

Appeal Decisions

Site visit made on 9 March 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal A Ref: APP/Y9507/W/21/3282444

Cokes Barn, West Burton Road, West Burton RH20 1HD

- 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 Chris Booth against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/04086/HOUS, dated 18 September 2020, was refused by notice dated 16 June 2021.
 - The development proposed is car port and cycle store.
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Appeal B Ref: APP/Y9507/Y/21/3282447

Cokes Barn, West Burton Road, West Burton RH20 1HD

- 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 Chris Booth against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/04087/LIS, dated 18 September 2020, was refused by notice dated 16 June 2021.
 - The works proposed are car port and cycle store.
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Decisions

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

Preliminary Matters

3. The proposed development and works affect a listed building located in a conservation area, and I have therefore had special regard to Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As both appeals relate to the same site and raise similar issues, I shall therefore consider them in a single document, in the interests of brevity.
 4. The description of the proposed development and works, as detailed on the application form, has been amended in subsequent documents. I have adopted the descriptions included on the appeal forms, which set out more precisely the extent of the proposal.
 5. The Authority has confirmed that the Listed Building Consent application was refused due to concerns regarding protected species and trees in error, and I shall proceed on this basis.
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Main Issues

6. The main issues are:

- Whether the proposal would preserve the special architectural and historic interest of the Grade II listed building known as Cokes Barn, but also Cokes Cottage, a Grade II listed building, and Cooke's House, a Grade II* listed building, as derived from their setting, and preserve or enhance the character or appearance of the West Burton Conservation Area; and
- In respect of Appeal A, the effect of the proposal on protected species and protected trees.

Reasons

Heritage

7. Located within a picturesque village setting, the appeal site comprises a Grade II listed barn which, according to the listing details, may have been constructed around the 17th century. The barn has previously been converted into a dwellinghouse, and an extension was subsequently constructed and linked to the listed building. Cokes Barn is built from stone rubble and tarred weather-boarding, with a half-hipped slate roof, and lies prominently within the West Burton Conservation Area. The significance of the barn notably resides in its vernacular design and materials, which contribute to its architectural and historic interest as a functional and ancillary agricultural building.
8. The group value which the barn, together with Cooke's House, a Grade II* listed building, and the Grade II listed Cokes Cottage hold collectively, also forms part of their significance, as the buildings would have historically formed part of a traditional farmstead, arranged around a loose courtyard. There is no doubt that the appeal building also makes an important contribution to the character and appearance of the West Burton Conservation Area, which owes much of its special interest to the rich collection of historic buildings set against a rural backdrop. The form and layout of the village also contribute to the special interest of the Conservation Area, as it is largely arranged around a road that forms a loop, which may have been influenced by ancient livestock farming practices.
9. As noted above, the appeal site has previously been subject to a number of alterations and extensions which have to some extent eroded the historic significance of the barn as a former agricultural structure and key component of a larger farmstead. However, this would be exacerbated by the construction of the proposed garage and cycle store which, due to its excessive footprint and scale, represent a significant addition within the curtilage of the listed barn.
10. The new addition would moreover appear as an overtly domestic feature, which would encroach into what largely remains an undeveloped area, and detract from the agricultural character of its immediate surroundings. As a result, the appeal structure would harmfully erode the ability to understand and appreciate the special interest of the listed building and the former farmstead as a whole, which would not only be detrimental to the significance of Cokes Barn, but also Cokes Cottage and Cooke's House, as derived from their setting.

11. The appellant has referred to a number of structures which were located to the East of the listed buildings, and it is argued that the siting of the proposed garage and cycle store would accord with what is described as a 'historic pattern of development and use'. However, the Authority has confirmed that these were not historic structures and their removal has previously been viewed as an enhancement to restore the former setting of the listed barn, as part of an earlier listed building consent application.
12. The proposed building would not be widely visible within the public realm, as it would be largely screened by the existing soft landscaping along the site's northern boundary. In terms of the impact on the wider landscape, the natural beauty of the South Downs National Park would be conserved. However, the structure would remain visible from neighbouring properties. Furthermore, there is no certainty that the vegetation would remain in place for the lifetime of the development, especially as it could disappear for a number of reasons, such as disease, weather or accidental damage. And it also has to be stressed that listed buildings are safeguarded for their inherent special interest, irrespective of whether or not public views of the asset and its wider setting can be gained. Very limited weight is therefore afforded to this consideration.
13. Given the above, the proposal would fail to preserve the special architectural and historic interest of Cokes Barn, but also the significance of Cokes Cottage and Cooke's House, as derived from their setting. As the appeal building also makes an important contribution to the West Burton Conservation Area, it follows that the appeal scheme would also fail to preserve the character and appearance of this designated heritage asset.
14. Accordingly, the appeal scheme would conflict with Policies SD1, SD5, SD12, SD13, SD15 and SD31 of the South Downs Local Plan (LP), but also the first purpose for the designation of the South Downs National Park, particularly as it would fail to conserve and enhance the cultural heritage of the area. These policies notably require development proposals to contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern. They also seek to ensure that proposals conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting. For these reasons, the appeal scheme would also fail to accord with the National Planning Policy Framework (the Framework), with particular regard to Sections 15 and 16.
15. As no harm would be caused to the landscape character of the National Park, there would however be no conflict with Policies SD4, SD6 and SD7 of the LP. Moreover, the proposal would accord with Policy SD8 of the LP, which seeks to protect the intrinsic qualities of the dark night skies and the integrity of the Dark Night Skies Core. Had the proposal been considered acceptable in all other respects, lighting details could have been conditioned, to ensure that external low-level lighting does not compromise the dark night skies.

Protected species and protected trees

16. The appeal site lies within a highly sensitive ecologically setting, within the dark core area of the National Park and in proximity to historic structures and mature vegetation, which may support protected species such as bats not just for roosting, but also foraging and/or commuting. The parties have referred to a bat survey which has been previously carried out in respect of a different

application affecting the listed barn. The appellant's submissions confirm that no evidence of recent bat access to the loft space was found.

17. However, this survey is not before me and I am unable to ascertain whether the findings remain valid and consequently whether bats may be present on the site and could be affected by the proposal. As emphasised by Circular 06/2005 (Biodiversity and geological conservation – Statutory obligations and their impact within the planning system), "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".
18. The trees situated on the appeal site contribute to the verdant and rural character of the Conservation Area, and it is noted that the new building would be constructed within relative proximity to existing trees. As no specimen are proposed to be removed, there needs to be some certainty, prior to the grant of planning permission, that the proposal would not compromise the longevity and wellbeing of existing specimen, which could otherwise have a detrimental effect on the character and appearance of the surrounding area. For this reason, I consider that the matter could not be satisfactorily addressed through the imposition of a condition.
19. In the absence of detailed evidence to the contrary, there is no certainty that the proposal would not have an adverse effect upon protected species and protected trees, which would also be of detriment to the setting of heritage assets and the relative tranquillity of the area. The appeal scheme would fail to accord with the requirements of Policy SD11 of the LP which, in particular, require development proposals affecting trees to demonstrate that they have been informed by a full site survey, including Arboricultural Method Statement and associated Tree Protection Plan. Furthermore, and for the reasons given above, the proposal would fail to accord with the aims of Policies SD1, SD7, SD9, SD12, SD13 and SD15 of the LP, as well as the first purpose of the designation of the National Park and section 15 of the Framework.

Other Matters

20. The Authority's submissions refer to the 1897 Tithe map showing an orchard to the east of the listed buildings, which is now largely used as outdoor amenity space. Whilst the orchard may have historically extended further to the east, it does not fall within the scope of these appeals, to determine whether or not development should occur in this area. Each application has to be assessed on its individual merits, as shown, for instance, by the equestrian building permitted in 2004 which the appellant has referred to in his submissions.
21. My attention has also been drawn to a scheme for the construction of an agricultural building relatively close to the appeal site, which was allowed on appeal¹. Whilst I do not have the full details of these approvals, the circumstances of these particular schemes do not appear to represent a direct parallel to the proposal before me, especially in respect of the heritage issues which it gives rise to.

¹ APP/Y9507/W/18/3193028.

Heritage Balance

22. The appeal scheme would cause less than substantial harm to the special interest of the listed buildings and the West Burton Conservation Area, and each incidence of harm has to be afforded considerable importance and weight. In accordance with paragraph 202 of the Framework, the harm identified should be weighed against the public benefits of the proposal.
23. The appeal scheme would enable the creation of covered parking spaces for cars and bicycles, but these would represent private benefits for the occupiers of the appeal building. It is also argued that the appeal scheme would provide storage space for the bins, which would be no longer visible within the Conservation Area, but I am not certain that the appeal scheme is the only solution to conceal the storage of bins within the public realm. The appeal scheme would include a turning area, thus enabling vehicles to enter and leave the site in a forward gear, which would represent an improvement in highway safety terms. However, overall, I have been presented with no public benefits which would outweigh the identified harm.

Conclusion

24. There are no material considerations, which indicate that the appeals should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR