



Appeal Decisions

Site visit made on 7 June 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2023

Appeal A Ref: APP/R3325/W/22/3301622

Higher Barn, Whitelackington Manor, Ilminster TA19 9EQ

- 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 Dillington Estate and Farms against the decision of South Somerset District Council.
 - The application Ref 22/00698/FUL, dated 9 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is change of use of barn to function room. Carry out alterations and extension.
-

Appeal B Ref: APP/R3325/Y/22/3301624

Higher Barn, Whitelackington Manor, Ilminster TA19 9EQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Dillington Estate and Farms against the decision of South Somerset District Council.
 - The application Ref 22/01014/LBC, dated 9 March 2022, was refused by notice dated 18 May 2022.
 - The works proposed are change of use of barn to function room. Carry out alterations and extension.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for change of use of barn to function room, carry out alterations and extension at Higher Barn, Whitelackington Manor, Ilminster TA19 9EQ in accordance with the terms of the application Ref 22/00698/FUL, dated 9 March 2022, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and listed building consent is granted for change of use of barn to function room, carry out alterations and extension at Higher Barn, Whitelackington Manor, Ilminster TA19 9EQ in accordance with the terms of the application Ref 22/01014/LBC, dated 9 March 2022, and the plans submitted therewith.

Procedural Matter

3. On 1 April 2023, after the lodging of these appeals, South Somerset District Council merged with neighbouring authorities to become Somerset Council. The status of the development plan policies referred to within the Council's decision notices are however unchanged insofar as they are relevant to my assessment.

Main Issue

4. Higher Barn forms the Grade II listed building 'Thatched Barn about 85 metres West of Whitelackington House'. It has been altered, extended and converted to a function venue. In this context, the main issue in the appeals is (i) the effect of the development/works on the special architectural and historic interest of Higher Barn and, (ii) if there is harm, whether the public benefits outweigh the harm to the listed building, including securing its optimum viable use.

Reasons

The special architectural and historic interest of the listed building

5. The 18th Century barn draws significance from its robust appearance, simple palette of vernacular historic materials, and its particularly well preserved, open plan interior. I have little evidence as to its original purpose. However, the list description refers to the large opposing openings in the south and north walls, an arrangement typically employed at barns of this age to create a cross draught for the process of winnowing. Either way, the openings are logically only there because they would have served an intended agrarian purpose, so the historic fenestration of the barn is also important to its significance.
6. The new extension joins a historic lean-to to off the east flank of the barn and there is a further, part open, historic lean-to on the west side of the north elevation. The junction between the new extension and the east lean-to is well executed. The three are not read together in tandem, the north side lean-to is lightweight, and the east one is modest, so one does not get a sense that the barn is now engulfed by its additions. The construction materials of the new extension are acceptable, being simple and utilitarian, with flush rooflights.
7. That said, the lateral mass and length of the new extension, and the way it has blocked the large opening in the original south wall of the barn from external view, has eroded the legibility of the barn's historic plan form and fenestration. Whilst the extension's design is largely successful in its attempts to mimic the functional aesthetic of the barn, the lateral, rectangular dimensions of the windows jar and give the extension away as an inauthentic modern structure designed not for farming but for leisure use.
8. There are also enhancements to the barn, such as the reroofing of the lean-tos in Roman tiles, and the introduction of a more authentic wooden door to the south end. Overall, however, it is my opinion that the works/development have resulted in less than substantial harm to the significance of the listed building.
9. Consequently, I conclude that the development/works have had a harmful impact on the special architectural and historic interest of Higher Barn. The scheme therefore conflicts with the heritage and design objectives of Policies PEQ2 and EQ3 of the South Somerset Local Plan (2006-2028) (adopted 2015).

Whether or not the public benefits of the proposal would outweigh any harm to the listed building, including securing its optimum viable use

10. There is a strong presumption against development/works that would harm a listed building through S.16(2) and S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must therefore attribute the harm in this case considerable importance and weight. The Framework itself explains that great weight should be given to the conservation of designated heritage assets.

Paragraph 200 informs us that harm to the significance of a designated heritage asset requires clear and convincing justification.

11. Paragraph 202 goes on to require decision makers to weigh any less than substantial harm to such an asset against the public benefits of the scheme, including securing the asset's optimum viable use. The Planning Practice Guidance states that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset.
12. There is no dispute between the parties that the barn no longer offers an agricultural purpose and must therefore be found a reuse to sustain it. The use that has been adopted preserves the important open interior of the barn. Any new commercial use for the barn is likely to require toilet and kitchen facilities. Housing them in an extension to the effective rear, south elevation of the barn is preferable to providing these facilities within the historic interior, which would invariably involve loss of plan form and interventions into the historic fabric. Moreover, providing public events at the site facilitates access to the barn for an array of people, who now have the opportunity to enjoy it.
13. Conversely, a residential use has been suggested. To my mind, this would likely necessitate harmful subdivision of the interior and possibly also a similar extension to that carried out. Permanent habitation would bring with it unavoidable, typical domestic trappings. Its use as a private dwelling would also effectively remove the barn from the general public's enjoyment. Given such, a residential use would run a distant second to the more preferable current use in terms of its appropriateness and likely harm to significance.
14. These factors clearly point to the conclusion that the proposal represents the optimum viable use of the listed building; a substantial consideration in favour of the works/development. As to the other public benefits, the economic benefits that would flow from the scheme are of limited weight, particularly given that there several similar leisure facilities within the surrounding area.
15. Taking all of these factors together, it is my opinion that the public benefits of the scheme, including securing the asset's optimum viable use, provide a clear and convincing justification for the harm that would arise to the listed building.

Other Matters

16. The Council has also referred to the settings of the Grade II* listed building St Mary's Church and the 'other Grade II listed buildings within the curtilage of the grade II* Whitelackington Manor to the east'. I am mindful of my duty to have special regard to the desirability of preserving their settings. Intervisibility between the new extension and these buildings is limited where it exists at all, and appears to be of no obvious consequence to their settings or the way they are enjoyed. Given such, the development/works have not had a detrimental effect on any significance that these listed buildings draw from their settings.

Planning Balance

17. The harm to the special architectural and historic interest of the listed building draws the proposal into conflict with the development plan when read as a whole. The harm to the listed building is a powerful consideration which attracts considerable importance and weight against the scheme. However, I have found that the proposed works/development likely represents the optimum viable use of the listed building. This is a compelling and ultimately

decisive material consideration which leads me to conclude that I must make a decision other than in accordance with the development plan.

Conditions

18. Regarding Appeal A, a condition shall set out the approved plans in the interest of certainty. In the interest of highway safety, a condition shall ensure that signs are erected at the entrance and exit to the appeal site. Given that I have decided the appeals should be allowed on their own merits, conditions seeking further detail of internal fittings and external fixtures are not necessary.

Conclusion

19. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeals.

Matthew Jones
INSPECTOR

Appeal A – Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 220308 HB01, 220308 HB02, 220331 HB03, 220308 HB05, 220308 HB06, 220331 HB07, 220308 HB08, 220331 HB09, 220331 HB10, 220331 HB11.
- 2) Within 6 months of this decision, signs shall be erected in appropriate positions to be approved in writing by the Local Planning Authority indicating entrance only and exit only. Such signs shall be retained in perpetuity.
- 3) Within 3 months of the date of this decision, a Biodiversity Enhancement Plan shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The approved scheme shall be carried out and completed in accordance with the approved timetable and shall thereafter be retained.