limited visual impact, but in that case the main issue was set in the context of whether the proposal was inappropriate development in the Green Belt, rather than being specifically framed in the context of the effect on the character and appearance of the area and respective relevant development plan policies. In any case it is my understanding that the previous appeal related to a different proposed development and, in any case, I have determined these current appeals on their own merits in the light of the written and oral evidence before me.
17. Therefore, on this issue I conclude that the development is harmful to the character and appearance of the area. As such it conflicts with Core Policy 3 and Policies NR1 and BE1 of the Lichfield District Local Plan Strategy (Adopted 17 February 2015) (the LPS), Policy 4 of the Longdon Parish Neighbourhood Plan 2017-2029 Made 08 October 2018, the Rural Development Supplementary Planning Document December 2015, the Sustainable Design Supplementary Planning Document December 2015 and the National Planning Policy Framework (the Framework). Among other objectives these seek to ensure that development protects and enhances the character and distinctiveness of the District and requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, design and public views.

Setting of the listed building

18. With respect to all appeals, the Council has expressed concerns that the development erodes the historic landscape of the nearby Broomy Fields Grade II Listed Building, causing less than substantial harm to the significance of this designated heritage asset. There are no listed buildings on the appeal site.
19. Broomy Fields was first listed in January 1988 as a farmhouse constructed in the late seventeenth century with a late eighteenth century extension and some minor alterations around 1900. It is constructed of red and brown brick in Flemish bond on a sandstone plinth. It has a plain tiled roof with raised verges, a brick external end stack and a lateral stack. The building has a T-shaped plan; the principal range being east to west facing north with a rear extension wing. It is two storeys high with a gable-lit attic with storey bands. There is a three window front with casements dating back to around 1900 within seventeenth century openings with stone lintels incised in imitation of gauged brickwork. The building has a central late twentieth century flat roofed

porch in front of the main doorway which has similar lintels to the windows. The building has a number of notable internal features identified in the listing.

20. The listed farmhouse is approximately 100 metres to the west of the appeal site. Between the listed building and the development are the curtilage listed historic farm buildings which have been converted to residential use. Early maps of the area provide evidence that there were 'inverted s-shaped' field boundaries in the locality which shows that the fields were in arable use in the medieval period. These patterns can be seen to a much lesser extent today to the north, west and south of Broomy Fields. The farmhouse itself was built around the time that these fields were being enclosed as part of what became known as 'piecemeal enclosure' which was carried out through informal agreements between farmers who wished to consolidate their individual strip fields into farm holdings. The field pattern illustrates that the early agricultural use of the land is significant in the history of the listed building which has a clear and close connection with the surrounding agricultural land.
21. Furthermore, historic maps including the Ordnance Survey map of 1884 shows a courtyard of buildings to the east of the farmhouse and it appears that the main access continued to the east towards what is now known as Hay Lane along the same alignment as today's existing access. There also appears to be a secondary access to Smithy Lane which runs northwards from the farmhouse. It is quite reasonable to assume that the fields either side of these accesses were part of the Broomy Fields farmstead as would have been the other fields around Broomy Fields. Consequently, in this case the setting of Broomy Fields includes the wider agricultural hinterland including the field to which the current appeals relate, as well as its immediate curtilage.
22. The agricultural land around the listed building contributes towards the illustrative historic value of Broomy Fields. The building is set at the heart of its associated farmland and has retained its important characteristic of being situated within its rural landscape which appears to have not changed a great deal since the listed building was built in the seventeenth century. As such the relatively isolated location of the farmstead contributes significantly to its historic significance. Its associated farmland illustrates important changes in agricultural practices through the evidence of piecemeal enclosures and consequently, this evidence of early agricultural use of the land is important in the significance of the farmstead.
23. The historic landscape has a strong connection to the listed building and is important in identifying the historic significance of the listed building as an isolated farmstead built following the more recent development of local field patterns. Although there may have been some amalgamation of fields which would have resulted in changes to the local landscape including the elimination of some field boundaries, the characteristic open agricultural landscape has largely remained intact since the early seventeenth century around the time that Broomy Fields was built. Although the buildings are no longer used as a working farm, they have retained their general form, layout and appearance as a farmstead within the landscape. As such the landscape and agricultural landscape in which it is set is a strong and important part of the significance of the listed building.
24. The buildings the subject of these appeals has eroded the significance of the setting of the listed building by changing the mainly unaltered setting that has

existing for centuries, since the farmstead was originally built. As previously identified, the appeal buildings are situated in a relatively prominent location when viewed from the main access road leading from Hay Lane. From the access, the five buildings the subject of these appeals are clearly visible and their overall form, design and materiality are at odds with the contrasting character and appearance of the nearby Broomy Fields listed farmhouse. The permanent agricultural buildings that have been constructed have, and would continue to have, a permanent and negative effect on the setting of the listed building, drawing attention away from it and compromising its historic relationship with its setting. Given the harm I have identified it cannot reasonably be argued that the distance between the appeal buildings and the listed farmhouse and existing landscape features that separate them mitigate the harm.

25. Paragraph 193 of the Framework advises that when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or from development within its setting) should require clear and convincing justification. I find the harm to be less than substantial in this instance, but it should be remembered however that less than substantial harm does not equate to less than substantial planning objection, especially when the statutory tests have not been met.
26. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. At the Hearing the appellants identified a number of public benefits which they attribute to the development. These include generating rural business activity which benefits the wider rural community including suppliers, purchasers and servicing and maintenance providers. Additional benefits were stated to include the sale of produce to local markets and local people, employment and maintaining the genetic supply of rare breeds of poultry and pigs. In addition, some limited ecological and conservation were identified such as the re-establishment of a nearby pond and erection of bat boxes. The buildings also provide some security against the theft of expensive agricultural equipment.
27. Although I can see that there are some benefits from the development, I consider that many are generic to many small farm holdings and these are limited in relation to the specific buildings in question. Consequently, these public benefits do not outweigh the harm to the historic setting of the listed building.
28. Accordingly, the proposals would cause material harm to the special interest of the listed building, so failing to preserve it, the desirability of which (as required by the Act) has been affirmed by the Courts as a matter of considerable importance and weight. Moreover it would fail to accord with the expectations of paragraph 193 of the Framework which anticipates great weight being given to the conservation of designated heritage assets. For the same reasons the extension would also conflict with Core Policy 14 of the LPS, Policy BE2 of the Lichfield District Local Plan Allocations 2008-2020 Adopted 16 July 2019 and the Historic Environment Supplementary Planning Document December 2015. Among other objectives these support developments which

conserve or enhance the historic environment where it will not result in harm to the significance of the heritage asset or its setting.

Other matters

29. The appellants have identified other developments in the area in area but I do not have the specific details of those, including the planning policies that existed at the time they were allowed. In any case I have considered these appeals on their own merits.

Conclusion

30. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant permission on the deemed application and planning application.

A A Phillips

INSPECTOR.

APPEARANCES

FOR THE APPELLANT:

Alan Bloor BSc (Hons) Agric FBIAC	Reading Agricultural Consultants Ltd
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Mrs Sandra Humphreys	Appellant
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FOR THE LOCAL PLANNING AUTHORITY:

Glen Baker-Adams	Senior Planning Officer
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Claire Hines BA (Hons) MA PGDip (Hist Cons) IHBC	Principal Conservation and Design Officer
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INTERESTED PERSONS:

Tony Freeman	Resident
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David Tyler	Resident
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