



Appeal Decision

Site visit made on 1 June 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/J4423/W/22/3310980
455 Whitley Lane, SHEFFIELD, S35 8RP

- 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 M Justice against the decision of Sheffield City Council.
 - The application Ref 22/02001/FUL, dated 23 May 2022, was refused by notice dated 14 October 2022.
 - The development proposed is erection of single-storey front extension and front porch, insertion of first floor window to side elevation and installation of air source heat pump to dwellinghouse.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the appellant's appeal form and Council's decision notice as this more accurately describes the proposed development than that contained on the appellant's application form.
3. The Council's concerns relate to the two extensions to the building, raising no issues regarding the new first floor window or the air source heat pump. An interested party has made comments regarding the latter and its proximity to their property in terms of harm that may be caused due to noise. I note though that the Council's Environmental Protection Officer recommends the imposition of a condition securing details of the noise from the air source heat pump to be submitted and agreed by the Council. On this basis I see no reason to disagree and have confined my consideration to the two extensions.
4. The appeal site is in the Green Belt, but parties agree that the extent of the alterations would fall within the requirements of Policy GE6 of the Sheffield Unitary Development Plan 1998 (the UDP) and the exception at paragraph 149c of the National Planning Policy Framework (the Framework). From the details before me and my observations on site I see no reason to disagree, and the development would therefore be not inappropriate in the Green Belt.

Main Issues

5. The main issues are:
 - Whether the appeal building can be considered as a curtilage listed building; and
 - The effect of the extensions on the character of the appeal building and the setting of Whitley Farmhouse a Grade II listed building.
-

Reasons

Curtilage listed building

6. A listed building also includes any ancillary object or structure within the curtilage of the building which forms part of the land and has done since before 1 July 1948. The courts have stated that there are three key factors to be considered in assessing whether a structure or object is within the curtilage of a listed building. These are the physical layout of the listed building and the structure, their ownership both historically and at the date of listing and the use or function of the relevant buildings again both historically and at the date of listing. I have also had regard to the advice in Historic England's publication: Listed Buildings and Curtilage Advice Note 10 2018 as raised by the appellant.
7. The listed building in question is Whitley Farmhouse which lies approximately 20 metres to the north-east of the appeal site and is listed Grade II. It is a two-storey farmhouse constructed in the mid eighteenth century of rubble brought to course and a stone slate roof. There is no dispute that the appeal building together with others in the vicinity were once part of the farm complex associated with the Farmhouse. The Farmhouse was listed in 1990 and in 2004 planning permission and listed building consent were granted for alterations to farm buildings to form 4 dwellinghouses, one of which is the appeal building.
8. It seems to me, based on the degree of physical separation between the properties that the building is not curtilage listed. From the evidence provided by the appellant the physical separation prior to the 2004 alterations was even more emphatic with intervening buildings and road and courtyard area similar to examples within the Historic England guidance determined not to be curtilage listed buildings.
9. I appreciate that the Council treated it as being curtilage listed when considering a planning application in 2008. However, there is no substantive evidence before me to suggest what evidence was before it then and I have based my assessment on the evidence before me now and my observations on my site visit. Furthermore, I am aware that the 2004 application for listed building consent also related to the buildings physically attached to Whitley Farmhouse of which there is no dispute are listed by association.
10. For the reasons above, I conclude that the appeal building is not curtilage listed.

Character of appeal building/setting of Whitley Farmhouse

11. The significance of Whitley Farmhouse, for the purposes of this appeal, is largely derived from its architectural and historic interest as an early farmhouse, demonstrating the local history of the area.
12. The exact historical relationship between the appeal building and Whitley Farmhouse is not clear other than it was once used as a farm building but is no longer, being in private residential use. I am also aware, and it was apparent at my site visit, that the appeal building has undergone considerable renovation as part of its change of use. Nevertheless, it retains its simple plan form as a former agricultural barn, together with stone slate roof, stone lintels and timber lintel above the large window on the south-west elevation, formerly a large barn entrance. Together these make it readily apparent that the building was a barn which signifies the former presence of a working farm and confirms the

history of the related farmhouse. Therefore, it contributes positively to the special interest of Whitley Farmhouse through its historical and functional association with it and its presence in its setting.

13. The proposed extensions would be located on the south-western elevation of the appeal building. Although they would not be viewed in association with Whitley Farm and would be constructed of materials to match the existing building with a high solid to void ratio, they would extend the footprint of the building significantly so that it would unacceptably erode the linear character of the former barn, which provides an understanding of its previous use. Furthermore, the conservatory extension would erode the legibility of the former barn door and both extensions would overtly domesticate the former barn to an unacceptable degree harming its character. Although not widely visible in the surrounding area they would be viewed from the entrance to the property on the access road. Therefore, even though the building would retain the same physical relationship to the listed building it would harm its significance due to the unacceptable loss of the historic agricultural character and layout of the former barn.
14. The appellant points to a number of examples of small off shoots to linear buildings in the locality. However, I am not aware of the historic significance of those buildings, and I have assessed the proposal on its individual merits.
15. Paragraph 199 of the National Planning Policy Framework (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.
16. Given the nature and extent of the proposed development I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
17. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing of optimum viable use of listed buildings.
18. Given the above and in the absence of any defined public benefit, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building.
19. For the reasons above I conclude that the proposal would be harmful to the character of the appeal building and would fail to preserve the setting of Whitley Farmhouse a Grade II listed building. The proposal would therefore conflict with Policies BE5, BE15 and BE19 of the UDP, Policy CS74 of the Sheffield Core Strategy 2009 and the Framework. Together, these require that development be of good design that complements the scale, form and architectural style of the building and preserves the setting of heritage assets.
20. The Council also refers to Policies BE17 and BE18 of the UDP regarding development in Areas of Special Character. However, there is nothing before me to suggest what the special character of the area consists of and therefore, they have not been determinative.

Conclusion

21. The proposal would not be in accordance with the development plan and material considerations, including the Framework, do not indicate that the proposal should be determined other than in accordance with the development plan.
22. For the reasons given above I conclude that, the appeal should be dismissed.

Zoe Raygen

INSPECTOR