



Appeal Decision

Site visit made on 24 June 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/C1625/W/22/3293664

Riverside Farm, Epney to Lea Court Farm, Epney, Saul GL2 7LN

- 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 A. Griffiths & T. Leonard against the decision of Stroud District Council.
 - The application Ref S.21/1448/FUL, dated 8 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed is described as 'Demolition of existing barns and erection of new farm machinery store and workshop'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing barns and erection of new farm machinery store and workshop at Riverside Farm, Epney to Lea Court, Epney, Saul GL2 7LN in accordance with the terms of the application, Ref S.21/1448/FUL, dated 8 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2540-11Rev: A, 2540-20 Rev: B, 2540-24 Rev: B.
 - 3) The development shall be carried out in accordance with the recommendations as set out in Section 6 of the Ethos Environmental Planning report (Bat Survey Report - May 2021). All the recommendations shall be implemented in full according to the timescales laid out in the recommendations and thereafter permanently maintained.
 - 4) Prior to the installation of any external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy will: a) identify the areas/features on site that are particularly sensitive for foraging bats; b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit as a result of the development will not be subject to lighting levels that would disturb or prevent the above species using their commuter route. All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Background and Main Issues

2. The Council's refusal of the original application related solely to the loss of the two 19th century brick barns at the site, due to their perceived status as non-designated heritage assets. Other elements of the proposal, namely, the demolition of a third 'Dutch barn', which is not of brick construction, and the development of a replacement farm building, did not attract objections from the Council. These elements of the scheme therefore did not form part of the Council's reasons for refusal.
3. Accordingly, the main issues are (a) whether the existing brick barns amount to non-designated heritage assets, (b) if they do, whether the harm arising from their loss would be outweighed by other considerations.

Reasons

4. Planning Practice Guidance (PPG) defines a non-designated heritage asset as *"buildings, monuments, sites, places, areas or landscapes identified by planning bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets"*.
5. The PPG further recognises that a substantial majority of buildings have little or no heritage significance, with only a minority having enough significance to merit identification as non-designated heritage assets.
6. The Council has not formally identified the appeal buildings as non-designated heritage assets either through its Local Plan or a local list. Although there is encouragement within the PPG this is not a necessary requirement to have the status of a non-designated heritage asset.
7. From my site visit, it appears that the barns date from the mid-19th Century and are largely intact, with minimal alterations and of a generally good condition. As such, they provide a good quality representation of the local historic style of agricultural buildings.
8. There is also evidence before me to suggest that the barns hold heritage significance. The heritage statement submitted with the original application notes that the barns are of a vernacular appearance and form that represent local style, materials and workmanship which makes a positive contribution to the landscape. It further sets out that their form and function exhibit important aspects of the nation's social, economic, and cultural history. Therefore, the appellants acknowledged that the two brick barns would qualify as non-designated heritage assets.
9. The appellants have subsequently set out through the appeal that the barns should not be considered non-designated heritage assets, noting that the architectural features are not special or rare. Examples of several traditional brick barns of similar characteristics in the local area have been provided to support this evaluation.
10. Examples of roughly ten other farms with similar barns have been provided which, although not a sizeable number, are spread across a relatively local geographical area. However, I have limited details of the status of each of these buildings. For example, their planning history, whether any are in fact designated heritage assets or have previously been considered non-designated

heritage assets. Therefore, despite similarities in character and appearance, the presence of these wider barns does not convince me that the proposal should not constitute a non-designated heritage asset.

11. Overall, my findings are that the buildings have sufficient heritage significance to warrant status as non-designated heritage assets. Their significance derives from their character and appearance, alongside representing the historic architectural trends of agricultural buildings in the local area. The appellants have also indicated that the settings of the barns have been impacted through the changes to the surrounding agricultural land and development at the adjacent Severnside Business Park. Nevertheless, I consider this to demonstrate the evolution of the area and further helps to illustrate the barns' links to the past.

Planning Balance

12. Paragraph 203 of the National Planning Policy Framework (the Framework) states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
13. The proposed development would involve the complete demolition of the existing barns. Consequently, the scale of harm to these assets would be substantial.
14. The appellants contend that the barns are not suited to modern day agricultural practices, while the building is also particularly susceptible to flood damage. During my site visit it was apparent that the barns were not being significantly used for agricultural purposes. It was also evident from the size of openings and floor levels that it would be impractical to manoeuvre large machinery within the barns. A structural report further confirms that, despite their relatively sound structural condition, it would be impractical and prohibitively expensive to upgrade the barns for modern farming needs.
15. However, little evidence has been provided to demonstrate the precise needs of the farm, including the requirement to rationalise farm buildings serving the enterprise. Insufficient detail is provided to determine whether or not the needs of the farm could be accommodated within other existing buildings on the wider site. Likewise, there is no convincing evidence before me to demonstrate why an alternative location on the farm could not be found for the new machinery store and workshop. Such options may allow the existing barns to be retained for other agricultural purposes.
16. The merits of the proposals set out by the appellants therefore do not provide sufficient justification for the demolition of the non-designated heritage assets. Accordingly, the development is contrary to Policies CP15 and ES10 of the Stroud District Local Plan (2015). Together these policies amongst other matters seek to protect the historic environment, including requiring clear and convincing justification for the loss of historic assets. It also does not accord with the aims of the Framework in respect of conserving the historic environment.
17. However, despite finding the proposals contrary to the development plan, it is pertinent that the appellants have recently been granted prior approval for the

demolition of the brick barns (ref: S.22/0141/DEM). It has also clearly been indicated that aside from the loss of the non-designated heritage assets, the Council has no objection to the general principle of the development proposal or the design of the proposed replacement barn.

18. The appellants are therefore capable of exercising their permitted development rights to demolish the barns, the intention for which has been set out. This is a fallback position that I believe has a realistic prospect of taking place. Considering the prior approval for demolition, the dismissal of this appeal on the grounds of preserving the brick barns would appear to be an exercise in futility.

Conditions

19. The Council has provided suggested draft conditions in the event that planning permission was to be granted.
20. In addition to the standard time limit, a condition would be needed to secure compliance with the approved plans in the interest of proper planning.
21. A condition would also be needed to secure compliance with the ecological mitigation measures that are outlined within the submitted bat survey report, in the interest of biodiversity at the site.
22. A condition requiring the agreement of an external lighting strategy to serve the new development would also be needed in the interests of bats. This is separate to the condition requiring compliance with the mitigation measures detailed in the bat survey report, to provide appropriate control over this specific matter. I have re-worded the Council's proposed condition so that it clearly relates only to lighting serving the proposed development. Where there are areas that are sensitive for foraging bats, and whether or not they are currently either unlit or have some degree of lighting, this condition would enable control over any proposed additional lighting, for the protection of bats.

Conclusion

23. I find that the proposed demolition of the brick barns would result in the loss of non-designated heritage assets and the level of harm would be substantial. The appeal proposal therefore does not accord with the adopted development plan or the Framework in respect of protecting heritage assets. However, the fallback position to demolish the brick barns under prior approval is a material consideration that indicates a decision should be taken other than in accordance with the development plan. The appeal should therefore be allowed.

Lewis Condé

INSPECTOR