



Appeal Decision

Site visit made on 21 March 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/R0335/D/22/3292932

Corner Cottage, Crouch Lane, Winkfield, Windsor SL4 4RZ

- 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 John Shannon against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/01156/FUL, received by the Council on 14 December 2021, was refused by notice dated 8 February 2022.
 - The development proposed is described on the application form as, "TAKE DOWN. (new, footings dig,) to be new rules, as bricks, wood,. is rotten, cant save it, had. 3 builders who have said. nothing to save, no footings and new Doors. as old plank 'doors are rotten and broke. Build to plan. thats passed and. new slate roof on barn / boxes new peg + lest what we save".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises the erection of an outbuilding for continued ancillary use, following demolition of the existing building. The Council dealt with the proposal on this basis and so shall I.
3. The appeal site is in the Green Belt. Neither the Council nor the appellant have suggested that the proposal represents inappropriate development in the Green Belt. As I have no evidence to indicate otherwise, I have proceeded on the basis that the proposal would not comprise inappropriate development in the Green Belt.
4. There is some dispute between the main parties about whether the existing barn proposed to be demolished should be considered as part of the nearby Grade II listed building, the Old Dairy Farmhouse. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) defines the term 'listed building' and sets out that for the purposes of the Act any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building.
5. It is common ground between the main parties that the barn was constructed in the 18th century. The appellant has provided a copy of a Land Registry document which confirms that the land containing the barn was separated from the Old Dairy Farmhouse in December 1970. The statutory listing shows that

the Old Dairy Farmhouse was not in use as a farmhouse at the time it was added to the statutory list (in 1972). This suggests that whilst historically the 2 buildings shared a functional connection through their shared agricultural use, this connection had in all likelihood ceased at the time of listing. As such, based on the evidence before me, I consider that at the time of listing the barn was not ancillary to the Old Dairy Farmhouse. Having regard to the terms of the Act, it is not, therefore, considered part of the listing building.

Main Issue

6. The main issue is the effect of the proposed development on the setting and significance of the Grade II listed building, the Old Dairy Farmhouse.

Reasons

7. The appeal site comprises Corner Cottage and its grounds. Corner Cottage is attached to the barn mentioned above. Stables are attached to the barn. The site is separated from the Old Dairy Farmhouse by a wall and a fence.
8. The site is adjacent to the plot containing the Old Dairy Farmhouse. Consequently, the site is within the setting of this Grade II listed building. I observed that the significance of the listed building derives in part from its architectural interest arising from its painted brick, old tile hipped roof, chimneys with clay pots, and casement windows, and from its historic interest which includes its partly 18th century construction and its association with the social history of the local area.
9. The setting, including the appeal site, contributes to the significance of the listed building principally by the barn within the site serving to further highlight the long-standing agricultural practices which historically occurred in the vicinity of the Old Dairy Farmhouse.
10. Specifically, the barn has a visual association with the former farmhouse as a result of its age, its proximity and its agricultural character and appearance including its distinct rustic roof form and external materials. In addition, whilst the buildings are no longer in the same ownership their presence and proximity provides an indication of their former functional use and relationship. Moreover, they serve to further highlight the historic agricultural character of the area in the 18th century. The building, which is in need of some repair, is nevertheless well preserved for its age and as such, for these reasons, makes a positive contribution to the setting and significance of the Old Dairy Farmhouse as a heritage asset.
11. The proposal to demolish the existing barn and stables would result in the almost complete loss of these architectural and historic features contained within its fabric, notwithstanding that some limited elements of the barn would be incorporated into the proposed new building and its design would attempt to mimic the original in aesthetic terms. Hence, the contribution that the setting makes to the significance of the listed building would be clearly compromised by the proposal. On that basis the proposal would be contrary to the statutory requirement of section 66(1) of the Act which sets out the desirability of preserving the listed building or its setting.
12. Given that there are intervening buildings between the existing barn and the listed building, and that public views of the listed building would remain largely unchanged by the proposal, the harm to the setting of the Old Dairy

Farmhouse would be less than substantial. Even so, this degree of harm is still of considerable importance and weight. This harm must be weighed against the public benefits of the proposal.

13. In this regard, the submitted structural survey¹ recommends that the best course of action to provide an ongoing functional structure would be demolition of the barn, followed by replacing on a like-for-like basis on new foundations, using a new ground floor slab and re-using original timbers wherever possible in the new construction. The re-use of the existing timbers within the old barn would ensure that those particular historic elements of the barn are safeguarded over the long-term.
14. However, the structural survey does not rule out undertaking works to the barn to allow its current condition to be maintained indefinitely. Although these works would likely be significant, including extensive rebuilding of the timberwork, these works would enable the majority of the historic features of the barn to be retained. Given this, it follows that the public benefits of the proposal, including re-use of certain elements of the existing structure, would only provide a moderate benefit in heritage terms.
15. The National Planning Policy Framework (the Framework) makes clear that great weight needs to be given to designated heritage assets' conservation. I give moderate weight to the benefits of the proposal and find that they do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of the listed building.
16. I therefore find that the proposed development would have an unacceptable and harmful effect on the setting and significance of the Grade II listed building, the Old Dairy Farmhouse. The proposal would conflict with Policies CS1 and CS7 of the Bracknell Forest Borough Local Development Framework: Core Strategy Development Plan Document (adopted 2008) which collectively provide that, amongst other things, development proposals will be permitted which respect the historic environment. The proposal would also fail to conserve or enhance the historic environment, as required by chapter 16 of the Framework.

Other Matters

17. I have carefully considered the evidence provided in relation to the personal circumstances of the appellant and those in their household, in relation to the aims of the Public Sector Equality Duty set out in section 149 of the Equality Act 2010 (as amended), including in relation to the legally protected characteristics of age and disability. In particular, I note that the proposal is intended to provide ancillary accommodation for full-time live-in carers.
18. It is recognised that the usage of the ancillary accommodation proposed would assist in meeting the needs of the appellant and those in their household, in relation to the relevant protected characteristics. The Planning Practice Guidance² states that planning is concerned with land use in the public interest and as these would be mainly private benefits, I give moderate weight to the benefits that the proposal would provide with respect to the personal circumstances in question.

¹ RWA Consulting Engineers LLP (25 February 2020)

² Paragraph 21b-008-20140306

19. I have found on the main issue that the proposed development would have an unacceptable and harmful effect on the setting and significance of the Grade II listed building, the Old Dairy Farmhouse. The Framework, at paragraph 199, provides that, amongst other things, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
20. Considering the great weight afforded, and that the proposal would result in the demolition of a barn which is approximately 300 years old, I consider that the harms identified above outweigh the benefits of the proposal in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. I therefore find that it would be proportionate and necessary to dismiss the appeal.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR