



Appeal Decision

Site visit made on 20 June 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2023

Appeal Ref: APP/D3125/W/22/3309086

4 City Farm, Witney, Oxfordshire OX29 4YA

- 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 Darren Smith against the decision of West Oxfordshire District Council.
 - The application Ref 22/01816/HHD, dated 26 June 2022, was refused by notice dated 14 September 2022.
 - The development proposed is Installation of conservation roof windows (to get sunlight into darkest parts of the building). Move front door by 50cm to allow space for hallway furniture. Removal of internal stud-walls to allow for large kitchen to be built in byre (currently bathroom and utility room).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the appeal form as it more accurately describes the appeal site.
3. The appeal property, 4 City Farm, forms part of a Grade II listed building¹ referred to on the Statutory List as: '*City Farm, barn and attached outbuildings approximately 50 metres north of farmhouse*'. The listed building also includes the adjoining residential property, 3 City Farm.
4. The appeal is against the refusal of planning permission for development to a listed building and lies adjacent to neighbouring Grade II listed buildings. I have therefore had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. There is no accompanying listed building consent application. As such, my considerations relate to the development that is the subject of the planning application, notwithstanding any requirement for listed building consent for works such as moving internal stud walls.
6. The appellant states that seven rooflights are proposed, however, the proposed plans are lacking in detail and in places appear to be incorrectly drawn, with some of the plans also appearing to show a smaller, eighth rooflight. There is also a lack of clarity with regard to the changes to the front door. Furthermore, there are no floor plans showing the position of the proposed rooflights. This makes it difficult to ascertain the heritage impact of the proposal. Due to this

¹ Listing Entry Number: 1198161.

significant lack of detail, my assessment is partly based on my own impressions of the internal layout I observed on my site visit.

7. The appellant has provided amended plans which it is understood were not before the Council when it made its decision. However, the appeal process should not be used to evolve a scheme. It is important that what is considered at appeal is essentially the same scheme that was considered by the local planning authority and interested parties at the application stage. My decision is therefore based upon the plans on which the Council made its decision.

Main Issue

8. The main issue is the effect of the proposed development on the special interest of the Grade II listed building and the special interest of nearby Grade II listed buildings with particular regard to setting.

Reasons

Special Interest and Significance

9. The appeal property and its attached neighbour, No 3, comprise a former barn constructed around 1800 that, alongside the adjacent buildings are understood to have been converted to residential use in the late 1990s. Together with detached buildings, 1² and 5³ City Farm, and City Farmhouse⁴, the former barn forms a group of listed buildings comprising the farmhouse and buildings within the former foldyard. The former barn and its neighbours are constructed of limestone rubble walling with stone slate half-hipped roofs.
10. The former barn comprises of a two-storey element facing City Farmhouse with single storey wings extending out from the end bay to each side. The main building has deep, half hipped porches facing the former rickyard, now the rear gardens. The large threshing openings to the north and south elevations remain and have been glazed. The single storey wings to the end bays are described as cow houses in the list description. Whilst now in a different use, the building retains an agricultural character with a high solid to void ratio, despite the pair of large, glazed openings to the north and south elevations. Moreover, its separate functional elements including threshing areas and animal housing remain clearly legible.
11. From the evidence before me, I consider that the significance and special interest of the former barn derives in part from its functional agricultural appearance, the legibility of its former uses and intrinsic historic connection with the other farm buildings fronting the foldyard, the former rickyard and City Farmhouse. The former barn's half-hipped porches and large threshing openings lighting the interior and facing the foldyard and rickyard are clear indicators of past agricultural practices and consequently of special interest.
12. The roofscape of the listed building is a key architectural feature, particularly on the lower level ranges, which are at eye height and these contribute positively to its special interest. The high solid to void ratio, particularly to the west side of the building are conscious elements of the design dictated by the

² List Entry Name: City Farm, outbuilding and attached wall approximately 20 metres north north west of farmhouse. List Entry Number: 1052429.

³ List Entry Name: City Farm, outbuilding approximately 30 metres north north east of farmhouse. List Entry Number: 1198172.

⁴ List Entry Name: City Farmhouse. List Entry Number 1052428.

separate functions of the different parts of the building. This high solid to void ratio, including its predominantly unbroken stone slate roofs, contributes to the former barn's overall integrity and significance.

13. The former barn is located within the surroundings in which the No 1, No 5 and City Farmhouse are experienced and is thus within their immediate setting. The arrangement of these buildings along with the consistency of construction and materials illustrate the historic physical, visual and functional relationships between them. These elements positively reinforce the heritage merit of the buildings and their value as a group.

