

Appeal Decision

Site visit made on 24 June 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/N2739/W/21/3279924

Haverland Farm, Stewart Lane, Stillingfleet, Selby YO19 6HP

- 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 Mrs Jennifer Bartram against the decision of Selby District Council.
 - The application Ref 2018/1036/FUL, dated 4 September 2018, was refused by notice dated 22 March 2021.
 - The development proposed is proposed conversion of existing agricultural building for use as a single dwelling house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Jennifer Bartram against Selby District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the application was determined the National Planning Policy Framework (2021) (the Framework) was revised. There were opportunities to provide comments on this as part of the normal appeal process and as such, no party has been prejudiced.
4. The proposal was amended during the application process following discussions with the Council. As such, the Council determined the proposal based on the amended plans submitted. For clarity, this is also the basis on which I have made my assessment.

Main Issues

5. The main issues are whether the site represents an appropriate location for the proposed dwelling, having particular regard to the housing strategy for the area and the effect of the proposal on the character and appearance of the area with particular reference to the setting of Haverland Farmhouse, a Grade II Listed Building.

Reasons

Housing Strategy

6. The appeal site comprises of a modern metal clad barn which was initially granted consent in 1996. It is located to the south of an access drive that serves a small group of properties, including Haverland Farmhouse (the

Farmhouse). Although there is a cluster of buildings around the Farmhouse, the site is located in the countryside, outside of the built-up area boundary of any settlement, as defined in the Development Plan.

7. Policy SP2A(c) of the Council's Core Strategy (2013) (CS) advises that development in the countryside, outside development limits, will be limited to, amongst other things, the re-use of buildings, preferably for employment purposes. Moreover, Policy H12 of the Council's Local Plan (2005) (LP), states, amongst other things, that proposals for the conversion of rural buildings to residential use in the countryside will only be permitted subject to several criteria. Criteria 3 and 4 require that the building is structurally sound and capable of re-use without substantial rebuilding, and that the proposed re-use or adaptation, will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension.
8. A Structural Report has been provided with the application and indicates that the existing building is in a good structural condition. The proposal to convert would make use of the existing floor slab and existing steel columns. However, new structural elements are required in the form of steel beams spanning between the existing columns. Moreover, the proposal would involve new walls and roofing materials and the replacement of the small lean-to element.
9. Individually, these aspects may not be significant. Indeed, I note that the Council has previously looked favourably toward the replacement of sections on other buildings, such as at Willow Barn¹, where a replacement of a timber framed extension was recommended for approval. However, collectively, the works proposed would leave very little of the fabric of the existing building. With the structural elements proposed this combination would amount to extensive alterations, which would be at odds with the requirements of Policy H12 of the LP.
10. I have been referred to several other developments for conversions which were assessed against Policy H12 of the LP. From the evidence before me, the appeal² involved the retention of existing walls, with some new window and door openings. Moreover, the application³ at Cawood, involved white rendering of the existing blockwork. The application⁴ at the 'Workshop' on Ryther Road was granted with weight given to a 2016 permission, the full details of which I do not have before me.
11. Although, the decisions and reports before me offer an insight, I do not have the full details of the plans and structural condition of the respective buildings and full works required to convert them. From the evidence before me, there are some parallels, however there are also distinctions as set out above and each case is a test of substance and planning judgement. In this regard, I have reached my own conclusions on the structural condition of the appeal building, and the extent of works proposed to convert it, based on the evidence before me.
12. The proposal does not fall to be assessed against Class Q of the General Permitted Development Order (GPDO). As such its provisions are not determinative to the assessment of the scheme before me. In any case, the

¹ 2021/0129/S73

² APP/N2739/W/17/3171586

³ 2019/0685/S73

⁴ 2019/0712/FUL

question of whether a proposal would be a conversion or rebuild is central to whether a barn is capable of conversion under Class Q of the GPDO.

13. The Framework, which is a material consideration, advises that isolated development in rural areas should be avoided. The parties accept that the appeal site is within open countryside and considered isolated for these purposes. In this regard, I have also been referred to paragraph 80(c) of the Framework which has replaced paragraph 79 (c) in the earlier Framework.
14. A test of the building's accessibility is not a requirement of the provisions laid out in paragraph 80 of the Framework. As such, whilst the location of the appeal site in relation to services and facilities is noted, it is not a determinative matter in relation to paragraph 80. In any case, from the evidence before me, the building has been used for the storage of hay and equipment since it was built and I saw during my site visit that this continued to be the case. In this regard, the proposal would not re-use a redundant or disused building. Irrespective of either parties position as to whether the scheme enhances its immediate setting, the appeal proposal does not accord with paragraph 80(c) of the Framework.
15. Moreover, I have not been referred to any other sections within paragraph 80 that the proposal would fall to be assessed against. In this regard, the proposal would not accord with paragraph 80 of the Framework.
16. Policy H12 of the LP does not reflect the wording within paragraph 80 of the Framework. However, there is consistency to the extent that they both seek to promote sustainable rural development. In any case, and for the reasons given above, the proposal would not accord with either Policy H12 of the LP or paragraph 80 of the Framework. It follows, that the proposal does not accord with the housing strategy for the area.

Setting of Listed Building

17. The Farmhouse dates from the 1700's and is built from brick, with a pantile roof, a central doorway and has two sash windows eitherside at ground floor and five at first floor on its front façade. There is a pleasing simplicity in this alignment and symmetry of the front window openings, and the building retains its architectural significance. The building's reasonable size, detailing and balanced proportions contribute to its architectural authority and primacy within the farmstead.
18. The farmstead has evolved with, amongst other things, the conversion of former barns and the subsequent creation of individual gardens. Moreover, farming activities are no longer undertaken at the site. This historically layered evolution of the farmstead has altered features within the Farmhouse's setting. However, it has not reduced the setting as the historical associations with its surroundings remain evidential.
19. The appeal site lies to the front of the Farmhouse on the other side of the access track. I saw that the upper floor windows and roof of the Farmhouse can be seen from adjacent to the building and sequentially, when turning from the entrance to the appeal site.
20. The appeal building has a simple, functional, light weight and utilitarian appearance. Its modern materials, form and appearance along with the lean-to conservatory do not make a positive contribution to the setting of the

Farmhouse. However, it is not an overly large structure, and its more lightweight materials, and its location nestled with vegetation running along its north and western boundaries combine to reduce its intrusion into the setting of the listed building.

21. Although the extent of vegetation will vary through the year, during my site visit branches were overhanging on to the building's wall and roof. There are windows and doors proposed on the northern and western elevation. As such, whilst I note that there is no intention to remove the existing landscaping, there are no firm details as to what extent vegetation would need to be pruned to facilitate the conversion and provide adequate outlook, light and circulation space around the proposed windows and doors. In the absence of any firm details to demonstrate otherwise, I consider it highly likely that, as a dwelling, the resulting building would have a greater visual presence within the setting of the listed building than the existing structure.
22. Although the amended plans indicate that the roofing materials would match the existing materials, the appellant indicates in the Appeal Statement that a pantile roof is proposed. Irrespective of the roofing materials, adding brickwork would give the structure a more solid permanent presence. The materials would reflect those found within the traditional farm buildings around the site. However, the building's shape and proportions and fenestration would still appear strikingly modern.
23. The result would jar injuriously with the Farmhouse and the other traditional buildings. Although the views of this would only be harmful from private land, I conclude that the proposal would have a harmful effect on the character and appearance of the area, with particular reference to the setting of Haverland Farmhouse, a Grade II Listed Building.
24. In the context of paragraph 202 of the Framework, the resulting harm to the setting of the Farmhouse would be less than substantial. However, any harm is a matter that attracts great weight, having regard to paragraph 199 of the Framework. In accordance with paragraph 202 of the Framework I must balance that less than substantial harm against the public benefits of the development.
25. The remote location of the site limits the extent of support to the vitality of the local community from future occupiers. There would be some limited benefits from the additional support to the local economy from future occupiers of the dwelling and from the conversion works. Whilst these are factors which are encouraged by the Framework the benefits arising from one dwelling in this location would be limited. Given the great weight afforded to the conservation of heritage assets, I am not persuaded that such benefits outweigh the harm in this instance.
26. The Council has not referred to any local planning policies in its first reason for refusal. Nonetheless, and drawing the above together, the proposal conflicts with the requirements of section 16 of the Framework, in respect of the historic environment.

Other Matters

27. The absence of harm in relation to other matters are neutral matters weighing neither for, nor against, the proposal. Concerns regarding the processing of the

application are not issues that I can assess as part of this appeal and do not affect the planning merits or effects of the proposal before me.

Conclusion

28. The appeal site does not represent an appropriate location for the proposed dwelling having particular regard to the housing strategy for the area and the effect of the proposal on the character and appearance of the area, with particular reference to the setting of Haverland Farmhouse, a Grade II Listed Building.
29. For the reasons given above, the proposal would conflict with the development plan. Although there are benefits, the extent of benefits from one dwelling are limited. As such, there are no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
30. I therefore conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR