

Appeal Decision

Site Visit made on 9 June 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/X2410/W/21/3270008

Brook Farm, Cotes Road, Barrow Upon Soar LE12 8JT

- 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 Ms Melissa Harvey against the decision of Charnwood Borough Council.
 - The application Ref P/20/1248/2, dated 17 July 2020, was refused by notice dated 6 November 2020.
 - The development proposed is demolition of house and workshop and erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether this location is suitable for this development having regard to its access to services and facilities;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would unacceptably effect a non-designated heritage asset.

Reasons

Location

3. Policy CS1 of the Charnwood Local Plan (CLP) sets out the Council's development strategy and aims to focus development to existing settlements where it can help provide people with good access to services and facilities. It is clear that the site is outside any settlement and in the countryside. The proposal therefore conflicts with this policy.
4. The appellant highlights saved policy CT/14 of the Borough of Charnwood Local Plan (BCLP) which allows for the replacement of an existing dwelling in the countryside subject to a number of criteria. One such criteria is that the replacement dwelling represents only a modest change in the size of the original property. The proposed dwelling would appear to be significantly larger than the former farmhouse. It would be wider, taller, deeper and, with its gable ends, would have a greater visual bulk. The fact that the workshop building would also be demolished, and hence cumulatively there may be a reduction in built form, does not render the proposal any more acceptable in respect of its assessment against this policy.

5. I acknowledge there is dispute between the parties as to whether the farmhouse is abandoned or just not currently suitable for habitable use. However, in light of the above, the proposal cannot accord with policy CT/14 whatever the state of the farmhouse and therefore it is not necessary for me to come to a view on this point.
6. In conclusion, the proposal would not be suitably located. It would fail to accord with policy CS1 as set out above, and BCLP policies CT/1 and ST/2 which both resist development in the countryside. Policy CT/14 does not lead me to a contrary view.
7. The appellant suggests a condition could be imposed on any permission tying the occupancy of the proposed dwelling to the farm. However little evidence has been provided to demonstrate that the proposed five bedroom house would be necessary for such purposes.

Character and appearance

8. The appeal site currently accommodates a number of farm buildings, a central yard, portions of a field and the existing vehicular access. Two of the buildings within the site; a tall open fronted farm building and a domestic bungalow, would be retained. Two others; comprising a low storage building and the original farmhouse are to be demolished. These four buildings, together with a number of farm buildings beyond the appeal site boundary, form a cluster of structures typical of a farm. They are set well back from Cotes Road and are surrounded by open, and generally flat, farmland. They are clearly visible from the main road and appear as a distinct and compact group of farm buildings in keeping with the agricultural use of the surrounding fields.
9. The proposal dwelling would be sited roughly in line with the retained store within the appeal site. As set out above, although it would represent a decrease in floor area when compared against the totality of the buildings to be removed, it would be substantially larger, wider and taller than each of those buildings, appearing as a single large building with considerable mass. Indeed, due to its position at the front of the site it would appear larger and more prominent than all the other buildings at the farm.
10. There would not be a visual benefit resulting from the removal of the farmhouse. Although displaying a number of different materials and in need of substantial repair, it retains a form and design commensurate with its farmyard setting. In contrast the proposal would appear as a distinctively modern domestic building, emphasised by the substantial amount of glazing on the elevation facing the road, with little in common with its agricultural setting.
11. The former farmhouse may benefit from permitted development rights that would allow extensions to it, increasing its size. But without details of what those could be and the resultant visual effect, this has little bearing on my considerations.
12. There are a number of other large houses in the wider area on Cotes Road and Walton Lane. However these are some distance from the site and make a very limited contribution to the appeal site's context. In any case, I must consider this proposal on its own merits.
13. Consequently, the proposal would cause harm to the character and appearance of the area. It therefore would fail to accord with CLP policy CS2 which aims to

ensure development respects the character of the area, and CLP policy CS11 and BCLP policy CT/2 which seek to protect the character of the countryside.

Heritage

14. The Council consider the original farmhouse to be a non-designated heritage asset. The appellant has demonstrated that the building is not on the 'local list' of buildings in Barrow upon Soar or Cotes. However their Heritage Assessment agrees the building can be considered a non-designated heritage asset, due to its archaeological and architectural interest derived from its 17th century age and floor plan, and its materials and methods of construction. I consider its absence from the local list does not prevent it from being considered as a non-designated heritage asset for the purposes of this appeal.
15. Paragraph 197 of the National Planning Policy Framework (the 'Framework') states that for proposals that affect non-designated heritage assets, regard to the scale of the harm and the significance of the asset will be required. The scale of the harm, through its complete demolition, would be substantial. However, the submitted Heritage Assessment states that little of the original 17th century fabric remains and from my visit I saw that it has been substantially altered and extended. Therefore, because its significance is limited, I consider its loss would not be unacceptable.
16. The proposal would conflict with CLP policy CS14 which requires development to protect heritage assets. But I consider the limited significance of this non-designated heritage asset is a material consideration that justifies a conclusion contrary to the development plan on this issue.

Other Matters

17. The Council have stated that they can only demonstrate a 4.1 year supply of deliverable housing sites. This is a modest shortfall. Nonetheless, because of the provisions of footnote 7, paragraph 11 (d) ii. of the Framework should be applied. This states that 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.
18. The Framework indicates that great weight should be given to the benefits of using suitable sites within settlements for homes and therefore supports the general thrust of the CLP in terms of the location of housing. Also, in paragraph 124, the Framework advises that the creation of high-quality buildings and places is fundamental to what the planning process should achieve. Paragraph 213 of the Framework is clear that the weight to be given to local policies depends on their consistency with the Framework. As such, even taking account of the objective of significantly boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and policies CS1, CS2, CS11 and CT/1, CT/2 and ST/2 should therefore be given significant weight.
19. Set against the harm identified there would be social, environmental and economic benefits. However the benefit of allowing the appellant to live close to her mother and support the running of the farm is limited. The wider economic benefit of the construction of the house would be minimal, and any environmental benefit of a reduction in built form or additional planting would be negligible. Likewise the improvement to vehicular circulation though the

yard, and by providing passive surveillance of the farm, are minor benefits. The loss of the non-designated heritage asset would be a neutral factor, even accounting for the fact that it would allow for formal recording for posterity.

20. Consequently, the adverse impacts on the character and appearance of the area and the Council's housing strategy would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

21. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

A Owen

INSPECTOR