



Appeal Decision

Site visit made on 27 September 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/R3650/W/22/3296565

Barley Mow Public House, Tilford Street, Tilford, Farham GU10 2BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Overington, Barley Mow Public House against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0508, dated 23 February 2021, was refused by notice dated 23 February 2022.
 - The application sought planning permission for erection of a single storey extension without complying with a condition attached to planning permission Ref WA/2020/1921, dated 1 February 2021.
 - The condition in dispute is No 2 which states that: *The development hereby permitted is granted for a temporary period only, expiring on 05 February 2023. On or before this date the proposed single storey extension on the north western elevation shall be removed and all materials removed from the site.*
 - The reason given for the condition is: *In the interest of the amenities of the area and the significance of the building of local merit and the Tilford Conservation Area in accordance with Policies D1, D4 and HE8 of the Waverley Borough Local Plan 2002.*
-

Decision

1. The appeal is dismissed.

Main Issue

2. The site lies within the Tilford Conservation Area (CA). In addition, the public house has been identified by the Council as a Building of Local Merit (BLM) and so constitutes a non-designated heritage asset. As such, the main issue is whether the proposal would preserve or enhance the character or appearance of the CA, and of the BLM.

Reasons

3. The CA consists predominantly of a loosely nucleated pattern of buildings set around the Village Green and roads leading from it. It has a rural feel, with most buildings being of cottage-like design and using materials including stone, brick and render. As such, its significance includes its rural and traditional character and appearance.
4. The Barley Mow public house is on Tilford Street, facing the Green. Whilst not listed, it has an attractive brick and render design said to date from at least 1871, with a double pile roof that suggests a 17th Century core. The significance of the building, including the rear elevation, includes its age and traditional character and appearance. It positively contributes to the CA.

5. The extension has been erected to the rear of the building. It is constructed of horizontal timber cladding with a flat roof. Temporary planning permissions have been granted for the extension on previous occasions, including for its retention during the Coronavirus outbreak. It is now proposed that condition 2 of the most recent permission is removed, so that it would remain permanently.
6. The extension is relatively small. From my visit, I saw that there is little or no visibility of it from Tilford Street. It is also largely screened from users of the pub garden by existing timber fencing and vegetation. Nevertheless, the extension including its roof has a rectangular, box-like form, which gives it a utilitarian appearance which harmfully conflicts with the solid, traditional design of its host.
7. Some of the external materials of the extension may well regress over time through weathering. Even so, the timber elevations and the roof materials add to the temporary, shed-like appearance of the extension and do not reflect the predominant building material locally. As such, its design, materials and appearance fail to respect those of the host property, or of the wider CA.
8. I accept that back-of-house facilities such as kitchens and storage are often found within small rear extensions, that are away from public view and sometimes of a functional nature. It has also been put to me that the rear elevations of buildings are usually less important, and that here it is the front elevation that contributes to the CA. However, the CA and BLM designations apply to the whole property, not just to its publicly-facing parts, and I saw that the building as a whole positively contributes to the overall significance of the BLM and to the character and appearance of the CA.
9. There is no dispute that an extension has been in a similar position at the site since at least 2010. However, I have few details of the previous extension, or its design and materials and it is not for me, under a section 78 appeal, to determine whether or not it cannot now be required to be demolished. In any case, it has now been replaced with the existing structure and so I can give it only limited weight.
10. The appellant has suggested that conditions could be imposed to change the external appearance of the extension. These might include recladding it in different materials, using wider, stained boarding and improving the roof edging. However, no specific details of an alternative proposal have been provided to me and I am not convinced that such changes would be likely to overcome the concerns I identify. Therefore, for the reasons given above, the permanent retention of the extension would harm the character and appearance of the CA and the BLM.
11. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of the designated heritage asset (the CA) and so it would result in 'less than substantial' harm in the words of the National Planning Policy Framework (the Framework).
12. In accordance with the guidance in the Framework, I have weighed the public benefits of the proposal against this harm. I have considered the evidence before me, including the support from the Campaign for Real Ale and the Parish

Council. I have no reason to doubt that the public house is an important feature of village community life, and therefore has wider public benefits. I am also mindful that food sales are crucial to its viability and that a kitchen and the facilities within the extension are no doubt essential for its long-term economic success.

13. An alternative form of rear extension, as suggested by the Council, may well have financial implications. However, I am not convinced that a suitable, less harmful alternative could not be found. Indeed, I note the appellant's reference to pre-application discussions regarding possible solutions and that the Council does not object to the principle of a kitchen extension of a similar scale and form to the rear of the property. Accordingly, it seems to me that dismissal of the appeal would not necessarily lead to the permanent loss of kitchen facilities, or to the closure of the pub. I therefore give these public benefits only limited weight.
14. I have found that the proposal would not preserve or enhance the character or appearance of the CA as a whole, or of the BLM, and for the above reasons I find that the public benefits of the proposal would not outweigh this harm. As such, it would be contrary to Policy HA1 of the Waverley Borough Plan Part 1, adopted February 2018, which safeguards all designated and non-designated heritage assets, to ensure that their significance is at least conserved.
15. The proposal would also be contrary to retained Policy HE2 of the Waverley Borough Local Plan, adopted April 2002 (WBLP), which identifies and safeguards buildings of local architectural or historic interest, including the appeal site as a BLM. It would similarly breach retained WBLP Policy HE8 and its high standard for design and materials within CAs. These retained policies are consistent with the Framework's aim of conserving and enhancing the historic environment, and so I give them significant weight, as I do to the conflict with the Framework itself.

Other Matters

16. Reference has been made by the appellant to an extension to the Duke of Cambridge public house nearby. In granting planning permission¹, the Council considered the economic and social benefits of that proposal. However, I understand that the Duke of Cambridge, although located within the Green Belt and an Area of Outstanding Natural Beauty, is not within a CA or identified as a BLM. As such, different planning policy and legislative tests applied to that proposal. Accordingly, neither that planning permission, nor the Council's position that the appeal proposal would not constitute inappropriate development in the Green Belt, lead me to a different conclusion.

Conclusion

17. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold INSPECTOR

¹ LPA reference WA/2021/01359