
Appeal Decision

Site visit made on 20 September 2022

by Andre Pinto BA, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/P1615/D/22/3297382

4 Philpots Court, Tidenham, CHEPSTOW, NP16 7LL

- 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 and Mrs N and S Cross against the decision of Forest of Dean District Council.
 - The application Ref: P1536/21/FUL, dated 2 September 2021, was refused by notice dated 11 February 2022.
 - The development proposed is a single storey extension to existing two storey dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site, 4 Philpots Court, is a detached building, part of a complex of barn conversion buildings, located in close proximity to an historic farmhouse, Philpots Court Farmhouse.
3. The Appellant disputes whether the appeal site is a curtilage listed building and therefore has only applied for planning permission and not listed building consent. I have therefore determined this appeal on the basis of it being made under section 78 of the Town and Country Planning Act 1990 and not section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990, hence referencing "development proposed" rather than "works proposed".

Main Issues

4. The main issues are:
 - whether 4 Philpots Court should be considered a curtilage listed building;
 - whether the proposed development would preserve the curtilage listed building known as 4 Philpots Court or any features of special architectural or historic interest that it possesses;
 - whether the proposed development would preserve the setting of Philpots Court Farmhouse (Ref: 1099174), a Grade II listed building.

Reasons

Curtilage listed

5. The Council believes, as set in the Planning Officer's Report (undated) (the PO's Report), that the dwelling subject of this appeal, 4 Philpots Court, is a curtilage

listed building based on the site's planning history and on the curtilage tests as set out in the Calderdale case¹.

6. The Appellant disputes this assertion from the Council, as per the Grounds of Appeal Statement (2022) (Appeal Statement), in which he states that the Council has failed to provide a drawing or a marked up plan to show their understanding of the 'Philpots Court Farmhouse' Grade II listed building (the Listed Building) curtilage and that, while he recognises there is a consistency in architectural style and a spatial proximity between the listed building and the building this appeal relates to, those are not in themselves reasons for curtilage listing.
7. The Appellant also states that there is no evidence to support the Council's rationale that the planning history of the site can be taken as an indication of curtilage listing, as this is only based on an application for Listed Building Consent having been made in the past.
8. The courts have found that there are three factors to be taken into account with regard to curtilage. These are the physical layout of the listed building and the ancillary building, their ownership both historically and at the date of listing, and their use and function, also historically and at the date of listing.
9. The Listed Building was listed in 1988. The Appellant has supplied some evidence that, in his view, demonstrates that 4 Philpots Court has not been part of the curtilage of the main farmhouse since 1843. He states that all the maps provided in Appendixes 7-10 of the Appeal Statement show no.3 and no.4 Philpots Court standing within an adjacent field to the farmyard and quite separate from the main farmhouse.
10. Although it is clear to me that both the main farmhouse and the agricultural buildings were in distinct uses, and I accept that the maps do show a separation between the main farmhouse and 4 Philpots Court, I am not fully convinced that the evidence presented is, in itself, compelling enough to demonstrate that the buildings were, historically or at the time of the listing, independent from each other to such a degree as to not form a farm steading, particularly considering physical proximity and the nature of the use of the buildings. Furthermore, there is no clear evidence to show these were in separate ownership before or at the time of the listing.
11. It appears to me, particularly judging from the location of the different barns in relation to the farmhouse, as well as the location of the barns and the farmhouse in relation to the adjoining fields, that there was, historically, a clear connection between those buildings. Commonly, both residential and agricultural buildings were in the same ownership and close to each other in order to facilitate agricultural practices, with the barns being ancillary farm buildings to the main house and often built in close physical proximity to it. This does suggest there was a relationship, at the very least historically, between the buildings, which would substantiate a link between the main farmhouse and 4 Philpots Court, despite the barriers shown in the historical maps provided.
12. The most conclusive evidence presented by the Appellant that does show a very likely and clear separation between both buildings is in Appendixes 10-14

¹ Court of Appeal decision Attorney General ex rel Sutcliffe and Hughes v Calderdale Council (1983) 46 P& CR 399

of the Appeal Statement. These appendixes are, I assume, extracts from the original planning application for the barn conversions, from agricultural to residential use. It does stand to reason that, once the application was implemented, 4 Philpots Court and the main farmhouse were quite separated from each other, and potentially, once completed, also in separate ownership.

