



Appeal Decision

Site visit made on 16 August 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th November 2022.

Appeal Ref: APP/F0114/W/22/3296454

Parcel 1120, Bungay's Hill, High Littleton, Bath BA2 0HF

- 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 Daniel Lawrence against the decision of Bath and North East Somerset Council.
 - The application Ref 21/03754/FUL, dated 7 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is siting of a general purpose farm building.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a general purpose farm building, at Parcel 1120, Bungay's Hill, High Littleton, Bath BA2 0HF in accordance with the terms of the application, Ref 21/03754/FUL, dated 7 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1641-21-001 Rev B.
 - 3) In the event that any contamination is found on the site when carrying out the approved development, all work must cease. The contamination shall be reported in writing immediately to the Local Planning Authority. Before work can resume or continue, a risk assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, schemes for the remediation of the contamination and verification of such remediation shall be submitted to and approved in writing by the Local Planning Authority, and work shall be carried out in accordance with these approved schemes.
 - 4) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the Local Planning Authority an assessment shall have been carried out of the potential for disposing of surface water, and the results of the assessment provided to the Local Planning Authority.

Preliminary Matters

2. In accordance with Regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990, the Local Planning Authority are required to publicise planning applications affecting the setting of a listed building, including in a local newspaper and by means of a site notice. Such publicity was not undertaken during the course of the application and so had to be undertaken during the appeal. Both parties have been able to comment on representations resulting from this publicity, which I have taken into account in reaching my decision.
3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest.

Main Issue

4. The main issue is the effect of the proposal on the significance of Rugbourne Farmhouse and Timsbury Bottom Farmhouse, which are Grade II Listed buildings, having regard to their setting.

Reasons

Rugbourne Farmhouse

5. Rugbourne Farmhouse and attached garden wall and gate piers¹, consists of a coursed rubble farmhouse dating from the late C17. The significance of the building insofar as it relates to this appeal is its architectural value, reflecting its origins as a working farmhouse, together with its historic agricultural setting, which includes a range of traditional and modern farm buildings.
6. Over time the farmhouse has become eminently detached from the appeal site, and its immediate surroundings have evolved by the introduction of more modern elements. The appeal site also includes a large modern building which forms part of the setting of the listed building. I therefore consider that the appeal site has a neutral effect on its significance.
7. The proposal would involve the construction of a further large open-sided agricultural building, attached to the existing building and with a similar design. I have noted the representations about the Council's decision to grant planning permission for this building, but it now exists and forms part of the setting and landscape.
8. The evidence before me is that Rugbourne Farmhouse and the appeal site were once historically linked, being in the same ownership since at least 1840. The proposal would be closer to Rugbourne Farmhouse than the existing building, which has historically been somewhat isolated from other built form.
9. The proposal would reduce the gap between them. However, the existence of the separate farm in a different ownership and firmly established at the appeal site, already means that the farmhouse is no longer so isolated. The addition of the proposal would do little to change this. Moreover, the trees and vegetation

¹ List entry 1320758

between the buildings means that intervisibility of the proposal in relation to the farmhouse would be limited, even during winter months when leaf coverage is reduced.

10. There would be obtainable views of the proposal particularly from more elevated viewpoints at the higher levels of the Farmhouse. However, even from higher views, the proposal would be seen against the backdrop of the existing barn and within the pastoral landscape of fields, tall trees and hedging.
11. Similarly, there would be views available from nearby public footpaths. The topography of the land means that the proposal would be visible in association with the farmhouse, but both would be seen together in the context of the existing farm, including the large barn to which it would be attached. The agricultural use of the proposal would reflect its context and so would not look out of place.
12. In addition, its open design would allow a degree of permeability, thus reducing its prominence and massing, and assisting in limiting its visual and spatial impact. It would also be stepped down in relation to the height of the existing building further reducing its prominence. As such, the proposal would not appear overly dominant in relation to Rugbourn Farmhouse having regard to its context.
13. I therefore conclude that the proposal, due to its position adjacent to the existing modern large building and those at Rugbourn Farmhouse, together with the degree of separation and screening, would not result in a harmful impact on the significance of the listed building. As such, the proposal would have a neutral effect on the significance of Rugbourn Farmhouse having regard to its setting.

Timsbury Bottom Farmhouse

14. Timsbury Bottom Farmhouse² is a late C18 two-storey building of coursed rubble stone under clay tile roofs. It remains the hub of a working farm and the significance of the building relative to this appeal includes its age and architectural value, and its historic agricultural setting. The appeal site forms part of the rural landscape but is a large distance away from the farmhouse. Furthermore, there are other buildings, some modern, between the farmhouse and the appeal site itself. This means that the appeal site has a neutral effect on the significance of the listed building.
15. The proposal would bring a modern farm building closer to the farmhouse than the current situation. However, whilst there is a degree of intervisibility between the two sites, the distance between them means that the proposal would have little effect on the farmhouse. Furthermore, as I have already found, the proposal has an open design reducing the effect of its mass.
16. These factors, together with the existing landscaping, means that the proposal would not harmfully affect the views already experienced of Timsbury Bottom Farmhouse and its setting. As such the effect of the proposal on the significance of Timsbury Bottom Farmhouse having regard to its setting would be neutral.

² List entry 1136027

Conclusion – listed buildings

17. I therefore conclude that the proposal would preserve the special architectural and historic interest of the Grade II listed buildings at Rugbourn Farmhouse and Timsbury Bottom Farmhouse, and their settings. As such, it would comply with Policy HE1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) which requires that development in the vicinity of listed buildings has no adverse impact on elements that contribute to their special architectural or historic interest, including their settings. It would also comply with the similar requirements of the National Planning Policy Framework.

Other Matters

18. Local residents have raised concerns regarding the impact of the proposal on the landscape. Whilst I appreciate that the landscape within which the appeal site sits is sensitive to change, the large adjacent building with a similar design to that proposed is already present in the landscape. As such, the proposal would not significantly alter the landscape character given the established baseline, and it would be seen in the context of the existing barn, thus it would not appear as an isolated building in the countryside. As a result, the proposal would not have a harmful effect on the wider landscape.
19. I am also aware of local representations questioning the location of the proposal, in comparison with other locations which are allegedly more suitable. However, irrespective of this, I have assessed the proposal before me on its own planning merits and find it acceptable for the reasons set out.
20. Representations have raised the effect of the proposal on the living conditions of occupiers of Rugbourn Farmhouse in terms of their privacy and outlook. However, given the separation distances involved, and the extent of screening available, the proposal would not cause undue harm in these respects. Interested persons have referred to the effect of the proposal on the Bristol and Bath Green Belt, but the Council has not objected to it on this basis, or for any other reason than the main issue. I see no reason to take a different view.

Conditions

21. The Council has provided a list of conditions, which I have assessed and where necessary amended having regard to the advice in the Planning Practice Guidance. As well as the standard time limit for commencement, a condition requiring adherence to the approved plan is necessary for certainty.
22. In case land contamination is found, a condition is necessary to ensure that appropriate measures are in place for remediation and verification, in order to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
23. In respect of surface water drainage, it is possible that infiltration tests may show that the proposed soakaways are not suitable. In order to ensure adequate surface water drainage, to avoid the effects of flooding on nearby uses, a condition is therefore necessary to ensure that details of drainage are provided before the building is occupied.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed.

O Marigold

INSPECTOR