



Appeal Decisions

Site Visit made on 18 May 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08/06/2021

Appeal A Ref: APP/F3545/W/21/3266688

Pitchers Green Farm, Bradfield St Clare, Suffolk IP30 0EQ

- 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. Julian Armitage against the decision of West Suffolk Council.
 - The application Ref DC/20/0506/FUL, dated 18 March 2020, was refused by notice dated 12 January 2021.
The development proposed is described as 'conversion and refurbishment of the existing redundant agricultural buildings to form three residential dwellings and associated ancillary accommodation, together with associated demolition, landscaping and access works'.
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Appeal B Ref: APP/F3545/Y/21/3268866

Pitchers Green Farm, Bradfield St Clare, Suffolk IP30 0EQ

- 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. Julian Armitage against the decision of West Suffolk Council.
 - The application Ref DC/20/0507/LB, dated 18 March 2020, was refused by notice dated 12 January 2021.
 - The works proposed are described as 'conversion and refurbishment of the existing redundant agricultural buildings to form three residential dwellings and associated ancillary accommodation, together with associated demolition, landscaping and access works'.
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Decision

1. Appeal A – The appeal is dismissed.
2. Appeal B – The appeal is dismissed.

Preliminary Matters

3. The appeals were originally submitted against the failure of the Council to issue decisions within the prescribed period. However, the Council sought an extension of time until 'close of business' on Tuesday 12 January. The appellant agreed to extend the application 'up to Tuesday'. Given that the appellant did not specifically confirm that the extension did not include Tuesday, when this is what was requested, I have taken 'up to Tuesday' to include Tuesday. As a result, the appeals have been considered as being submitted against the Council's decisions and not a failure to determine the applications.
4. I have considered the two appeals concurrently, but on their own merits, because there are common matters between them. I have received several

iterations of the scheme drawings and have therefore based my assessment on the drawings listed on the Council's decision notices.

Main Issues

5. The main issues in these appeals are:

- Whether the proposed development would accord with the strategy in the development plan for the conversion of disused buildings; and
- Whether the proposed works and development would preserve the Grade II listed building known as Pitchers Green Farm and its setting, including curtilage listed buildings.

Reasons

Whether the proposed development would accord with the strategy for the conversion of disused buildings

6. The appeal site encompasses a range of traditional agricultural buildings which are not located within any of the defined settlement boundaries in the development plan. As a result, they are in the countryside. Policy DM5 of the DMP¹ primarily relates to new buildings and extensions in the countryside and is therefore of limited relevance to my assessment. Instead, Policy DM28 of the DMP is directly concerned with the residential use of disused buildings in the countryside such as the appeal buildings.
7. Policy DM28 seeks to support the conversion of redundant or disused buildings in the countryside to dwellings subject to criteria. The first of which is that alternative uses for employment/economic development, tourist accommodation, recreation and community facilities have been fully explored to the satisfaction of the local planning authority and discounted. This is because the 'preferred' uses are considered by the Council to better support the rural economy. Substantive evidence is not before me demonstrating this is a flawed premise. Policy DM33 effectively repeats this requirement.
8. In an attempt to demonstrate that alternative uses have been fully explored, the appellant has submitted a viability report, which was subsequently supplemented. The report makes several observations about the barns that indicate that a commercial use would be problematic. I observed some of these during my site visit. For example, the buildings are in a remote rural location accessed by small lanes and the condition of the buildings would likely require a great deal of investment to bring them up to a standard where they could be used for non-agricultural purposes. The structures are also close to residential properties, served by a single shared access and are of a traditional construction, some with low eaves and limited natural light. Being curtilage listed structures, the ability to alter the buildings to accommodate modern commercial activity may also be constrained. Broad band speeds in the area are also apparently slow. These general points weigh against a viable conversion to a non-residential use.
9. The viability report takes each of the potential uses in turn and explains why office, retail, community, industrial, manufacturing and storage use would be financially unviable, generally due to high conversion costs and low rental

¹ Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015

returns. It also states that tourism accommodation would be a high risk given the remote location and the high levels of investment required relative to a limited return. A more intensive conversion with smaller holiday units is unlikely to be appropriate when considering the importance of the open volumes to the historic significance of the buildings.

10. The viability report was prepared by an experienced chartered surveyor who is a fellow of RICS. It is generally well reasoned, robust and supported by financial data based on industry standards and comparables. There is nothing to suggest the Council has had the report reviewed by a specialist that raised concerns with the findings and methodology. It is therefore an expert view that can be afforded significant weight.
11. The question, therefore, is whether the report is sufficient by itself to demonstrate that alternative uses have been fully explored to the satisfaction of the local planning authority² and can be discounted. The phrases '*fully explored*' and '*to the satisfaction of the local planning authority*' are undefined. The supporting text to the policy states that proposals for conversion to dwellings must include appropriate evidence of the efforts which the applicant has made to secure the preferred alternative re-uses over at least a 12-month period. It can be inferred that this is a reference to marketing. However, being within the supporting text as opposed to the policy itself, the reference to marketing is not a direct requirement of the policy. Accordingly, the decision maker has discretion, based on the facts of the case, in deciding whether alternative non-residential uses have been '*fully explored*'.
12. In many instances, marketing would be a sensible approach as it would test the non-residential demand for the buildings in an objective, transparent and meaningful way. Robust and realistic marketing would allow genuine evidence to be gathered on the demand for the buildings in non-residential use. However, there would only be value in marketing the building if there was a genuine chance of a suitable end user being found. This is a matter of planning judgment that can be informed by a viability report.
13. The viability report has indicated that many commercial uses would be unviable, but it does seem to focus on conversion by a commercial developer that would need to see a profit. This is a limitation as there may be businesses that would be prepared to convert the buildings for their own use, especially if some residential component was permitted as an enabler. Furthermore, the remote but attractive rural setting and the historic nature of the buildings could be attractive to some businesses, such as wedding venues or rural craft workshops. Moreover, the site is not that far from Bury St Edmunds.
14. Nevertheless, the inherent constraints, taken with the viability report, provide coherent arguments against the need for a marketing campaign. Thus, commercial marketing in this instance could end up being directed to a narrow 'pool' of potential future occupants. This may be narrowed further by the current economic climate, but as a marketing campaign can only ever be a snapshot in time this does not justify delaying it. Thus, the case for commercially marketing the buildings is marginal.
15. However, a report indicating that marketing is unlikely to be successful is not the same as demonstrating it would be. Moreover, I have carefully considered

² I take this to mean to the satisfaction of the decision maker, which can include an Inspector.

the interest expressed³ in renting or buying the buildings for an agricultural use, which in this context could facilitate employment. There seems to be genuine interest in using the barns and it may be possible that some innovative or energetic person could start a business at the site.

16. That said, the analysis provided in the viability report (Paragraph 4.4.1) explains why a commercial agricultural use of the buildings is unlikely to be viable. The previous tenant has provided representations confirming that an agricultural use at the site was not financially viable. This is supported by another letter from someone working in the pig industry. Accordingly, I agree that there would certainly be some serious obstacles to surmount, such as the difficulty of using machinery (such as tractors) in historic barns, the shared access and the level of repairs required. A modern agricultural use could also prove to be harmful to the buildings and Pitchers Green Farmhouse could also be retained as a separate residence and could therefore pose a constraint.
17. Nevertheless, the structural surveys suggest the buildings are generally sound and a small-scale enterprise would not need large vehicles and need not inherently harm living conditions. Without marketing to test the interest it is difficult in this instance to conclude with certainty that the constraints would be insurmountable. The recent activity at the farm has apparently been short term over wintering of livestock or free of charge livery. Neither are evidence of a commercially profitable business but do suggest the buildings can still be used.
18. The question of whether marketing is necessary is finely balanced. It is therefore unsurprising Officers at the Council apparently held different views. However, I find that some form of marketing campaign would be a worthwhile exercise given that there is some potential for a 'preferred' end user to be found. In conclusion, the absence of a marketing campaign in this instance means alternative uses have not been fully explored and can be discounted. As a result, there would be a conflict with Policies DM28 and DM33 of the DMP.

Whether the proposed works and development would preserve the listed building

19. The Heritage Asset Assessment (HAA) submitted by the appellant outlines the significance of the appeal buildings. It is prepared by a local historian and accepted by the Council as accurate and reliable. I have no reason to disagree. In summary, Building 1 is an early 19th Century threshing barn which is considered to be a good 'Napoleonic' example borne out of the rapid expansion of cereal production at the time. That said, the framing includes much earlier timbers probably dating from the 16th Century. The building therefore has considerable architectural, historic and evidential value.
20. Building 2 encompasses two shelter sheds probably dating from the middle of the 19th Century. They are open sided structures save for an interesting central enclosed loose box constructed from clay-lump, much of which is evident despite repair and rebuilding. The remainder of the walling is a mixture of historic brickwork and 20th Century Flettons. The structure creates a yard with Building 1 and this illustrates the system of Victorian high farming and is therefore of historic and evidential value. Building 3 is a mid-20th Century milking parlour of some modest evidential value. The structures covering the yard formed by Buildings 1 and 2 are reasonably modern, rudimentary and of little interest. They also obscure the more interesting older buildings

³ The was originally confidential but has been made public during the appeal process

21. Building 4 is a timber framed former horse stable dating from the first half of the 19th Century with an unusually well-preserved boarded granary above, brick flooring and the remnants of a chaff bin. The building has been stripped of its fixtures and fittings but is nevertheless of evidential and historic value. The adjoining shelter shed (Building 5) is a mid-19th Century open sided building and is simple and pleasant in appearance. It complements the rustic charm of the farm stead and its fortuitous aesthetic value.
22. Thus, much of the value and significance of the buildings, individually and collectively, can be gleaned from the architectural, historic, evidential and aesthetic value borne of their agricultural use and appearance. A residential conversion would give the buildings a more domestic character through the alterations necessary to create homes. This would include the insertion of windows, doors, insulation and roof lights (the latter appear unnecessary and particularly domestic). The drawings also indicate that the new infill walls to Building 2 would be rendered. This would be a domestic finish that would detract from the agricultural character of the buildings.
23. The removal of landscaping and the creation of gardens and parking areas would also harm the rustic agricultural setting of the buildings. Subdivision of the single yard shared by Buildings 1 and 2 would also be an unfortunate alteration. An interested party has suggested that Barns 1 and 2 should only be a single dwelling. In the absence of a robust argument explaining why subdivision to two homes is necessary, I have sympathy with this argument. Similarly, it has been suggested that given the impacts, Barns 4 and 5 could remain with Pitchers Green Farmhouse as ancillary structures in order to retain their character as farm buildings. It is unclear whether this was explored and, if so, why such a use was discounted.
24. Therefore, a residential conversion would inherently erode the significance of the ancillary listed farm buildings by creating a more domestic character, appearance and setting. As a result, a residential conversion would harm the ability to experience the buildings as the agricultural structures they were intended to be. It would also harm the setting of Pitchers Green Farmhouse, which is experienced as an integral part of the farmstead.
25. Some aspects of the proposed works and development would be reasonably sensitive to, or have a neutral impact on, the significance of the listed farmstead and the buildings within it. The barns would generally retain large open internal volumes and glazing would be set behind the existing posts. Historic fabric would be retained and reused (e.g. brick flooring) and sensitive materials used in some of the alterations. That said, minimising harm, or doing no harm, does not outweigh the harm that would occur. It is unclear whether the Council's Conservation Officer objects to the proposal, as their second comments do not say this. No comments have been submitted at the appeal stage. However, I have come to my own findings for the reasons given.
26. The harm that would occur to the farmstead would not be severe and therefore it would be 'less than substantial'. Policy DM17 of the DMP requires such harm to be weighed against the public benefits of the proposal. This test is replicated in Paragraph 196 of the National Planning Policy Framework, which indicates that securing the optimal viable use of a designated heritage asset is a benefit.
27. An agricultural use of the buildings would be the optimal use for preserving their significance given this was their intended use when built. If an agricultural

use was not viable then other uses would need to be considered to ensure the buildings did not deteriorate for want of a function; this could include commercial uses or use as ancillary domestic buildings. It may be that a residential use ultimately becomes the only viable use and therefore becomes the optimal viable use. If this were the case, then the buildings would probably need to endure some harm through conversion so that they are safeguarded.

28. However, for the reasons I have already gone into there is a prospect, albeit a marginal one, that the buildings could be used for agriculture or as domestic outbuildings to Pitchers Green Farmhouse. Furthermore, the evidence before me does not indicate commercial uses have been fully explored. As such, it would be premature to conclude that a residential conversion to independent dwellings is the optimal viable use of the buildings and thus a benefit of the scheme to be weighed against the harm.
29. That said, there are some aspects of the development and works that can be considered benefits. The aesthetic appearance of the milking parlour would be improved by covering the Fletton bricks. There would also be scope to lift some of the concrete in the yard and remove the rudimentary structures around Buildings 1 and 2. This could assist in better revealing the significance of the buildings, especially their aesthetic value. There would also be economic benefits from the construction works and future occupants would contribute to the vitality of the nearest villages, albeit from a remote base. There is also the opportunity for some modest biodiversity enhancement through the measures set out in the appellant's ecological survey. Consequently, there are some notable benefits from the proposals to be weighed against the harm.
30. However, I must give considerable importance and weight to the special regard I must pay to preserving the listed building and its setting⁴. In so doing I find that the harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, the harm would not have clear and convincing justification. I therefore conclude that the proposal would fail to preserve the listed building and its setting contrary to the expectations of The Planning (Listed Buildings and Conservation Areas) Act 1990. Its significance and value would be harmed at odds with the expectations of Paragraphs 193 and 194 of the Framework. The proposal would also be contrary to Policies DM2, DM15, DM18 and DM28 of the DMP, which seeks to preserve listed buildings and their setting unless any harm has clear and convincing justification.

Other Matters

31. The National Planning Policy Framework, as a material consideration, states in Paragraph 83 that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversions of existing buildings and well-designed new buildings. The requirement within Policy DM28 of the DMP for rural buildings to be marketed to test the demand for non-residential uses in the first instance can therefore be considered consistent with this aim.
32. Moreover, there is no provision in the Framework that confirms or advises that local plan policies must not take this approach, and Policy DM28 does not result in a blanket ban on residential uses. This is a materially different circumstance

⁴ See Sections 16(2) and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

to the appeal⁵ referred to by the appellant, where the Inspector took the view that a requirement for a building to be of architectural merit to be converted to a dwelling was more onerous than national policy.

33. The farmstead is part of a small cluster of buildings, but this does not amount to a discernible settlement. This is because the small size of the grouping, which is broken up by fields, means there is little sense of entering a recognisable built-up area distinct from the wider rural landscape. The nearest settlement is Bradfield St George/Maypole Green. There are intervening fields between this settlement and the appeal site. As a result, the appeal site is isolated from a settlement.
34. Paragraph 79 of the Framework supports the provision of isolated dwellings through the re-use of redundant buildings, but only where there would be an enhancement of the immediate setting. That would not be the case in this instance due to the amount of vegetation that would be removed and the construction of an engineered highway access and driveway. I have already concluded that the submissions do not demonstrate the proposal would represent the optimal viable use of heritage assets, so the proposal does not glean support from Paragraph 79b). The appeal site is not previously developed land because the buildings were last used for agriculture.
35. A report was originally prepared by Council Officers recommending approval of the proposal, but this was subsequently withdrawn and does not set out the Council's case. I have considered the arguments put forward by Officers in that report, but they do not alter my findings for the reasons given. The proposal would be at odds with several main policies in the development plan that go to the heart of the schemes acceptability. Some aspects of Policies CS2, CS4 and CS13 of the Core Strategy 2010 can be read as providing general support for the proposal, but this is not outweighed by the clear conflict with the DMP policies, which are more recent. Thus, the proposal is at odds with the development plan as a whole and such a finding is consistent with the *Corbett v Cornwall Council* judgment to which the appellant has referred.
36. The dwellings proposed at Building 2 and Buildings 4/5 would be close to an adjoining farmyard. It is also unclear whether Building 4/5 would have a garden and some overlooking could occur from Pitchers Green Farmhouse. I would therefore need to see further evidence before I was satisfied the proposal would result in adequate living conditions for future occupants. However, as the appeal has failed on the main issues, I have not sought further submissions.

Conclusion

37. The proposal would fail to preserve the special interest of the listed building and there are no other considerations or public benefits that would outweigh this harm. The proposal is also at odds with the Council's strategy for the conversion of disused buildings. Accordingly, for the reasons given, the appeals have failed.

Graham Chamberlain
INSPECTOR

⁵ APP/X3540/W/19/3232531