



Appeal Decisions

Site Visit made on 1 June 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal A Ref: APP/L2630/W/20/3249299

Granary Barn, Wortwell Hall Farm Barns, Low Lane, Wortwell, Norfolk IP20 0EL

- 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 Terry Gentleman against the decision of South Norfolk District Council.
 - The application Ref: 2011/1666, dated 4 October 2011, was refused by notice dated 20 September 2019.
 - The development proposed is conversion of barn to residential use.
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Appeal B Ref: APP/L2630/Y/20/3249301

Granary Barn, Wortwell Hall Farm Barns, Low Lane, Wortwell, Norfolk IP20 0EL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Terry Gentleman against South Norfolk District Council.
 - The application Ref: 2011/1732 is dated 18 October 2011.
 - The works proposed are repair and re-erection of collapsed barn caused by storm damage and conversion to residential dwelling.
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Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed and Listed Building Consent is refused for the repair and re-erection of collapsed barn caused by storm damage and conversion to residential use.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. Following the determination of the applications and during the course of the appeals, a revised version of the National Planning Policy Framework (the revised Framework) was published on 20 July 2021. Both main parties have been given the opportunity to comment on this change. I have had regard to any responses received and my decisions are made in the context of the revised Framework.

5. The application details used in the banner headings above are taken from the completed application forms submitted with the separate appeals. However, in the interest of clarity and for the avoidance of doubt, I have determined the appeals on the basis of the descriptions of development and works as stated in the Council's decision notices and the appellant's appeal forms, namely 'the repair and re-erection of collapsed barn caused by storm damage and conversion to residential use.' I consider no parties' rights have been prejudiced by this approach.
6. The submitted evidence refers to the appeal building as 'Granary Barn', whereas the listed building description refers to the appeal building as 'Stables North-West of Wortwell Hall'. I am satisfied that they refer to the same building. For consistency, in my reasoning, I have referred to the appeal building as Granary Barn.
7. In the appeal questionnaires for both appeals the Council has ticked 'no' to question 13a, 'Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?' It is clear from the evidence before me that it would and an application for listed building consent was submitted, validated and considered by the Council. I have therefore determined the appeals on this basis. Given that the main parties have addressed this issue within their respective evidence, I am satisfied that their rights have not been prejudiced by me taking this approach.
8. The reason stated for the appeal made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is 'refused listed building consent.' However, the decision notice issued by the Council does not 'state the reasons for the decision' as required under section 3(5) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. Consequently, the decision notice is deficient.
9. The main parties and other interested parties have commented on the perceived effects of the proposal on the listed building. Therefore, I have determined the appeal on the basis of the Council's failure to give notice within the prescribed period of a decision on an application for listed building consent. In doing so I have had regard to the statutory duty under section 16(2) of the Act.
10. In addition, whilst the Council's decision notice for the application for planning permission does not include a reason for refusal relating to the effect of the proposal on the setting of the adjacent listed buildings, in my consideration of the appeals I have also had regard to the statutory duty under section 66(1) of the Act.
11. On my site visit I observed that foundations have been laid and a new timber frame has been constructed. The application forms state that the development and works were started in 2010. Therefore, I have determined the appeals on the basis that the proposed development and works have, in part, already occurred, having regard to the plans submitted with the applications.

Main Issues

12. A main issue in Appeal A and in Appeal B is whether the proposal would preserve i) the special interest of the Grade II listed building known as Granary Barn, and ii) the settings of the adjacent Grade II listed buildings.
13. In addition, further main issues in Appeal A are i) whether the proposal would constitute the conversion of an existing building, having regard to local policy; and ii) whether the appeal site would be a suitable location for a dwelling, having regard to the local spatial strategy and flood risk.

Reasons

Background

14. The appeal site (the site) is located beyond any defined settlement boundaries in the countryside and lies within Flood Zone 3b (functional floodplain). Granary Barn is included on the national statutory list as being Grade II listed. The site is adjacent to another barn and Wortwell Hall which are both Grade II listed. In recognition of their historic, architectural, physical and functional associations, the three buildings are also listed for group value.
15. The appeal site and Granary Barn have a complex planning history. In 2000 planning permission and listed building consent were granted for the *conversion of barn and granary to two residential units, with the use of the cart shed as residential car ports*¹. Following this, the adjacent barn was converted to residential use and the cart shed was changed to car ports. The conversion of Granary Barn was not progressed at this time.
16. In 2004 Granary Barn collapsed due to storm damage leaving the roof structure on the ground. In 2005 Granary Barn was granted planning permission and listed building consent for *dismantling, repair and re-erection of collapsed barn caused by storm damage and conversion to residential dwelling*². Following this the approved scheme progressed on site. However, subsequent to further discussions with the Council in relation to the extent of the development and works being carried out, in 2010 the Council requested new applications.
17. In 2011 new applications were submitted to the Council. They were reported to Planning Committee in 2012 and deferred to address flood risk issues. They were reported to Planning Committee again in 2014 and deferred to allow confirmation of the extent of original timbers to be reused in the 'repair and re-erection' of the building. The applications were then refused at Committee in 2019 and are now the subject of the appeals.
18. From the evidence before me and my observations on site, the surviving historic fabric of Granary Barn comprises timbers from its roof structure which are stated to be labelled and are currently stored in a section of the open fronted car port near to the site.
19. The appeal proposal includes the utilisation of the extant new foundations and timber frame, combined with the incorporation of surviving timbers from the historic roof structure of Granary Barn. The proposed building would have timber clad walls, with a thatched roof along with timber windows and doors.

¹ Application Refs: 2000/1612 and 2000/1611.

² Application Refs: 2004/2805 and 2004/2804.

First Main Issue: Listed building and setting of adjacent listed buildings

Special interest and significance

20. The appeal building was listed Grade II in June 1981. At the time of listing it was described as a 17th/18th century timber-frame stable building, plastered and partly clad in weatherboarding and corrugated iron. It possessed a thatched roof with gabled ends and stable doors.
21. From the evidence before me, the special interest and significance of the listed building prior to its collapse and dismantling was largely derived from its architectural interest and historic interest, to which its age, surviving historic fabric, historic use and relationship with the adjacent listed buildings positively contributed. Of particular architectural interest was the Queen Post Truss roof structure. This is stated to be a rare type of roof construction that is found almost uniquely in South Norfolk and North Central Suffolk and of which the example within Granary Barn was a very good one.
22. The appeal site is within the setting of the nearby Grade II listed buildings, Barn North-North-West of Wortwell Hall, a 17th/18th century timber-frame barn; and Wortwell Hall, a 17th century timber-frame house. From the submitted evidence, the significance of these listed buildings largely stems from their architectural interest and historic interest as timber framed buildings of 17th to 18th century date, combined with their physical and functional relationship with each other, set within an agrarian landscape.
23. I am mindful of the revised Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
24. Granary Barn and its immediate curtilage formed an integral component of this cluster of buildings. Notwithstanding Granary Barn's perilous condition at the time before its partial collapse in 2004, it would be reasonable to conclude that the appeal building and site supported an appreciation of the close interrelationship of the three buildings with each other and their connection with the surrounding rural landscape. As such, Granary Barn and the site within the setting of the adjacent listed buildings would have made a positive contribution to their special interest and significance.

Effects of the appeals proposal

25. Paragraph 199 of the revised Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification.
26. The main parties do not dispute that the collapse of Granary Barn in 2004, followed by the dismantling and storage of the roof structure, has lessened its special interest and significance as a listed building. There is a level of agreement between them that, in view of the amount of historic fabric which has been lost, the building would no longer be of listable value. However, they acknowledge that the incorporation of historic fabric in the proposed repair, re-erection and conversion, including the important Queen Post Truss

- roof structure, would enable it to retain a status as a non-designated heritage asset.
27. Nonetheless, it is not for me as part of these appeals to make a judgement as to whether the details and circumstances of the case mean that the building should be removed from the statutory list and/or whether, if the appeals were allowed, the erected building would constitute a non-designated heritage asset. I have assessed the proposal on its own planning and conservation merits against the current legislative and policy context.
28. In 2010 it was confirmed that the majority of the historic roof timbers, including the Queen Post Truss, were present and usable with some repair/reinforcement. At that time it was proposed that the roof element of the barn would be reconstructed in accordance with the original construction plan and with the use of new timber being minimized as far as possible³.
29. However, the most recent survey and assessment in 2018 confirmed that the original roof timbers were 'generally in poor condition' and that they would 'not be structurally adequate as a roof structure to support the proposed thatch.' The consultant engineer recommended the construction of a new roof structure within which the original timber members could be installed on a non-load bearing basis for visual purposes⁴. The survey estimated that 75% of the original timbers would be reinstated in their original position, 'as far as possible.'
30. Given that it is nearly three years since the date of the most recent survey and that the surviving original roof timbers have been in open storage for a considerable period of time, it is highly likely that their condition will have deteriorated further. This gives rise to significant concerns regarding the actual amount of original fabric which would feasibly be incorporated into the new roof structure. Even if I accept the level of incorporation of original fabric as stated in the 2018 report, it would still be minor in nature relative to the construction of the proposed building as a whole.
31. Furthermore, whilst the original roof timbers, including the significant Queen Post Truss, would be integrated into the new roof structure, they would only serve an aesthetic purpose. Consequently, without a functional load-bearing role, their inherent architectural interest would be adversely diminished to a high degree.
32. In addition, the proposed large single storey corner extension which, from the evidence before me has no architectural or historic basis, would detrimentally alter the building's historic linear configuration. This, combined with the extension's complex roof arrangement and large sections of glazing, which would be in marked contrast to the original building, would create a discordant addition. It would harmfully alter the plain architectural form of the historic agricultural barn and result in an uncharacteristically domestic appearance. This would weaken the building's architectural and historic integrity.
33. I do not dispute the appellant's ability to construct a high quality dwelling on the site, using traditional materials and craftsmanship, which would be in line with the revised Framework's support for the creation of beautiful buildings and

³ Nigel S Jackson Building Surveyor and Design Consultant Jan 2010.

⁴ Nigel S Jackson Building Surveyor and Design Consultant Oct 2018 / Brian Jones Consulting Engineer Sept 2018

places⁵. Nevertheless, this would not be sufficient to overcome the fundamental objections to the relatively negligible incorporation of original fabric and its disingenuous role within the new roof structure, combined with the inappropriate size, position and design of the proposed addition.

34. The internal nature of the roof works along with the site's countryside location would mitigate these harmful changes from public view to a degree. However, the external changes would still be conspicuous when viewed from the adjacent public footpath and, in any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
35. Taken together, the considerable loss of historic fabric, the limited integration and function of surviving timbers and the substantial alteration of the form and design of the original building would fail to sustain and enhance the identified significance of Granary Barn and harm its special interest.
36. With regard to the settings of the nearby listed buildings, for all of the reasons outlined above, the proposal as submitted would not reinstate the original form of Granary Barn on the site or accurately replicate the historic arrangement of the building complex of Wortwell Hall Farm. It would result in a misrepresentation of the building and would be an artificial re-creation of the complex, which would only serve to distort an appreciation of the grouping. As such, the proposal would fail to preserve the settings of the adjacent listed buildings and the contribution they make to their significance.
37. In coming to my decision I have had regard to the Council's and County Council's conservation officers' general support for the proposal. Nevertheless, the most recent comments submitted with the appeals date from 2011. Given the change to the proposal in terms of the extent of historic fabric to be incorporated and its lesser role within the roof structure, I cannot be certain that these comments still apply to the scheme before me.
38. Taking all of the above into account, I find that the proposal would fail to preserve both the special interest of the Grade II listed building known as Granary Barn, and the settings of the adjacent Grade II listed buildings. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act. As a result, the proposal would harm the special interest and significance of these designated heritage assets.

Public benefits and heritage balance

39. With reference to paragraphs 201 and 202 of the revised Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. The proposal's effect on the settings of the adjacent listed buildings would be limited and therefore I find that the harm would be 'less than substantial' in this instance.
40. However, the considerable loss of the building's architectural and historic interests from its collapse and dismantling, coupled with the further dilution of these interests arising from its re-erection and extension as proposed, lead me to conclude that the harm to Granary Barn's identified significance would meet the high bar of being 'substantial'. Consequently, I consider that the harm to

⁵ Paragraphs 126 and 128 Revised National Planning Policy Framework.

the designated heritage assets overall would be 'substantial'. I give this harm considerable importance and weight.

41. Under such circumstances, paragraph 201 of the revised Framework advises that consent should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or if specific circumstances apply.
42. The appellant submits that the incorporation of historic fabric from Granary Barn, particularly the Queen Post Truss, along with the re-establishment of the historic grouping of buildings within the locale would be of heritage benefit. However, as outlined above, the reuse of historic fabric would be minimal relative to the extent of 'new build' and would be demoted to having a purely cosmetic role. Furthermore, although it would create a 'grouping' of three buildings, the insertion of the engineered new structure, albeit of a high quality, would not result in an authentic re-creation of the historic group.
43. I am aware that there would be some economic benefits brought about through the construction phase and social benefits would be gained in the erection of a dwelling to add to the local housing stock. These outcomes would facilitate the delivery of the main objectives of the planning system as outlined in the revised Framework and carry weight in favour of the appeal. However, these benefits would in no way be 'substantial' and would not be sufficient to outweigh the identified substantial harm.
44. In addition, there is no substantive evidence before me which confirms that all of the specific circumstances as stated in paragraph 201 a)-d) of the revised Framework apply in this case.
45. I accept that if the appeals are to be dismissed then the 'loss' of Granary Barn and the contribution it made to the group of historic buildings in this location would be permanent. Nonetheless, the special interest and significance of Granary Barn, which was worthy of listed status, and the contribution it made to the group has already been extensively devalued. There would be little merit in securing the erection of the dwelling as proposed in this location when, in doing so, it would be a contrived and disingenuous development which would not conserve the listed building known as Granary Barn in a manner appropriate to its significance or preserve the settings of the adjacent listed buildings.

Conclusion on the first main issue

46. Given the above and in the absence of substantial public benefits that would outweigh the substantial harm found, or any specific circumstances which would meet all of parts a)-d) of paragraph 201 of the revised Framework, I conclude that the proposal would not preserve the special interest of the Grade II listed building known as Granary Barn, or the settings of the adjacent Grade II listed buildings. Overall, the proposal would be contrary to the clear expectations of sections 16(2) and 66(1) of the Act and paragraphs 197, 199 and 200 of the revised Framework.
47. The proposal would also be contrary to Policy DM4.10 of the South Norfolk Local Plan Development Management Policies Document 2015 (the SNLP) which seeks to sustain, and where possible enhance and better reveal the significance

of heritage assets and make a positive contribution to local distinctiveness. As a result, the proposal would not be in accordance with the development plan.

Second Main Issue: Whether a conversion

48. Policy DM2.10 of the SNLP supports the conversion and reuse of buildings in the countryside for non-agricultural use, including for residential use (Class C3), subject to certain criteria being met.
49. This includes, part b) The building(s) to be re-used should be standing and of adequate external dimensions to accommodate the proposed use, without the need for the erection of major extensions and additional outbuildings and/or significant changes in materials and appearance that would have a serious adverse impact on the rural characteristics of the original building; and part f) It is a historic and traditionally constructed building worthy of protection and the proposals will enhance the building and/or the setting of other nearby buildings in the Countryside.
50. The main parties agree that as Granary Barn is not still standing the proposal fails to meet criterion b) of Policy DM2.10. Furthermore, in my judgement, even if the building was still in situ, the proposed extension significantly and detrimentally alters the simple linear form of the building which was an integral element of its historic character and appearance. As such, it would have a serious adverse impact on its rural characteristics and would not be compliant with Policy DM2.10.
51. With regard to part f) of the policy, Granary Barn was undoubtedly a historic and traditionally constructed building worthy of protection. However, its special interest and significance which validated its inclusion on the national statutory list of listed buildings has, to a large degree, been harmfully diminished through its collapse and subsequent dismantling.
52. The 're-erection' of Granary Barn, of itself, would acknowledge and potentially allow it to contribute again to the value of the group of buildings. However, as outlined above, the limited incorporation of original fabric for purely aesthetic purposes and the adverse change in the fundamental form and character of the original building would result in a structure which would essentially be a new building, albeit of traditional and high quality construction. Consequently, in terms of part f), the scheme as proposed, would not enhance the building or the setting of the adjacent listed buildings.

Conclusion on the second main issue

53. Accordingly, I conclude that the proposal would not constitute the conversion of an existing building, having regard to local policy. As such, it would conflict with Policy DM2.10 of the SNLP as referred to above.

Third Main Issue: Suitable location

54. The main parties agree that for the purposes of planning policy, the site is located within the countryside and in Flood Risk Zone 3b, a functional floodplain. Whilst Granary Barn stood previously on the site, between 2004 and 2010, there appears to have been, at most, only the building's roof structure on the ground. Furthermore, after 2010 the foundations and timber frame which are in situ are new constructions. On this basis, and given the limited extent of original fabric which is proposed to be used as part of the

- development and works, I consider that the proposal is not a 're-erection' of the original building, and is tantamount to a new dwelling in the countryside.
55. Policy DM1.3 of the SNLP concerns the sustainable location of new development; part 2 of which states that permission for development in the countryside outside of the defined development boundaries of Settlements will only be granted if: part c) Where specific Development Management Policies allow for development outside of development boundaries; or part d) Otherwise demonstrates overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1.
56. As I have found that the proposal would not comply with parts b) and f) of Policy DM2.10 of the SNLP, it follows that it would not comply with part c) of Policy DM1.3 of the SNLP.
57. With regard to part d) of the policy, The appellant contends that, like the previous approvals, the proposal demonstrates overriding benefits in terms of economic, social and environment dimensions and that these are material considerations which indicate that the applications should be determined other than in accordance with the development plan.
58. Nevertheless, as outlined above, the proposal would not generate substantial public benefits to outweigh the identified substantial harm to the significance of the listed building which has already accrued and that would result from the implementation of the proposal. As such, there would be conflict with part d) of Policy DM1.3 of the SNLP.
59. I have had regard to Policy 17 of the Norwich and South Norfolk Joint Core Strategy adopted 2011, amendments adopted 2014 (the JCS) which identifies that 'Other development, including the appropriate replacement of existing buildings, will be permitted in the countryside where it can clearly be demonstrated to further the objectives of this Joint Core Strategy.' However, I am not persuaded that the proposal would be an 'appropriate replacement' of the original building and there is no robust evidence before me which confirms that it would further the objectives of the JCS.
60. I am aware of the revised Framework's support for rural housing in certain circumstances. Nevertheless, the effect of a single dwelling on the vitality of the local rural community or in supporting local services would be minimal. Furthermore, I have established that the proposal would not constitute the conversion or adaptation of the original building and, as such, it would not be the 're-use' of a redundant building and would not represent the optimum viable use of a heritage asset.
61. Turning to the issue of flood risk, the site's location within a functional floodplain would mean that any building on the site would be at considerable risk of flooding now and in the future. Furthermore, as the proposal is for a building to be used as a dwelling house it is classed as 'More Vulnerable' under Annexe 3- Flood Risk Vulnerability within the revised Framework.
62. Given that the proposal is tantamount to a new dwelling, having regard to paragraph 162 of the revised Framework, it would not meet the Sequential Test which aims to steer new development to areas with the lowest risk of flooding from any source. This is because, as asserted by the Council and not disputed by the appellant, other sites exist in areas at lower risk of flooding.

Additionally, given my findings on the other main issues, the proposal would not pass the Exception Test set out in paragraphs 163, 164 and 165 of the revised Framework. My findings are in line with those made by the Environment Agency in its objection to the proposal. Consequently, the development should not be permitted on this basis.

63. The appeal proposal would raise the floor of the new dwelling and result in a reduced risk of flooding in comparison to the situation which existed previously and if the approved schemes had been implemented. I also note that the adjacent listed buildings lie within the same functional floodplain. Nonetheless, these factors do not justify the acceptance of development which would be vulnerable to flood risk and is not in line with guidance provided within the revised Framework and the Planning Practice Guidance. Furthermore, it is apparent that, in raising the original floor levels to address flood risk, there would be a further departure from the form and appearance of the original building.
64. I am aware that the issue of surface water drainage can be addressed via the imposition of an appropriately worded condition and note that the appellant does not object to such a condition nor one to secure the terms of flood evacuation measures. However, these are not sufficient to overcome the main opposition to the proposal in terms of the location having regard to flood risk.

Conclusion on the third main issue

65. Accordingly, I conclude that the appeal site would not be a suitable location for a dwelling, having regard to the local spatial strategy and flood risk. As such, it would conflict with Policies DM1.3 and DM2.10 of the SNLP and Policy 17 of the JSC as referred to above. It would also conflict with the provisions within the revised Framework which aim to direct development away from areas at highest risk from flooding now and in the future.

Other Matters

66. I have had regard to the previous permissions and consents granted by the Council. However, I am not persuaded that the same principles apply to the appeals proposal. In 2000 Granary Barn was still standing and in 2004/2005, even though the building had partially collapsed, the images submitted show the roof structure still substantially intact on the ground.
67. Moreover, I have not been provided with any details of the previously approved schemes. Therefore, I cannot be certain that they are the same as the proposal before me now and that the resultant design and finished appearance would mirror the dwelling that would have stood here had the building been converted as approved.
68. In addition, whilst the legislative background within which the applications were determined has not changed, there have been significant and material changes in the national and local policy context within which the proposal is required to be assessed and determined. Namely, the adoption of the JCS in 2011 (with amendments in 2014); the adoption of the SNLP in 2015; and the publication of the Framework in 2012 (latest revision in 2021).
69. In all of these respects, the details and the wider circumstances of the previous approvals are materially different to those before me now. Therefore, the Council's reasons for reaching those decisions do not justify the acceptance of

the appeals proposal. As such, they do not lead me away from my conclusions on the main issues.

70. I have given careful consideration to the submissions in support of the proposal and I am aware that no objections have been raised by occupiers of neighbouring properties. However, these are neutral considerations and weigh neither for nor against the appeals.
71. I note the representations made by interested parties regarding the protracted consideration of the proposal, the conduct of the Council during this process and the future of the existing structure and site. However, these are not matters for me to consider within the context of appeals under section 78 of the Town and Country Planning Act 1990 and section 20 of the Act.

Conclusion

72. The proposal would fail to preserve the special interest of the Grade II listed building known as Granary Barn and the settings of the adjacent Grade II listed buildings. It would also not constitute the conversion of an existing building, having regard to local policy; and the appeal site would not be a suitable location for a dwelling, having regard to the local spatial strategy and flood risk.
73. As such, the proposal would not accord with the development plan when taken as a whole and there are no other considerations, including the revised Framework, that outweigh this finding.
74. Therefore, for the reasons given above, I conclude that **Appeal A** and **Appeal B** should be dismissed.

F Cullen

INSPECTOR