The Planning Inspectorate

Appeal Decision

Site visit made on 8 June 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/T3725/Y/21/3267281
Church Farmhouse, Woodway, Budbrooke, Warwick CV35 8QL

- 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 J Charlesworth against the decision of Warwick District Council.
- The application Ref W19/1573LB, dated 16 September 2019, was refused by notice dated 15 October 2020.
- The works proposed are erection of a first floor extension to residential barn.

Decision

1. The appeal is dismissed and listed building consent is refused for erection of a first floor extension to residential barn.

Application for costs

2. An application for costs was made by Mr & Mrs J Charlesworth against Warwick District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A concurrent planning application was made for the same proposal as is described above. The subsequent appeal was turned away because the appeal was determined to have been made out of date. Accordingly, this decision relates only to the refusal of listed building consent.

Main Issues

4. The main issues are the effect of the appeal proposal on the character, appearance or historic interest of the listed building and on the character and of the surrounding area.

Reasons

5. The appeal building is a curtilage listed barn converted to residential use. It is part of a working farm and stands in an offset position to the front of the grade II listed Church Farmhouse. Church Farmhouse is occupied by the appellants who work outside the farm. Their son is the farm worker and he and his family live in the appeal barn. The appeal farm is immediately adjacent to a larger rural enterprise which is under different ownership with no functional relationship.

Heritage Considerations

6. The significance of the listed Church Farmhouse includes its status as an 18th century example of vernacular rural and agricultural housing. It stands at the

end of a long drive and is surrounded by agricultural land and a number of outbuildings, including the appeal barn. Those buildings within its curtilage also form part of the listing. There are modern farm buildings in the wider site.

7. The small, detached appeal barn has a simple rectangular plan form and a pitched roof. Its main, long elevation faces onto the yard. The end elevation of the building which faces the drive contains a single-storey lean-to type brick projection and a series of ventilation holes. There is evidence of structural changes to the barn which have over time become part of its historic fabric.

8. The inherent interest of the barn is as a stable of the late 18th early 19th– century. Its significance is derived from its age and its little-altered appearance which still reflects its former use as a stable in connection with the farmhouse. The barn is experienced alongside other wider farm buildings, including a similar brick barn on the opposite side of the yard. The group can be seen from the end of the drive and along the lane leading from the village and more distantly, from a public footpath across the fields which lead to that lane. Their unaltered and rural appearance contributes positively to the character and appearance of the surrounding area and the setting of the listed farmhouse.

9. The conservation of heritage assets is often linked to maintaining a viable, active use. However, this should not lead to fundamental changes to a listed building. Buildings can become derelict if they cannot be adapted to accommodate new uses. However, altering a building to suit the preferences of modern occupants is seldom justified. Any alterations necessary to enable continued use should be sympathetic to the historic layout and fabric of the building and should not detract from its heritage interest and significance.

Proposal

10. The barn has 2 bedrooms and it is proposed to extend the first floor over the ground floor projection in order to provide an additional bedroom for one of the farm worker's young children. The 6 sqm extension would comprise a small triangular area of matching brickwork above the steeply sloping roof of the projection. The works would extend the ridgeline of the existing pitched roof, retaining the simple form of the building, with matching detailing. A first-floor window is proposed in the gable end, with the reinstated ventilation holes above. A rooflight on the northern slope of the extended roof would match the existing rooflights.

11. The proposal would result in the loss of the projection which is part of the original construction of the barn. In a previous appeal decision for a similar development (APP/T3725/W/18/3206975 & APP/T3725/Y/18/3201029), the Inspector described the projection as not unique, but a utilitarian structure on a prominent elevation that contributes to the ancillary, agricultural character of the building and to the variety of roofs within the group. I share this view.

12. The Inspector dismissed the earlier appeal on the basis that the angled roof would be lost, along with the first-floor ventilation holes in the end elevation. It was concluded that the proposal would result in the loss of features which contribute to the character of the building and the group and in turn to the significance of Church Farmhouse. There are no reasons to disagree with this conclusion. In this regard the proposal would also conflict with the aims of the Council's *Agricultural Buildings and Conversion – Barns* SPD which requires the

retention of barns in their original form. I concur with the previous Inspector that the resulting harm to significance would be less than substantial.

13. The appellant accepts this conclusion but nevertheless suggests that the harm caused to significance would be at the lower end of a spectrum of harm. Notwithstanding the advice within the Planning Practice Guidance that: *Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated'*[1], the courts have held[2] that the Framework's division of harm into categories of "substantial" or "less than substantial" is adequate to carry out the weighted balancing exercise.

14. In this decision I have had special regard to the desirability of preserving the heritage assets, their settings and any features of special architectural or historic interest which they possess. Paragraph 199 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets and continues that any harm requires a clear and convincing justification. Furthermore, of relevance to this appeal, Policy HE1 of the Warwick District Local Plan 2011-2029 reflects these statutory requirements and the guidance in the Framework. The identified harm must be given considerable importance and weight.

Public benefits

15. As I have found that there would be less than substantial harm the Framework paragraph 202 states that this should be weighed against the public benefits of the proposal. The appellants have provided additional information with the appeal application and the householder appeal, including an appraisal from an agricultural consultant regarding their calf rearing, sheep, arable and hay/haylage enterprises. This information seeks to demonstrate the needs of the appellants' son as a full-time agricultural worker to reside on site, and specifically to enable him to meet his family's accommodation needs by extending the barn. The alternatives would be to provide for these needs by either by building a new dwelling on the farm or moving away from the farm.

16. At present the accommodation within the barn is restricted and does not fully meet the appellants' son's family needs. Given the small size of the barn it would be difficult to provide the necessary accommodation elsewhere within it.

17. Having reviewed the submitted agricultural information it appears that there might be sufficient evidence to demonstrate that the farm worker is an essential agricultural worker required to be permanently resident on the farm to ensure the welfare of the livestock. Also, it is likely that the construction of a new dwelling for the essential worker would have a greater adverse impact on the significance and setting of Church Farmhouse than the proposed extension to the appeal barn. In this sense there could be modest economic benefits associated with enabling the appellants' son to continue to reside within the extended barn. He works with environmental organisations and conducts research into methods of cultivation, which could also be considered as modest environmental benefits.

18. These public benefits are to a large extent based upon the occupation of the barn by an agricultural worker. At present the occupation of the barn is

[1] Paragraph: 018 Reference ID: 18a-018-20190723
[2] R on behalf of Simon Shimbles v City of Bradford MBC [2018] EWHC 195 (Admin)

unrestricted. Whilst it may well be reasonable and necessary to impose a planning condition to restrict the occupation of the barn to agricultural workers, such a condition would go beyond the scope of the listed building consent regime.

19. There would be a modest social benefit relating to reasonably meeting an identified need to for larger housing, thereby enabling a family to remain in their home. Additionally, there would be a further modest heritage benefit associated with the fact that the farm maintains the listed buildings.

20. However, without an appropriate mechanism for securing the agricultural occupation of the barn, there is no certainty that the other public benefits put forward could be achieved. Consequently, the public benefits which I am able to consider with this appeal would be insufficient to outweigh the less than substantial harm to the heritage asset.

Conclusion

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Elaine Benson

INSPECTOR