



Appeal Decision

Site visit made on 18 October 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/N2739/W/22/3301739

Stickle Barn, 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 Mr Greaves against the decision of Selby District Council.
 - The application Ref 2022/0078/HPA, dated 21 January 2022, was refused by notice dated 6 April 2022.
 - The development proposed is the erection of a double garage with 'work from home' office over (resubmission of 2021/0558/HPA).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the principle of the proposal is acceptable in the open countryside;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the setting of the nearby listed building.

Reasons

Principle

3. The appeal site is an area of land to the east of Stickle Barn, a dwelling converted from a former agricultural building. It is located outside the defined development limits of any settlement and is therefore within the countryside.
4. The Council's position is that the proposed building would be sited on land outside the lawful domestic curtilage of the host dwelling. It would therefore represent an inappropriate building in the countryside, contrary to Policy SP2(c) of the Selby District Core Strategy Local Plan adopted 2013 (the Core Strategy), which limits buildings in the open countryside to certain specific circumstances.
5. The Council's position appears to be on the basis that the site plan for the permission to convert the barn to a dwelling¹ allegedly showed a smaller domestic curtilage than that of the red line application boundary for this appeal scheme. However, a red line planning application boundary does not necessarily equate to the curtilage of a property. Furthermore, curtilage is not a use of land, and the term is not defined in planning legislation. Insofar as it is

¹ Permission reference CO/1999/0005

referenced in the GPDO², it has a specific meaning relevant to certain classes of permitted development only.

6. The area where the garage would be located comprises an area of land that has been laid with gravel. I observed during my site visit that it is used for the parking of the appellant's vehicles, a use that could be classed as serving the dwelling. Although the land where the garage would be located is separated from the dwelling by the access track, there is nevertheless no physical barriers between the two and the area of land does not appear as sitting within a separate enclosure. The area is in the same ownership as the dwelling. Therefore, as a matter of fact and degree, I find that the land where the proposed building would be located does form part and parcel of the dwelling.
7. The proposed building would not be attached to the host dwelling. If considered to be a standalone building, then it would not fall within any of the specific circumstances identified in Policy SP2(c) of the Core Strategy as being appropriate in the countryside.
8. However, an extension to a dwelling need not necessarily be physically attached. Whether a detached building would amount to an extension of the existing dwelling is a matter of fact and degree. The proposed building would comprise a double garage with a home office above. In most cases, such uses would reasonably be considered to relate to the occupation of a dwelling.
9. Owing to its close relationship with the host dwelling, I find that the proposal would amount to an extension of an existing building and to this extent I conclude that there would be no conflict with Policy SP2(c) of the Core Strategy.

Character and Appearance

10. Stickle Barn sits within a former farmstead. The cluster of buildings includes Haverland Farmhouse, and The Granary which is a dwelling created from a former agricultural building. While changes have taken place to the cluster of buildings, some of the characteristics of a farmstead have been retained. The cluster of buildings exhibits an intrinsically rural character and sits comfortably within the surrounding open rural agricultural landscape.
11. Policy H14 of the Selby District Local Plan adopted 2005 (the Local Plan) allows for extensions to dwellings outside of defined development limits provided that certain criteria are met. One criterion is that it would not be a disproportionate addition over and above the size of the original dwelling.
12. There is no definition in Policy H14 of a 'disproportionate addition'. The Council considers that on the basis of recent appeal decisions, extensions in the countryside with a cumulative volume of over 50% are normally considered disproportionate. No details of these appeals are before me and there is no support for this figure in the development plan. The Council does state that matters of size, scale and mass are also relevant.
13. The Council contends that the proposed development would represent a 295% cumulative increase in volume over and above that of the original barn, taking into account the extensions permitted as part of the permission to convert it to a dwelling and a subsequent extension. The Council uses the definition of

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

'original building' in the Glossary of the National Planning Policy Framework (the Framework) to support this approach. However, Policy H14 of the Local Plan states that proposals should not result in a disproportionate addition over and above the size of the original dwelling. The cumulative increase starting from when the building was converted to a dwelling would be much less than the percentage increase identified by the Council.

14. Notwithstanding this, in the absence of a specific definition in the policy, in my view, ensuring that an extension is not disproportionate would mean one that is subordinate to, or would appear modest in scale compared to, the host dwelling. In addition, Policy H14 requires that an extension would be appropriate to its setting and not be visually intrusive in the landscape, would not dominate the original dwelling visually, and the design and materials would be in keeping with the character and appearance of the dwelling and, where appropriate, other buildings in the area.
15. The proposal, due to its height and footprint, would not be a limited extension. It would significantly add to the overall scale of the dwelling and would result in a built form that would be out of proportion with its original form. Its overall size would make it a visually competing element. Despite its relatively simple form, the proposal would not be read as a subsidiary or very modest extension of the existing dwelling. For those reasons, in my view the proposal may fairly be described as 'disproportionate' within the terms of Policy H14.
16. Furthermore, the proposed development would noticeably expand the built envelope of the cluster of buildings and would intrude into the open and rural character of the surrounding area, diminishing the sense of spaciousness. It would have a somewhat urbanising effect that would be at odds with the prevailing open and rural character of the area.
17. The proposal would use materials that would be in keeping with the character and appearance of the host dwelling and other buildings in the cluster of development. However, this would not adequately mitigate the harm I have found.
18. I acknowledge that the proposed building would be nearer to Stickle Barn than the previous application that was refused permission by the Council³, although it would be taller and would have a larger footprint. However, it would still extend beyond the relatively well contained form of the cluster of buildings. As such, this does not alter my findings on the harm that would be caused.
19. I therefore conclude that the proposed development would significantly harm the character and appearance of the area. Accordingly, it would be contrary to Local Plan Policies H14, summarised above, and ENV1 which requires a good quality of development, taking account of the effect on the character of the area amongst other matters.
20. The Council has referred to Policy SP2(c) in its reason for refusal number two on its decision notice relating to this main issue. While this policy seeks to restrict development in the countryside other than in certain circumstances, it does not include any specific criteria relating to character and appearance. I therefore find no conflict with this policy in terms of this main issue.

³ Application reference 2021/0558/HPA

Listed Building

21. Haverland Farmhouse is a Grade II listed building (list entry no. 1271898) dating from around the 17th century. The Farmhouse is a fairly large, detached building. Its principal elevation faces south with views over the surrounding agricultural land. To the east and north are the former ancillary buildings which have been converted to dwellings, including Stickle Barn. The Council considers the former ancillary buildings to be curtilage listed buildings. Such buildings are treated as part of the listed building.
22. The significance of the buildings is in part derived from their historical associations with the area's farming industry and the evidence they provide of the architectural style and building techniques of the time, and their relationship with each other, with the size and positioning of the Farmhouse emphasising its role within the former farmstead. The buildings have a group value in this respect. The setting, including both buildings of traditional construction and a rural agricultural landscape, contributes to significance. The curtilage listed buildings therefore add positively to the setting of the listed Farmhouse.
23. Given my findings above that the proposal would be harmful to the character and appearance of the host dwelling and its rural surroundings, it follows that the positive contribution that Stickle Barn makes to significance would be diminished. The ability to understand the historical farming associations of the group of buildings may not be harmed. Nevertheless, because the proposal would represent a disproportionate addition to Stickle Barn and would therefore give this property more of a visual presence within the group, the nature of the relationship between the buildings, an important part of the significance, would be harmfully altered.
24. The appellant highlights that permission⁴ was granted for a garage and annex within the site of the Farmhouse, which I observed during my site visit. These buildings sit closer to the listed Farmhouse than the proposed building and are seen in conjunction with its principal elevation. However, no details of this case are before me and so I cannot be certain that the considerations that led to the approval would be directly analogous to this appeal scheme. In any event, I have evaluated this appeal on its individual merits.
25. I therefore conclude that the proposal, with particular regard to its positioning and scale, would not preserve the setting of the listed building, which is contrary to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would harm its significance. In terms of the Framework, I assess the harm as less than substantial. Even so, paragraph 199 of the Framework directs me to give 'great weight' to the conservation of such assets; less than substantial harm does not equate to a less than substantial planning consideration. Accordingly, paragraph 200 of the Framework sets out how any harm should require 'clear and convincing justification'. Paragraph 202 of the Framework further advises that the harm should be weighed against the public benefits of the proposal.
26. No public benefits have been identified by the appellant. Accordingly, there is no 'clear and convincing justification' for harm to or loss of significance of the designated heritage asset, as required by paragraph 200 of the Framework.

⁴ Application reference 2009/1111/FUL

27. Consequently, the proposed development would conflict with Policies SP18 and SP19 of the Core Strategy, which seek to conserve those historic assets which contribute most to the distinct character of the District and positively contribute to an area's heritage amongst other matters, and Policy ENV24 of the Local Plan which seeks to protect the character of listed buildings and their setting. The proposed development would also conflict with the heritage objectives of section 16 of the Framework, the most relevant of which are summarised above.

Conclusion

28. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR