
Appeal Decisions

Site visit made on 8 September 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal A: APP/P1133/W/21/3273565

1 The Linney, Ley Green Farm, Teigngrace, Devon TQ12 6QN

- 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 Ian Morrell against the decision of Teignbridge District Council.
 - The application Ref 21/00241/FUL, dated 28 January 2021, was refused by notice dated 25 March 2021.
 - The development proposed is a single-storey extension at rear of building.
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Appeal B: APP/P1133/Y/21/3273567

1 The Linney, Ley Green Farm, Teigngrace, Devon TQ12 6QN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Ian Morrell against the decision of Teignbridge District Council.
 - The application Ref 21/00242/LBC, dated 28 January 2021, was refused by notice dated 25 March 2021.
 - The works proposed are a single-storey extension at rear of building.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, in order to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
4. An application for costs was made by Mr Ian Morrell against Teignbridge District Council in respect of both Appeal A and Appeal B. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the works would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses.

Reasons

6. The Linney is a residential conversion of part of a larger group of former agricultural buildings. The group is arranged around 3 sides of a yard, with the fourth side enclosed by what was previously known as Ley Green, or 'Leygreen', Farmhouse. Leygreen Farmhouse is a Grade II listed building. In this context the Act sets out the desirability of preserving the special interest of listed buildings, and the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
7. Insofar as it is relevant to these appeals, the special interest and significance of the listed building resides in its C17th-C18th origin, its historic details and fabric, and its historic function as a farmhouse. The latter is illustrated by the group of former agricultural buildings within its immediate setting, including that of which The Linney forms part.
8. A listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. In this regard the group of buildings to the rear of the farmhouse was probably constructed during the mid-C19th. Given their layout, they have an immediate spatial and visual relationship with the farmhouse. Though ownership is now split, the group was presumably in the same ownership as the farmhouse both historically, and at the date of listing, at which point the buildings had apparently fallen out of use. Taking all these points into account I see no reason to question the view expressed by both the Council and the appellant's heritage consultant that the building of which The Linney forms part is covered by the listing of Leygreen Farmhouse.
9. The conversion of The Linney was undertaken with planning permission, but without listed building consent. Beyond speculation, neither party is able to explain how or why this occurred. It lies beyond the scope of Appeal B to resolve the matter. Whilst I am nonetheless mindful of the complications to which this matter gives rise, I have proceeded to consider the merits of the scheme as set before me.
10. The Linney occupies roughly half of a substantial former linhay, which encloses one side of the yard. Full enclosure of its historically open frontage has occurred, and openings have been inserted in what was probably once a blank back wall. This has adversely affected the character of the former linhay. However, the distinct, simple rectilinear form of the building remains appreciable, as does its historic identity. As it is one of a group of specialised buildings which appear to have been added around the same time, it reflects an important phase in the historic development of the farm. The former linhay thus both holds interest and significance in itself, whilst also making a positive contribution to the special interest, significance and setting of the farmhouse. This it does with the other former agricultural structures around the yard.
11. The appeal scheme seeks the attachment of an extension to the rear elevation. This would have a pitched roof and glazed front. In this regard a parallel has been drawn with traditional open fronted shelter sheds, and with the minor structures sometimes found attached to the walls of historic agricultural buildings. The reasons for attaching such additions in the past clearly varied within an agricultural context, and the underlying functional rationale is usually capable of some logical interpretation. In this case the design, positioning and mode of internal access would however show no obvious compatibility with, or

regard for the specialised historic character and former function of the building. Indeed, as a linhay, the building originally provided shelter for livestock on its substantial ground floor, which was accessed from the front. In this context the addition of a very small 'shelter' on the back wall, whose floorspace would be merged internally, would both lack relevance, and would undermine the integrity of the original design. The extension would otherwise be conspicuous in disturbing the typically simple form of the building, which, thus modified, would accentuate the adverse effects of modern alterations previously made to the rear elevation.

12. I find therefore that the proposed extension would be a visually obtrusive domesticating feature that would detract from appreciation of the historic functional character and design of the building. This would neither achieve preservation of the special interest, nor conservation of the significance of the former linhay, and would in turn diminish the contribution that it makes to that of the farmhouse.
13. I have acknowledged above that the character of the former linhay has already been the subject of change, some of which was insensitive. However, notwithstanding the issue of missing consent, the identification of past unsympathetic change cannot be held to legitimise further harm whose own effects would be quite separate and distinct. In this regard the scheme would give rise to both harm in its own right, and cumulative harm.
14. The fact that the extension would be attached to the rear elevation of the building, and not within prominent public view, does not alter the harm that I have identified above. Whilst I note that the extension would in fact be visible from outside the garden of The Linney, the significance of a heritage asset is not dependent on public views. Moreover, an understanding of the significance of the former linhay, the group of which it forms part, and their broader context is experienced by moving around them, rather than from any fixed point.
15. My attention has been drawn to an extension currently being added to the former barn which encloses the rear side of the yard. The extension appears to be of substantial nature and has clearly altered the form of the barn. The former barn and linhay are however separate buildings, and I have been provided with few details either of the former barn, the scheme in question, or the Council's rationale in apparently authorising the scheme. That being so works being undertaken to the former barn do not alter my findings above.
16. The appellant indicates that the scheme would provide for the needs of infirm family members, which I interpret as catering for the physical effects of old age. With reference to the Public Sector Equality Duty contained in the Equality Act 2010 (EA 2010), I have had due regard under Section 149 of the EA 2010 to the requirement to take steps to meet the needs of persons who share a protected characteristic. The EA 2010 defines age as one such characteristic. The scheme seeks to meet these needs by providing a downstairs toilet, thus avoiding the requirement to go upstairs. Dismissal of the appeals would fail to meet these needs. That said, the family members in question do not live at the property; it has not been demonstrated that the existing dwelling is incapable of reasonable adaptation by alternative, less harmful means; and the toilet forms only a small part of the proposed extension. Providing for the above

needs does not therefore justify the harm that would be caused by the appeal scheme.

17. In view of the failure of the scheme to preserve the special interest of the former linhay, and the contribution that it makes to the special interest and setting of the farmhouse, the scheme would conflict with the expectations of the Act. The harm caused to the significance of the listed building would, as a whole, be less than substantial. Such harm attracts great weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
18. Insofar as it is stated that the extension would provide a dwelling more conducive to the appellant's needs, including those of visitors, such benefits would be private in nature. This would be similarly true of any benefit that would derive to future occupants from the additional living space and facilities provided. I can attach no weight to such benefits.
19. Reference is made to provisions in the Framework relating to the effective use of land. However, as these provisions have no clear relevance to the scheme in question, they do not lend any weight in its favour.
20. Lack of objections to the scheme, the proposed use of matching materials, and a lack of adverse effects on neighbour amenity are all otherwise neutral considerations which do not in themselves constitute public benefits. Again therefore, they attract no weight.
21. Finally, the works would generate business for whoever was contracted to undertake them. The benefits to the broader economy would however be negligible, and so attract no more than negligible weight. As such, the harm that would be caused by the scheme would not be outweighed by public benefits. This indicates that the appeals should be dismissed.
22. For the reasons outlined above I conclude that the scheme would fail to preserve the special architectural and historic interest and setting of the listed building. In relation to Appeal A, and insofar as it is relevant to Appeal B, the scheme would therefore conflict with Policy EN5 of the Teignbridge Local Plan 2013-33 (the LP) which requires development to respect and draw inspiration from the local historic environment, responding positively to the character and distinctiveness of the area; and Policy WE8 of the LP, which seeks to secure extensions whose design is complementary to the existing building. With regard to both appeals, the scheme would fail to satisfy the requirements of the Act and heritage policy set out within the Framework.

Conclusion

23. Exercising due regard under section 149 of the EA 2010 as set out above, I conclude that the scheme would cause unacceptable harm to a designated heritage asset, and, in relation to Appeal A, conflict arises with the development plan. No other considerations, including the EA 2010, alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR