The Planning Inspectorate

Appeal Decision

Site visit made on 19 February 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date:18TH March 2022

Appeal Ref: APP/K0235/D/21/3288309
Courtyard Barn, The Drive, Church Lane Oakley, BEDFORD MK43 7ST

- 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 George Powell against the decision of Bedford Borough Council.
- The application Ref: 21/01795/FUL dated 24 June 2021, was refused by notice dated 29 September 2021.
- The development proposed is single storey side extension to an existing dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant statement of case (at section 5.0) questions the status of Courtyard Barn (CB) as a non-designated heritage asset (NDHA) by reference to changes in Planning Practice Guidance (PPG) since the date of an appeal decision in 2020[1] relating to a broadly similar proposal. I have noted the comments of both parties on this point and concluded that, notwithstanding absence of formal assessment, the identification of CB as an NDHA is soundly based for reasons which include its historic association to the Oakley House estate.

Main Issues

3. Consequently, the main issues in this matter are:
   - whether the proposed development would affect the character, appearance and significance of CB, a non-designated heritage asset; and
   - the effect of the proposed development on the setting of The Mallows (TM), which is a grade II listed building.

Reasons

4. Courtyard Barn (CB), originally a small 19th-Century open-sided agricultural structure converted to residential use in 2015, lies within open countryside but close to a group of buildings which include TM, listed for group value as part of Oakley estate[2]. There is no dispute that CB falls outwith the curtilage of TM for the purposes of Section 66 of the Planning (Listed Buildings and Conservation

[1] APP/K0235/D/20/3256940 27 October 2020 ('the 2020 Appeal')
[2] Both TM and Oakley House Grade II* were listed 7 May 1952;

Areas) Act 1990 (LBCAA) but within the setting of TM. It is a matter of record[3] that CB is of insufficient architectural or historic interest to be recommended for listing.

5. CB is a dwelling with limited, but adequate, accommodation. The proposal would provide additional accommodation in a single storey wing attached to the host building by a glassy link. Overall, notwithstanding the main issues to be addressed in my decision and its disproportionate size which would more than double the existing building, what is proposed is a well-considered architectural approach to providing that accommodation and, I note, smaller than the previously refused proposal. I have noted the comments of the Council as to the design but many of these fail to acknowledge that the appearance of the host building changed significantly upon its conversion to a dwelling which, to any reasonable observer, has by the enclosure of space within the host structure, largely masked its original character and form as an open-sided building. Also, although the cast-iron supports that created the 3-bay layout are present, due to colour choice they do not assist legibility of the previous use.

6. I now turn to the significance of CB as an NDHA. The Council state (noting tense) it 'draws significance as a functional, three-bay cart shed'[4], however as I have explained, this cannot be correct. Any assessment of significance must acknowledge the impact of changes of use and, as in this case, the effect of works needed to achieve that use. The Council refer to previous decisions including the 2020 Appeal[5] which identified the significance of this NDHA derived from 'character and appearance of the building and its historic association with TM'. I have no reason to disagree with that description but consider, in more precise language, the significance of CB to be its survival as a historic remnant of the Oakley Estate and not, primarily, its character and appearance.

7. Notwithstanding its limited significance, the proposed extension to CB would dramatically change and dominate its setting such that it could no longer be experienced as a (converted) small outbuilding within a well-defined curtilage. The walk of a few steps from the entry point to the property which currently encompasses that experience of understanding CB as a building from a previous era that survives in a new use, would no longer be possible due to the size and bulk proposed. I conclude such change would cause substantial harm to the significance of CB as an NDHA.

8. The Mallows (TM) derives special architectural and historic interest from its group value (with other buildings) as having been part of the Oakley House Estate. CB does not form part of that group interest but of the setting of TM.

[3] As English Heritage confirmed in 2002
[4] Decision report under 'Impact'
[5] APP/K0235/D/20/3256940 27 October 2020 ('the 2020 Appeal')

9. The setting of buildings of special architectural and historic interest will be a composite of many elements and, as in this case, often incorporating built forms of differing origins and value within a wider spatial or visual experience. Elements of that setting may detract or positively contribute for a range of reasons. It is against that contextual assessment that the impact of the proposal should be considered and not, as third party representations imply, on the basis of what can be seen *from* TM. Images submitted indicate that such views would include twentieth-century brick-built extensions to TM. To the extent that such elements may appear to diminish the special architectural interest of TM it is arguable that the impact of changes to the setting of TM would also be diminished.

10. Overall CB contributes to the setting of TM by an understanding of a historic relationship and its physical attachment to wider elements of the building group (boundary wall). CB is discretely located and awareness of its presence is restricted. Other than glimpses of roof surfaces or in distant views, CB is not experienced except from within (or on the approach to) its curtilage and therefore the impact on the setting of TM arising from works to CB would be (have been) limited.

11. However, the form and bulk of the proposed extension to CB would introduce a different order of change to that brought about by its conversion or even a subordinate extension. The transverse roof alignment of the proposed extension and its significant projection to the south and east of CB would seem to extend the scope of the building grouping within which TM is located. The extension would obscure the experience of CB as an NDHA as a minor ancillary building at the edge of the building group. Harm to the significance of TM would, however, be very limited due to the discrete location of CB, the presence of intervening structures,[6] and the scope within which TM can be experienced. I also note the setting of TM includes existing detractors such as the garage structure on the north side of CB.

12. Section 66 (1) of the LBCAA imposes a duty on decision-takers to have special regard to the desirability of preserving or enhancing a listed building or its setting. In line with that duty and for the reasons given I conclude, firstly, that although a degree of harm to the significance of TM would result from the proposal in that it would affect the wider appreciation of the historic associations of the stables courtyard group (and TM within that) to the Oakley House Estate, that harm would be nominal in that it would not diminish the overall experience of that significance to any measurable degree because the proposal would not be prominent in that wider setting.

13. Secondly, paragraph 203 of the Framework directs that the status of a building as an NDHA is a consideration to be addressed in determination of planning

[6] Including intervening parts of TM which are of 'no inherent worth'

applications for development. The proposal to extend CB falls to be considered in the ordinary way in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, within a 'planning balance'. For reasons previously given I conclude that the proposed development would detract from the significance of CB as an NDHA due to its disproportionate size and the impact upon its setting and the experience of CB as a historic remnant of the Oakley House Estate.

14. I have noted the appellant's reasons for additional accommodation but it is not argued that the works are justified on the grounds of preserving the NDHA (which would attract weight as a public benefit), merely that the dwelling is required to be larger; this, and other considerations proffered, attract little weight in relation to the identified harm which would arise from the proposed extension

15. Consequently, I find the proposal in conflict with policies 28S, 29, 30 and 66 of the Bedford Borough Local Plan 2030 (BBLP) and Policies DH1 and DH2 of the ONP which, taken together, seek to ensure that proposals contribute positively to local character and distinctiveness, and have regard to context which in this case is the setting of a NDHA. I find no conflict with Policy 41S of the BBLP for reasons which are apparent from a reading of that policy against the conclusion reached on the first main issue.

16. The proposal would not accord with the development plan taken as a whole and therefore, taking all matters into account and for the reasons given, the appeal cannot succeed.

Andrew Boughton

INSPECTOR