13. Judging from the same application and considering that the main farmhouse building does not appear, from the evidence before me, to be included in the planning application, it is possible that it was already separate from the remaining barns at Philpots Court before 1994. Nevertheless, it is not clear when this separation actually occurred, or if it was before or after 1988, the year when the building was listed.
14. Appendix 6 of the Appeal Statement is an extract of Historic England's Advice Note 10 (HE's Advice Note) in which the Appellant tries to establish a parallel between an example included in Historic England's advice and this appeal. Although I accept there are some similarities between both cases, the HE Advice Note does state that it is for the local planning authority, in this case Forest of Dean District Council, to reach a conclusion as to whether or not buildings are within a particular curtilage. As evidenced by the PO's Report, it is the Council's current view that 4 Philpots Court is curtilage listed.
15. Consequently, given the physical layout of the appeal site, its position in relation to the main farmhouse building and the evidence presented, I am not persuaded that the Council's decision was incorrect or unjustified in relation to the appeal building being within the curtilage of the listed building.

Understanding the special interest of the Grade II listed building and the adjacent curtilage listed building

16. I have only observed the main farmhouse building externally and from public land, but it is a Flemish bond brickwork house with Welsh slate hipped roof to end stacks. According to the statutory list description, it is a two and a half storeys, three window building, with one small 2-light casement in a dropped apron over two 3-light casements with bars and a central lunette, all to segmental brick arches, and a central plank door under a segmental arch. It is dated on a brick as from 1759.
17. 4 Philpots Court is a building of different scale and proportions to the Farmhouse. Its simpler, paired down lines testify to its original purpose as an agricultural building. Access to 4 Philpots Court is gained via a shared courtyard which also provides access to what appears to be two other barn conversions, now in residential use, and an additional building which appears to be utilised at present as garage space.
18. 4 Philpots Court is an attractive stone building that has kept some interesting and relevant architectural features that speak to its previous use. It includes a pair of large stone arches that mark and define the architectural character of the building, particularly in relation to the rear elevation of the property. These produce a pleasant and interest contrast with the simpler, angular forms that characterise the overall aspect of the building elsewhere.
19. For the reasons previously set out, I do consider 4 Philpots Court to be, as suggested by the Council, curtilage listed. Consequently, insofar as it relates to this appeal, I find that the special interest of the curtilage listed building is

primarily associated with its historic architectural value as an example of an agricultural building part of a bigger farmstead, its large stone arches opening up to the adjoining agricultural fields, the contrast of the simple lines of the barn against those of the main farmhouse building and the visual and architectural impact of the existing rear elevation of the building.

The effect of the proposed development

20. The proposed development consists of a single storey lean-in extension with a standing seam metal roof finish and a shallow roof pitch. It would connect to the existing building at first floor level, below the existing rear first floor windows and extend approximately the whole width of the rear elevation of 4 Philpots Court.
21. The proposed development would therefore significantly alter the appearance of the existing rear elevation of 4 Philpots Court which retains a considerable amount of its historic features and proportions, namely the existing large brick arches, masonry and internal floor construction.
22. Although I do accept that these features would be preserved, they would not be as easily appreciated from the outside and, moreover, the typical simple form and architectural lines of the barn building, which contribute to its character and appearance, would be lost. Consequently, I find that the present proposal would cause harm to the significance of the curtilage listed building and therefore fail to preserve its special interest.
23. Insofar as 4 Philpots Court forms an intrinsic component of the farmstead group, the development affecting it may also be held to affect the special interest of the group as a whole. This includes that of the principal component of the group, Philpotts Farmhouse, the Grade II listed building. Accordingly, the diminution of the special interest of the curtilage structure can be held to harm the setting of the listed building, contrary to the expectations of section 66 of the Act and the historic environment policies of the Framework.
24. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
25. Given the moderate scale of the proposed development and its identified consequent effects, I find the harm to be less than substantial though nevertheless still a matter of considerable importance and weight. Less than substantial harm does not necessarily equate with less than substantial planning objection, especially where the statutory and national policy tests have not been met.
26. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
27. While I accept that the proposed extension would increase the overall amount and quality of living space within the dwelling, these benefits are, in larger part, private benefits. I do also accept that the proposal would lead to some public benefits, particularly economic local benefits from the proposed

investment, nevertheless, considering the scale and nature of the proposed development, I do not find those to be significant enough as to outweigh the harm that I have identified.

28. Nevertheless, for the reasons stated above and in the absence of sufficient public benefit in order to justify the concealment of significant historic features, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the curtilage listed building and, as a consequence, fail to preserve the setting of the Grade II listed building. This would fail to satisfy the joint requirements of the Act, paragraph 197 of the Framework.

Conclusion

29. For the reasons above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR