
Appeal Decisions

Site visit made on 13 September 2021

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2021

Appeal A: APP/F0114/W/21/3274762

Chelscombe Farm, Fonthill Road, Lansdown, Bath BA1 9BA

- 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 & Mrs Porter against the decision of Bath & North East Somerset Council.
 - The application Ref 20/01416/FUL, dated 20 April 2020, was refused by notice dated 18 December 2020.
 - The development proposed is renovation, conversion and extension of the farmhouse and associated outbuildings.
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Appeal B: APP/F0114/Y/21/3274761

Chelscombe Farm, Fonthill Road, Lansdown, Bath BA1 9BA

- 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 & Mrs Porter against the decision of Bath & North East Somerset Council.
 - The application Ref 20/01417/LBA, dated 20 April 2020, was refused by notice dated 18 December 2020.
 - The works proposed are the renovation, conversion and extension of the farmhouse and associated outbuildings.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. On 20 July 2021 the Government published its revised National Planning Policy Framework (the Framework). The main parties have had the opportunity to comment on the implications of this on their cases.
3. At the time of my site visit some of the works before me had been carried out to the farmhouse to include the enlargement of the first-floor bathroom and a replacement roof. A new chimney also replaces a previous one which, as per the plans, was only proposed to have remedial work. For the purposes of these appeals, however, I shall consider only the works on the plans before me.

Main Issues

4. The main issues in these appeals are:
 - The effect of the proposals on the special architectural and historic interest of Chelscombe Farmhouse which is Grade II listed;

- The effect of the proposals on the City of Bath World Heritage Site and whether it would preserve or enhance the character or appearance of the Bath Conservation Area;
- The effect of the proposals on the settings of Beckford's Tower (Grade I Listed) and Lansdown Cemetery (Grade II registered Park and Garden);
- The effect of the proposals on the Cotswolds Area of Outstanding Natural Beauty (AONB);
- Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies, and;
- The effect of the proposal on biodiversity, to include the lesser horseshoe bat, and barn swallow.

Reasons

Historic context and significance of Chelscombe Farmhouse

5. Chelscombe Farm comprises a group of buildings. These include a farmhouse dating from 1651 with early 19th Century additions, and various agricultural outbuildings. Of the outbuildings there is a barn (part two-storey part single-storey structure closest to the farmhouse) and outbuilding (single storey rectangular building) which date from the late 18th/early 19th century. There are also two further outbuildings which date from the late 20th century.
6. The farmhouse, barn and older outbuilding have evidential value as they provide information about the past in terms of the layout and operation of the farm but also in terms of their method of construction and fabric. Furthermore, they have historic value as they illustrate the material and technology, the craftsmanship, and the architectural tastes of the periods from which they date. In addition to this, they have aesthetic value in terms of their design and visual interest. These heritage values all contribute to the significance of Chelscombe Farmhouse.

Alterations to the farmhouse

7. The proposals before me include the replacement of what appears to be the majority of the windows in the farmhouse with double glazed or vacuum units. Currently they are of varying styles and designs but are broadly circa 19th Century¹. I do not have full details of the replacement glazing before me. However, modern glazing does not replicate historic appearance, and a modern, double glazed unit would detract from the aesthetic value of the farmhouse. Windows profoundly affect the appearance of a building and in this case are an intrinsic part of the historic character and design of the farmhouse, particularly on the front elevation with its symmetrical five window arrangement.
8. The wholesale removal of windows would also affect the evidential and historic value of the farmhouse by virtue of a loss of historic fabric, material and craftsmanship. There is also no evidence before me that restoration or thermal upgrading of the existing windows has been considered.

¹ Listing description Chelscombe Farmhouse

9. A number of openings are proposed in the farmhouse. Whilst this includes the reinstatement of what appears to be a blocked internal door in the proposed dining room, and a blocked window on the stairwell, it is also proposed to create two new external door openings in the proposed kitchen and side entrance hall. A new window to proposed bedroom 2 is also shown on the plans to add light to this room. These works would result in the further loss of historic building fabric as well as altering the original design and layout of the farmhouse.
10. In addition to this, the opening between the proposed dining room and kitchen is to be widened significantly. Open plan kitchen/dining is a modern concept, therefore, to widen this opening would run contrary to the traditional character layout and legibility of the farmhouse. Additionally, it is proposed to widen an opening from the first-floor hallway to proposed bedroom 3. This opening is particularly narrow therefore its widening would be a practical solution. It would, nevertheless, result in a loss of historic fabric and character of the farmhouse. There is no substantive evidence before me that any of these new openings are where original fabric has already been disturbed. I therefore find further harm to the significance of the farmhouse in this regard.
11. Finally, of note, is the replacement of a garage door to the front of the property with new, glazed, sliding doors. Again, I do not have full details of these but such a modern and informal addition in what is conversely quite a formal and imposing front elevation with its symmetrical five window layout plus central entrance porch would appear out of place with, and detract from, the aesthetic value of the farmhouse.
12. For the reasons given, I find that the replacement windows, along with the proposed new openings, and the introduction of front glazed sliding doors to the front elevation would harm the significance of Chelscombe Farmhouse.

Alterations to the outbuildings

13. It is proposed to remove the two 20th Century barns, for which no objection is raised, and to convert and restore the earlier barn and outbuilding. The latter buildings, the parties agree, are curtilage listed. Given they are in the same ownership and in close proximity to the farmhouse, I find no reason to disagree. They are therefore to be treated as part of the listed building. These two traditional outbuildings, for the reasons previously stated, contribute to the special architectural interest and historic significance of the farmhouse.
14. A number of new openings are proposed in these buildings. Most significant of these is a removal of part of the side of the outbuilding to provide an open plan link between this and a new extension. This would result in the loss of a section of historic wall. Whilst this wall may have been infilled or disturbed at some point its removal would still result in the loss of an integral part of the outbuilding which holds significance in terms of its historic use over the years.
15. The extension to the outbuilding, whilst constructed from sensitive materials, would also partially obscure the size and form of the outbuilding all of which provides information about the historic layout of the farm. It is also proposed to alter the existing outbuilding roof from a hip at the west end into a gable. Whilst the historic timber roof structure would be retained underneath these works would alter the historic form of the barn.

16. A new opening for a window in the barn on the north elevation and an opening in a retained wall to link the new courtyard to the garden to the farmhouse are also proposed. This would again, lead to the loss of historic fabric.
17. Overall, I find the loss of historic fabric to the outbuilding and barn, and disruption to the layout, legibility and original form of the outbuilding, to be harmful to the overall significance of Chelscombe Farmhouse.

Proposed hard landscaping

18. A revised plan showing hard landscaping works was submitted to the Council before it made its decision². This significantly reduces the amount of hardstanding overall. A courtyard is proposed in between the barn and outbuilding but this is an existing area of hardstanding. A patio to the rear of the farmhouse is also proposed but this is not excessive and commensurate with the size of property. The driveway would also now remain unaltered. I therefore find no adverse impacts in respect of the general extent of hard landscaping proposed.
19. Notwithstanding my comments above, the proposed landscaping works also include the removal of what appear to be historic stone walls to the front and rear of the property. The stone used in these is similar in appearance to that used in the farmhouse, and the rear wall is a retaining structure. Although not raised by the Council specifically, in the absence of any evidence to the contrary, and taking a precautionary approach based on my site observations, I must conclude that these walls have special architectural or historic interest, the removal of which would harm the significance of the listed farmhouse.

Bath Conservation Area and World Heritage Site

20. The appeal site falls within Bath Conservation Area and the City of Bath World Heritage Site. Both cover large areas and encompass a range of architecturally and historically important sites. The appeal site contributes to the historic significance of the conservation area and World Heritage Site insofar as it is a traditional farmstead set in largely rural surroundings, and in an elevation position above the centre of Bath, which lies to the south. Given I have found harm to the traditional appearance of the farmhouse and outbuildings which comprise Chelscombe Farmhouse it follows that the proposal would, overall, neither preserve nor enhance the character or appearance of the conservation area and would cause harm to the City of Bath World Heritage Site. This is irrespective of there being limited public vantage points of the site. The contribution something makes to the significance of a heritage asset does not depend on there being public access rights to it.

Beckford's Tower, Lansdown Cemetery

21. I turn now to Beckford's Tower, a Grade I listed building which sits to the north of the appeal site on higher land. The tower was commissioned by William Beckford and designed by Henry Edmund Goodridge. Attached to the tower is Lansdown Cemetery (Grade II registered Park and Garden) where William Beckford was finally laid to rest and which was formerly the pleasure grounds to the tower.

² Dwg No J19068-ZMA-V1/V2-00-DR-A-102-PL Rev B

22. The tower functioned as a retreat for Beckford, with, on the top floor, a Belvedere from which one could enjoy a panoramic view. It was therefore designed to take in the long views which extend from the tower, particularly those in a southerly direction towards Bath. The same views can also be appreciated from the cemetery. These views therefore form the settings of the tower and cemetery and make an important contribution to the historic significance of these designated heritage assets.
23. The appeal site sits within the wide-ranging views possible from the tower and cemetery. It therefore sits within the settings of both. Nevertheless, given the distances involved, the harm to Chelscombe Farmhouse which I have identified above would be hard to perceive in these views. What would be clear would be the removal of the 20th century outbuildings which would be a benefit. The new extension to the traditional outbuilding would be of reduced volume to the removed outbuildings and more closely positioned around existing buildings. The changes in landscaping would also be largely unperceivable from here. Overall, therefore, there would be an improvement to the setting of the tower and cemetery as a result of a reduction in built form in views from here.

Heritage balance

24. Although I have found no harm to the settings of Beckford's Tower or Lansdown Cemetery, the proposal would, nevertheless, cause harm to the special architectural and historic interest of Chelscombe Farmhouse. It would also neither preserve nor enhance the character or appearance of the Bath Conservation Area and result in harm to the City of Bath World Heritage Site. The harm I have identified is of such breadth that it could not be overcome with the imposition of conditions relating to the submission of further details.
25. Following on from this the proposal would also conflict with the relevant provisions of Policies CP6 and B4³ of the Core Strategy (2014) (CS) and HE1 of the District-wide Strategy and Policies (SP) which seek to safeguard heritage assets, by, amongst other things, sustaining and enhancing the significance of designated heritage assets.
26. The harm I have found would be 'less than substantial'. As per para 202 of the Framework this harm should be weighed against the public benefits of the proposal. The appellant places this harm at the 'lower end of the scale' but there is no policy requirement to introduce sub-divisions into a finding of 'less than substantial harm' and nevertheless, great weight should be given to the conservation of designated heritage assets. In this case a number of designated heritage assets would be affected.
27. The proposal involves the removal of the 20th Century barns. This would, I find, constitute a public benefit to the setting of Chelscombe Farmhouse, and separately a benefit to the character and appearance of Bath Conservation Area, the City of Bath World Heritage Site and the settings of Beckford's Tower and Lansdown Cemetery. Given the number of designated heritage assets affected, although a relatively modest reduction in built form is proposed I give this benefit moderate weight. There is also a small benefit in that the removal of these structures would open up views of the traditional outbuilding thereby better revealing it.

³ Policy B4 is not cited in the Council's reasons for refusal. However, it was provided as part of their evidence at appeal. No one would therefore be prejudiced by my taking it into account in my determination.

28. The proposals would also result in the farmhouse and outbuildings being updated and repurposed respectively, which is a benefit, and I note the appellants' intentions to re-instate the site as a working farm which would align with its historic past. However, in my view these outcomes could be achieved without resulting in the harm I have identified. I therefore give this benefit only modest weight. Whilst some previously closed up windows and doors might be opened up this does not necessarily mean the significance of the asset would be better revealed as such works to the building form part of its history. Finally, whilst the proposals might result in employment of local crafts persons, this would be a temporary benefit and relatively modest in scale.
29. I find that the weight to be attached to these public benefits, even when taken together, is not sufficient to justify the harm that would be caused to the various designated heritage assets; harm that must be given great weight, as per para 199 of the Framework, in the balancing exercise.

Cotswolds AONB

30. The appeal site sits within the Cotswolds AONB. The Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. From what I observed on my site visit the Cotswolds AONB is a high-quality landscape comprised not only of its varying natural landscapes but also its limestone buildings. Chelscombe Farmhouse is such a limestone building as are the outbuilding and barn.
31. As I have found harm to the fabric of these traditional buildings as a result of the proposal it must follow that there would be some resulting harm to the AONB also, these buildings forming part of its intrinsic character. Consequently I find conflict with policies CP6 of the CS and D2, NE2, and NE2:a of the SP which seek to conserve or enhance the distinctive character and quality of Bath and North East Somerset's landscapes. My finding on AONB is not dependent on public access to the site.
32. As confirmed by the Council in their appeal statement there is no longer an objection raised in respect of harm to any trees as a result of the proposals, subject to suitable conditions. I therefore find no harm in this respect and consequently no conflict with Policy NE6 of the SP. This does not, however, alter my findings above in respect of the AONB.

Green Belt

33. Chelscombe Farmhouse comprises a mixed group of buildings as stated previously. As set out in the Framework the construction of new buildings in the Green Belt is to be regarded as inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, exceptions to this under paras 149 and 150 of the Framework which include the extension or alteration of a building and the replacement of a building, and the re-use of buildings, subject to various caveats.
34. The proposals before me are to remove the two 20th Century outbuildings. It is also proposed to extend the earlier and more traditional outbuilding and convert it to a domestic use to be used in connection with the main farmhouse. The Council consider the new built works to the outbuilding to be the

construction of a replacement building as per paragraph 149d) of the Framework. However, I am of the view that 'extension' more accurately describes the works; there are no new stand-alone replacement buildings to be constructed, and the new built element would be connected to the outbuilding and have a functional relationship with it by way of the creation of a consolidated, open-plan, living space. Whilst the extension would partly cover the former footprint of outbuilding 2 this does not change my opinion that it is, nevertheless, an extension of an outbuilding which is proposed.

35. With this in mind I find that this part of the proposal falls within the exception under para 149c) of the Framework: the extension of a building. To meet this exception the extension or alteration of the building must not result in a disproportionate addition over and above the size of the original building. The Council confirm that, overall, there would be a reduction in the volume of buildings on site by some 14% or 408m² and therefore the proposed works would not be materially larger. I agree. Furthermore, the proposed works would, broadly speaking, be of a similar height, scale and massing to existing buildings and those which would be removed such that they would not appear disproportionate in size either.
36. The rest of the works i.e., the conversion of the barn and outbuilding to residential use in conjunction with the farmhouse, fall within the exception under para 150d) of the Framework, which is the re-use of buildings provided that the buildings are of permanent and substantial construction. The Council do not dispute the condition of these buildings. Therefore, I find no reason to conclude otherwise.
37. Para 150d) also requires that for the re-use of buildings to be considered not inappropriate in the Green Belt it must preserve its openness and not conflict with the purposes of including land within it. The barn, like the outbuilding, is to be converted into additional living accommodation to be used in conjunction with the farmhouse. It would not be extended, and only limited alterations are proposed. These works would therefore preserve the openness of the Green Belt and not conflict with the purposes of including land within it. I therefore find that these works would comply with para 150d) of the Framework.
38. The traditional outbuilding, as previously stated, is also to be converted and repurposed as living accommodation to be used in conjunction with the main farmhouse. This would be extended, as discussed above, to facilitate this. However, given that two outbuildings are to be removed and that the resulting overall volume of buildings on site would be reduced, the re-use of the traditional outbuilding with its extension would, in my view, preserve openness and not conflict with the purposes of including land within the Green Belt.
39. For all of the reasons above I find no conflict with the Framework in respect of Green Belt policy and therefore find that the proposal would not be inappropriate development. Consequently, I find no conflict with policies CP8 of the CS and GB1 and GB3 of the SP which seek to protect the Green Belt from inappropriate development.
40. The Council make submissions as to impact on openness from the development, despite the works not being materially larger, and in fact, smaller in terms of overall volume of buildings on site. Openness is, however, implicitly taken into account in respect of para 149c) of the Framework and explicitly in respect of para 150d). I have therefore taken into consideration openness in

gauging inappropriateness above and as I have found that the proposal is not inappropriate there is no requirement for me to further assess the impact of the development on openness. The Council also raise the matter of the use of the outbuildings. However, there is no requirement under paragraphs 149c) or 150d) in respect of the use of the buildings to be extended or re-used.

Biodiversity

41. Surveys at the appeal site found evidence of roosting bats in the buildings; in particular, a lesser horseshoe bat roost. An objection was initially raised concerning impacts on lesser horseshoe bat species in respect of a net loss of roosting provision and impacts on a potential dispersal corridor along the western boundary of the site in respect of light spill.
42. However, following the submission of further information these objections have been broadly withdrawn subject to the submission of further details of roosting provision and bat mitigation, and demonstration that flight lines to the new roost entrance can be retained without light spill, to include a full and final lighting scheme. These details are capable of being secured by condition.
43. Proposals for compensatory nesting barn swallow provision have also been provided with the appellants' appeal submissions which the Council confirm should ensure no net loss of nesting opportunities. Consequently, they have withdrawn their objection on this basis.
44. Taking the above points together I find no harm to biodiversity, specifically with respect to the lesser horseshoe bat and barn swallow, and consequently no conflict with Policies NE3 or D5:e of the SP which seek to protect wildlife habitats and features.

Overall planning balance

45. I have had regard to all matters raised. However, the harm to the special architectural and historic interest of Chelscombe Farmhouse, and to the City of Bath World Heritage site, the Bath Conservation Area, and the Cotswolds AONB, each of which must each be given great weight, is not outweighed by the other material considerations in this case.
46. Both appeals are therefore dismissed.

Hayley Butcher

INSPECTOR