
Appeal Decision

Site visit made on 22 October 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/P1615/W/20/3256799

Harts Farm, Chapel Lane, Redmarley, Gloucester GL19 3JF

- 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 Jacques De Wit against the decision of Forest of Dean District Council.
 - The application Ref P1867/19/FUL, dated 28 November 2019, was refused by notice dated 11 March 2020.
 - The development proposed is change of use of permitted annexe to residential dwelling with associated curtilage (amended resubmission).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - The effect of the proposed development on the setting of the grade II listed building known as Hart's Farmhouse; and
 - The effect of the proposal on the living conditions of future occupiers with particular regard to their privacy.

Reasons

Setting of the listed building

3. The Grade II listed building known as Hart's Farmhouse (referred to herein as the Farmhouse) comprises an impressive two and a half storey building. It dates from the late 17th early 18th Century and includes Flemish bond brick front and English bond on the sides and rear. Due to its age and being an example of local vernacular, the listed building's significance is both historic and architectural.
4. The farmhouse shares a relationship with the nearby listed building known as Barn Hart's Farm which is a Grade II listed barn dating back to the early 18th Century. Combined with the farmhouse and other buildings I observed on site, there is clearly a relationship between all the buildings which point towards its historical agricultural connection. Over time this relationship has altered, with the impressive farmhouse appearing somewhat segregated from the other buildings, however it is still legible as a farm complex.

5. When taken in isolation, the Farmhouse appears as an impressive structure set within spacious grounds which are set to lawn. Beyond this lawn, there are a number of fields which further reinforces the historical agricultural significance of the building.
6. The Farmhouse benefits from a more modern external annexe, which has previously been used as ancillary accommodation to the main farmhouse. The application seeks a change of use of this annexe to a separate residential dwelling. The submitted plans show the introduction of a new red line curtilage boundary around the annexe, which would include part of the lawn area and part of the driveway. It has been demonstrated that this boundary would be formed through the use of hedgerows. It was apparent during my site visit that a degree of planting has already taken place.
7. The proposed curtilage for the new dwelling would make the annexe appear as a somewhat isolated pocket of development within the setting of the listed building. It would be surrounded by the existing curtilage of the farmhouse and as such would visually intrude on the setting of the listed building, and would in my view, compromise its setting.
8. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (The Act) requires special regard to be had to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses when dealing with planning applications.
9. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II listed building should be exceptional. The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced.
10. In this instance, the large spacious garden space around the listed building form an important feature in the way the heritage asset is viewed and experienced. The lawn leading to open fields reinforces the agricultural nature of the appeal site and therefore contributes to the assets significance. It is my view, creating a new residential curtilage in close proximity to this listed building would harm the setting of the listed building.
11. Whilst I do not disagree that the provision of a hedge is not development, the formation of an external amenity space for the residential dwelling would be introducing a change to the setting of the listed building. It would be creating a new residential dwelling in the setting of the building, and there would be an increase in residential paraphernalia in relation to this. I have carefully considered the comments made within the appellant's Heritage Statement, and whilst I appreciate that the principal elevation of the Farmhouse is to the east and away from the annexe, this does not alter the impact the change of use and create of outdoor amenity space would have on the setting of the listed building.

12. Given the location and scale of the annexe, I find that this harm would be less than substantial as defined by the Framework. Paragraph 196 of the Framework states that where the development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals. Turning to these public benefits, I recognise that the creation of a new level access dwelling in this rural location would provide a very minor boost to the supply of housing and would help support local services and facilities. Furthermore, the proposal would make effective use of land as the annexe already exists.
13. The appellant contends that further positive weight should be applied as the proposal would provide amenity space of a suitable standard. However, whilst this is recognised this is not a public benefit and therefore cannot be weighed against the harm to the heritage asset I have identified. However, these suggested benefits would not outweigh the harm I have identified above.
14. Consequently, the proposal is contrary to policies CSP.1, of the Forest of Dean Core Strategy (CS) and policies AP.4 and AP.5 of the Allocations Plan, the Act and paragraphs 193 and 196 of the Framework. Together these policies, amongst other things, seek to ensure that development protects and promotes historic character including designated heritage assets.

Living conditions

15. The appeal proposal would create outdoor space for future residents, which would be bounded via hedgerows. Whilst this would provide a degree of separation between the smaller dwelling and larger listed building, I am not satisfied that the provision of a hedgerow would provide adequate privacy for future occupiers. During my site visit it was apparent that part of this hedgerow has been planted already, and it was evident it would take many years to reach the level of maturity which would be required to provide adequate screening.
16. Furthermore, from my site visit it was apparent that there would be a degree of overlooking from the larger house into this garden area which would further impact the privacy of any future occupiers who wished to use this outdoor area. Given the close proximity of the two dwellings I am not satisfied that adequate provision can be made to ensure that the privacy of future occupiers would not be unduly harmed.
17. I have carefully considered the appellants assertion that an appropriately worded planning condition could be provided which would ensure an adequate boundary treatment is provided. However, given the close relationship between the two buildings and degree of overlooking I am not convinced that a condition would overcome the harm I have identified.
18. Consequently, I find that the proposal would harm the living conditions of future occupiers with particular regard to their privacy. There is conflict with policy AP.4 of the CS which seeks, amongst other things, that development is of a high quality that respects the amenity of residents. The proposal would also conflict with the advice within the Council's Residential Design Guide Supplementary Planning Guidance and the Framework.

Other Matters

19. I note that the appellant considers that the Council is unable to demonstrate a five year supply of housing, and has failed the housing delivery test. Paragraph

11 and Footnote 7 of the Framework states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

20. The Council has not provided any evidence in respect of this. However, even if this were to be the case, paragraph 11 d)i of the Framework states that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusal. Footnote 6 of this paragraph includes designated heritage assets. I have found harm to the listed building and have identified that this harm provide a clear reason for refusal. Consequently, the presumption in favour of sustainable development is not triggered.
21. I note that there have been several letters of support for the proposal, with many interested parties supportive of a new rental unit being provided in this area. I have identified that this would be of a benefit of the proposal, however it does not in my view overcome the harm I have identified.

Conclusions

22. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR