The Planning Inspectorate

Appeal Decision

Site Visit made on 2 July 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/V1260/D/21/3275111
26 Stour Way, Christchurch, BH23 2PG

- 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 Simon Dunsby against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref 8/20/0617/HOU, dated 28 July 2020, was refused by notice dated 12 March 2021.
- The development proposed is the demolition of existing semi-derelict barn and replacement with new timber framed ancillary accommodation.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing semi-derelict barn and replacement with new timber framed ancillary accommodation at 26 Stour Way, Christchurch, BH23 2PG, in accordance with the terms of the application, Ref: 8/20/0617, dated 28 July 2020, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Simon Dunsby against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Main Issues

3. Although the Council has given two reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify a single main issue.

4. Accordingly, the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area with particular regard to the effect of the proposed development on non-designated heritage assets.

Reasons

5. The appeal proposal seeks the removal and replacement of a barn structure located within a residential area. The surrounding residential area is characterised by well proportioned housing set within generous plots and which predominately appear to be of modern construction. The barn, which is the subject of this appeal, is separated from the host dwelling by a narrow trackway which provides access to the rear of the host dwelling. The barn is of timber construction and, at the time of my visit, appeared to be somewhat run

down in appearance with areas of external timber cladding having become loose or were missing entirely.

6. The proposal seeks to replace the existing structure with ancillary accommodation that would be of a similar external appearance and scale as that exhibited by the existing structure. The appeal scheme would recognise and reflect local distinctiveness and would be compatible with its built surroundings in terms of style, scale, bulk, height and materials. In this regard, the proposal would comply with the provisions of Policy HE2 of Christchurch and East Dorset Local Plan Part 1 Core Strategy (2014) (the Core Strategy).

7. However, there is dispute between the main parties as to whether the barn structure should be considered to be a non-designated heritage asset. The National Planning Policy Framework (the Framework) defines a heritage asset as "a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes assets identified by the local planning authority (including local listing)".

8. Paragraph 190 of the Framework requires that local planning authorities identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Whilst the Framework advises that it is important that all non-designated heritage assets are clearly identified as such, the Planning Practice Guidance[1] also advises that local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.

9. Whilst the evidence before me confirms that the existing barn building is not locally listed, the Council has identified the barn structure to be a non-designated asset as part of the planning application process. The Council has used Historic England's criteria for assessing non-designated heritage assets and considers that the barn is a remaining outbuilding and important remnant of Grove Farm - now known as Abbotswood - a Grade II Listed Building located west of the site. The Council further considers that this type of structure is uncommon within the area with its character and appearance reflecting its function and historic relationship with Abbotswood.

10. Under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest.

11. Based on the evidence submitted and on observations made on my site visit, given the existence of modern substantially sized dwellings which separate the barn structure from the dwelling at Abbotswood, the significance of the barn in terms of its relationship with the former farm has been entirely lost. Consequently, I find that the proposal would not have a harmful effect on the setting or significance of the listed building at Abbotswood. Consequently, the appeal scheme would not conflict with Policy BE15 of the Core Strategy which requires that development does not adversely affect the setting of a listed building.

[1] Paragraph:040 Reference ID: 18a-040-20190723

12. Nonetheless, and irrespective of whether the building has been identified for the purposes of the local list, the form and traditional materials used in the construction of the barn remain such that the building retains its historic appearance reflecting its historic function and, as such, it has a degree of significance.

13. The proposal would result in the demolition of the non-designated heritage asset. Policy HE1 of the Core Strategy seeks to ensure that the significance of heritage assets, be they designated or non-designated, will be protected and enhanced and, consequently, the proposal would not strictly accord with the provisions of that policy. Paragraph 197 of the Framework provides that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

14. As noted above, any significance of the existing barn as a non-designated heritage asset appears to lie in its traditional form and age. I acknowledge that its demolition would result in the substantial loss of this non-designated heritage asset. Nevertheless, in this case, the barn does not feature on any locally published list or other record of non-designated heritage assets despite a number of applications for residential development having been recently permitted immediately adjacent to the site. Moreover, given the somewhat run down appearance of the barn, and that its historical setting has been removed by residential development, the building has a limited significance, and so the weight I give to this substantial loss would also be limited.

15. Further to the above, the Appellant's submissions provide additional details and confirmation regarding the structural soundness of the existing barn. In this respect, the evidence before me indicates that, given its age and degree of deterioration and by reason of previous alterations made to the barn which included removing a large section of floor, the structure has, in places, started to bow, with structural movement resulting in a building that is considered to be unsafe for use, as well as raising safety concerns for those visiting or passing by the site.

16. The proposal would remove the unsafe structure and would therefore provide significant benefits in terms of the safety of future occupants of the host building as well in terms of those using the narrow adjacent trackway. Through careful design which reflects local distinctiveness, the proposal would improve the appearance of the somewhat run down building and site. The proposal would therefore accord with those parts of the Framework which concern consideration of the potential impacts of development on the historic environment.

17. Therefore, on balance, the benefits of the appeal scheme would outweigh the limited harm that would result from the loss of this non-designated heritage asset of limited significance. Consequently, these material considerations outweigh the very limited conflict with Policy BE15 of the Core Strategy that would result from the loss of the non-designated heritage asset.

Other Matters

18. Interested parties raise additional objections to the proposal on the grounds of overlooking and loss of privacy. In this respect, whilst it is noted that the proposed building would have a window at first floor level on its north elevation, that opening would serve a stairwell and, consistent with the Council's findings, I conclude that the proposal would not have a significant harmful effect with regards to overlooking or loss of privacy.

Conditions

19. I have had regard to the planning conditions suggested by the Council. Other than the standard time limit condition, it is also necessary to ensure that the development is carried out in accordance with the approved plans and that details of external materials are submitted to, and approved by, the Council for reasons of certainty.

20. Furthermore, it is necessary and reasonable to include a condition that requires that the proposal is accrued out in accordance with the submitted bat survey in the interests of ecology. An additional condition that the development be is carried out in accordance with the submitted flood risk assessment is necessary and reasonable in the interests of the environment and in the interests of the living conditions of nearby residents.

21. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance.

Conclusion

22. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plans 898-20-05, Existing Barn Plan 898-20-03 and Proposed Barn Plan 898-20-06 Rev A.

3) No development above damp proof course shall take place until details and samples of all external facing and roofing materials have been provided and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the Local Planning Authority.

4) The development hereby approved shall be carried out strictly in accordance with the mitigation, compensatory and enhancement measures specified within the bat survey report carried out by David Leach Ecology Ltd dated September 2020.

5) The development shall be carried out in accordance with the Flood Risk Assessment by John Lewis and Associates dated 30 September 2020 and Householder Flood Risk Assessment submitted on the 3 February 2021.