Appeal Proposal and Effects

14. Rooflights were installed to light the interiors of the former City Farm barns as part of the conversion works. Two were installed on the two storey elevation facing City Farmhouse. A further two are located on the former cow house wing now forming part of No 3. These are of roughly the same size, and aligned with one another on the roof slope, providing a degree of symmetry which helps to minimise their visual impact. However, I agree with the Council that the installation of the rooflights has likely resulted in some harm to the significance of the building. Nonetheless, such harm may have been balanced against the public benefits arising from securing a new use for the buildings as part of the assessment of the application for conversion.
15. It is proposed to install rooflights into the roof of the appeal property. One of these would be an additional rooflight in the roof of the two-storey element facing City Farmhouse. The proposed rooflight would add to the harm arising from the existing rooflights, as an additional insertion into what is generally an uninterrupted roofslope, further eroding the solid to void ratio and the integrity of the roof. Moreover, owing to its position and scale, the rooflight would unbalance the symmetry of this part of the roof leading to an incongruous appearance that would stand out against the existing rooflights, adversely affecting the significance of the former barn.
16. A further six similar sized rooflights would be installed along the west facing roofslope of the former cowhouse. As referred to in the preliminary matters, it appears that an additional, smaller rooflight would also be inserted into this roofslope. The proliferation of what appear to be large openings within the roof would disrupt the high solid to void ratio and result in a significant loss of traditional stone slates.
17. Being located on an elevation which historically has not had openings with a low level, readily visible roofslope that is currently unbroken, the proposal would be particularly harmful and would radically alter the appearance of this elevation, diminishing its agricultural character and special interest. The West Oxfordshire Design Guide (2015) provides specific guidance in relation to barn conversions and sets out at 15.4 that: *'Unbroken roof slopes should be retained, and the insertion of roof-lights minimised'*. This reinforces my above assessment.
18. Furthermore, whilst the appellant has confirmed the brand of rooflights and that they would have a steel frame, information in terms of size, design and projection from the roofslope has not been provided. Whilst this lack of detail could potentially be addressed by the imposition of a condition, given that the rooflights are the main element of the proposal and consideration of their detail

is central to understanding their effects on the special interest and significance of the assets, this deficiency adds to my concerns.

19. The former cow house is described as an 'open barn' by the Council and comprises five openings set between piers facing the foldyard. As part of the conversion, a simple arrangement of windows and doors have been installed in each of the openings with recessed stonework infilling below windows. The simple arrangement of fenestration of relatively robust, square proportions echoes that in the existing building and aids with the legibility of this part of the building, formerly being an open barn.
20. Although not evident from the proposed plans, the description indicates that the existing boarded door would be repositioned 0.5 metres from its current position. The appellant's statement sets out that the door would be positioned centrally with floor to ceiling windows to either side. Such slim windows would not be reflective of the robust proportions of the openings in the existing building. Moreover, tall slim sidelights are typical of domestic buildings and would have the effect of eroding the agricultural character, adversely affecting the legibility of this part of the building, to the detriment of its special interest and significance.
21. The proposal would be seen as part of the wider context of the group of listed buildings including No 1, No 5 and City Farmhouse. Given the former barn's position within the setting of the adjacent listed buildings and its integral contribution to the heritage value of the group, the harm to its agricultural character and legibility would inevitably, albeit in a small yet appreciable way, result in harm to the special interest and significance of 1 and 5 City Farm, and City Farmhouse.
22. The appellant contends that the proposal has: '*minimal impact on the historical features described in the listed status*'. However, I would note that list descriptions are primarily for identification purposes and do not provide an exhaustive or complete description of the building's special interest. Moreover, when a building is listed, it is listed in its entirety. Consequently, this argument carries little weight.
23. The appellant also sets out that the proposals could easily be reversed in the future. Whilst that may theoretically be the case, the prospect of future homeowners blocking up all of the proposed rooflights, in particular, is extremely unlikely. The appellant cites the presence of existing rooflights at the appeal property and its neighbours as justification for the appeal scheme, however I would note the presence of existing harm is rarely justification for additional harm. Moreover, as reasoned at paragraph 14, these would likely have been assessed under different circumstances.
24. The appellant has suggested that the proposal would not harm the listed building because it would not be publicly visible, despite the Council arguing that the proposal would be visible from the nearby bridleway. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the buildings can be gained.
25. For the above reasons, I therefore conclude that the proposal would fail to preserve the Grade II listed building, City Farm, barn and attached outbuildings approximately 50 metres north of farmhouse or any features of special architectural or historic interest which it possesses. The proposal would also fail

to preserve the special interest of the Grade II listed buildings of 1 and 5 City Farm and City Farmhouse through harmful development within their setting. This would be contrary to the requirements of section 66(1) of the Act. As such the proposal would cause harm to the significance of these designated heritage assets.

Public Benefits and Balance

26. With reference to Paragraphs 201 and 202 of the National Planning Policy Framework (the Framework), in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposal, I find that the harm in this instance would be 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
27. The rooflights are sought to provide additional light into the building. However, I would note from my site visit that the galleried first floor of the building is already lit by light from the threshing openings. Moreover, whilst I am mindful that this appeal relates to a planning application rather than an application for listed building consent, the light arising from this opening is part of the internal character of the building and is directly related to its function as a threshing barn.
28. In the absence of listed building consent, the proposed rooflights would serve non-habitable spaces (a corridor and a shower room) and a room with office and living space that is already served by a large opening to the rear garden. Consequently, it has not been convincingly demonstrated that the proposal would be the least harmful way to achieve more natural light or better energy consumption.
29. The relocation of the front door to avoid it hitting the fuse box and to allow more hallway furniture is a private benefit to the appellants. Moreover, there is no evidence before me that the appellant has considered alternatives such as relocating the radiator or fuse box.
30. The heritage asset appeared to be in a sound condition and in use as a dwelling, the proposed works would therefore not hold any benefits in securing the building's optimum viable use. Even accounting for modest economic benefits associated with the construction phase, cumulatively the sum of public benefits would not outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries.
31. The proposal would fail to preserve the special interest of the Grade II listed building. It would also not preserve the special interest of the nearby Grade II listed buildings through harmful development within their setting. This would be contrary to the requirements of section 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact would also be contrary to Policies OS2, OS4, EH9 and EH11 of the West Oxfordshire Local Plan (2018) and Policy ENP2 of the Eynsham Neighbourhood Plan which together seek to provide high quality design that conserves and enhances heritage assets and safeguards the historic environment. There would also be conflict with the West Oxfordshire Design

Guide which provides guidance with regard to design including in relation to proposals affecting heritage assets.

Conclusion

32. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR