



Appeal Decisions

Site visit made on 30 August 2023

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Appeal A: APP/W0530/W/23/3314001

Manor Farm Barn South Street, Comberton, Cambridge CB23 7DZ

- 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 Ben Tristem against the decision of South Cambridgeshire District Council.
- The application Ref 22/00605/HFUL, dated 8 February 2022, was refused by notice dated 13 October 2022.
- The development proposed is new entry structure, rooflights and roof-mounted photovoltaic arrays.

Appeal B: APP/W0530/Y/23/3314002

Manor Farm Barn South Street, Comberton, Cambridge CB23 7DZ

- 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 Mr Ben Tristem against the decision of South Cambridgeshire District Council.
- The application Ref 22/00606/LBC, dated 8 February 2022, was refused by notice dated 13 October 2022.
- The works proposed are new entry structure, roof lights and roof-mounted photovoltaic arrays.

Decision

1. The appeals are dismissed.

Preliminary Matters

2. Manor Farm Barn (the barn) includes a former agricultural barn which was converted to a single dwelling around 1991. It lies generally to the northwest of Birdlines Manor Farmhouse (the farmhouse). The farmhouse forms a Grade II listed building (listed in 1985) and the Council considers that the appeal building is curtilage listed. This is, however, disputed by the appellant.
3. Whilst there is no mention of the appeal building in the list description, there is no dispute in this case that the barn was a pre-1948 construction and is, therefore, capable of being curtilage listed due to its age¹. However, in order to determine whether a structure or object is within the curtilage of a listed building, Historic England Guidance advises that there are three key factors to be taken into account, based on the *Calderdale* judgment². These factors are the physical layout of the listed building and structures, ownership both

¹ Section 1(5) of the (Listed Buildings and Conservation Areas) Act 1990

² Attorney General ex rel Sutcliffe v Calderdale Borough Council [1982]

historically and at the date of listing and the use or function of the relevant building both historically and at the date of listing.

4. I observed on my site visit that the appeal building was in a separate residential use to the farmhouse. However, this is not representative of the situation as it was at the point of listing, which I have considered in light of the *Taunton Deane* judgment³.
5. The historic map regression analysis provided by the appellant indicates that the barn, the farmhouse and a range of other buildings were collectively known as 'Birdlines Manor Farm'. However, I recognise that just because constituent parts were part of the same farming enterprise, this does not inevitably mean that the appeal building is within the curtilage of the farmhouse. In common with *Taunton Deane* and *Calderdale*, it is also important to understand the physical and functional relationship between the two buildings at the time of listing.
6. Firstly, the appellant does not dispute that the barn and farmhouse were in the same ownership at the time of listing and the barn was in agricultural use, or last used for those purposes, until after listing, when the appeal building was subsequently converted to a dwelling⁴.
7. Whilst the appellant's submitted photographic evidence shows a boundary wall separating the farmhouse and the barn prior to listing, it also appears that a gap existed along the boundary. When combined with the relatively short distance between the appeal building and farmhouse, the evidence indicates to me that this would have allowed occupiers of the farmhouse to easily access the agricultural buildings within the farmyard, including the appeal building, thus serving to reinforce the historic functional connection between the two entities.
8. As a result of the foregoing, the appeal scheme is not comparable with the *Taunton Deane* case, nor the example referred to by the appellant in Historic England guidance⁵. This is because, in the case of this appeal and despite their different planning uses, the listed farmhouse was not functionally separate or physically isolated from the appeal building at the time of listing. On the contrary, the evidence before me indicates an integral relationship, with the physical closeness and grouped arrangement of the agricultural buildings and the farmhouse defining the group as a hub for the management and agricultural function of the farmstead.
9. I accept that the situation has changed since the time of listing. Principally, this is because the farmstead has been divided into several plots with related land and buildings converted to separate residential uses. The appeal site is also now under separate ownership from the farmhouse and the functional relationship between the farmhouse and barn has been lessened.
10. Nevertheless, and as evidenced by the appellant's map regression analysis⁶, the linear layout of Manor Farm Barn generally reflects its historic plan form. Moreover, intervisibility between the appeal building and the farmhouse still remains to an extent, despite extensive landscaping and a boundary wall

³ *Egerton v Taunton Deane Borough Council* [2008] EWHC 2752 (Admin)

⁴ Planning application reference - S/2090/86/F

⁵ Listed Buildings and Curtilage: Historic England Advice Note 10 section 2.2

⁶ Appendix 2 of appellant's appeal statement

dividing the properties. The reciprocal use of similar traditional materials and close proximity of these buildings together also reinforces the legibility of their historic layout and association.

11. It is worth noting that historically Manor Farm Barn has been considered curtilage listed by both the Council and the applicant. This was not only the case in relation to the original applications to convert the building to a dwelling, but numerous subsequent applications. A very recent application for separate works, including repairs to the roof and replacement doors, was also approved in 2022 when the building was considered to be curtilage listed⁷. The building's status as a curtilage listed building does not appear to have been challenged in the past.
12. It is, however, put to me by the appellant that a previous Council officer report, relating to another scheme at the property involving solar panels, stated that listed building consent was not required⁸. Irrespective of the specifics of the decision-making process, the related description of development infers that solar panels were proposed in the rear garden, as opposed to works to the building itself, as is the case here. Therefore, and in the absence of specific evidence to the contrary, the schemes are not comparable.
13. Given the above, and as there is no substantiated evidence to the contrary, I conclude that the appeal building is curtilage listed.
14. As the proposal affects a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. As a structure within the curtilage that has a principal and accessory relationship to the main building, Manor Farm Barn is also consequently listed. This is the basis upon which these appeals have been determined.

Main Issues

15. The main issue is whether the proposal would preserve a Grade II listed building, 'Birdlines Manor Farmhouse' (Ref: 1310106), and any of the features of special architectural or historic interest that it possesses.

Reasons

16. According to the list description, the principal building, Birdlines Manor Farmhouse, comprises a two-storey building dating from the mid-18th century built in a traditional style reflective of its age. The rear elevation of the building generally faces East Barns (another former agricultural building now dwelling), with Manor Farm Barn also to the rear at an oblique angle.
17. In relation to the curtilage listed appeal building, the principal constructional focus for the former barn was its inter-relationship with the farmhouse, farmyard and surrounding agricultural buildings. However, the building's outward appearance has been altered due to a number of post-listing interventions and alterations. Furthermore, the main range, which comprises an elongated two-storey and single-storey element, includes a number of other more recent extensions attached to the front and side.

⁷ Listed Building Consent reference - 22/00523/LBC

⁸ Listed Building Consent reference - S/0015/19/LB

18. Nevertheless, the main range is clearly discernible and retains evidential value in relation to its rectangular form and linear layout reflecting the latent plan form of the farmstead buildings which were positioned around a central farm yard. The building's simple pitched roof, and the historic barn openings in the main elevations, contribute to its traditional, agrarian character despite embellishment of the principal elevations, and the insertion of numerous window openings. It retains an imposing presence, indicative of a building that was key to the farm's historic productivity. Furthermore, despite the domestication of the appeal building and its surroundings and a robust boundary treatment along the boundary with the farmhouse, an element of intervisibility between each building has nevertheless been retained.
19. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the appeal building's evidential value in terms of its historic plan form and architecture and the contribution it makes to the remaining historic legibility of the farmhouse and wider farmstead.
20. In relation to the proposed porch entry, this would be a relatively modest addition which would project from one end of the façade. This addition would not be objectionable as, like the outbuilding which exists immediately in front of it, it would be positioned so as to allow the building's plan form to remain legible.
21. However, the same cannot be said for the remaining proposed entrance structures. Whilst the appellant asserts that the design aesthetic, including brick piers, would reflect historic agricultural context, the extensive use of PVC roof covering suggests otherwise. Indeed, their extensive footprint would introduce grandeur to a frontage which, contrarily, is defined by its robust linear simplicity.
22. Moreover, unlike the light-weight, transparent design of the glazed link which already fronts part of the main range, the proposed structures would occupy a large area in front of the single-storey element. As a result, they would dominate the open courtyard space, diminishing the building's prominence and an appreciation of its façade, disrupting its historic plan form.
23. In respect of the photovoltaic panels proposed, the majority of them would be sited on the rear facing roof slope of the two-storey element of the main range. Whilst the consistency of the building's entire roof slope has been disrupted by a number of interventions, including large chimney stacks, rooflights and alterations to its height and design, a high proportion of undisturbed roof plane remains to the extent that it exhibits an expansive, simple pitched roof form, in keeping with the building's utilitarian origins.
24. Whilst the panels would have an integrated design which would sit lower to the roofline, they would occupy a large expanse of the roof slope, their reflective qualities emphasising their prominence, despite their dark colour. This would be in contrast with the small scale of the rooflights and vents which would be removed in order to accommodate the solar array. As such, the panels would appear discordant and overtly prominent.
25. On the opposing forward-facing roof slope, a total of five roof lights would be inserted. Whilst one small roof light already occupies this roof slope, two of the rooflights proposed would be much larger. When combined with the net

increase in rooflights proposed, and despite their 'conservation style' design, they would represent a high degree of intervention. In combination with the photovoltaic panels, the scheme would significantly detract from the simplicity of the main range's roof.

26. The remaining proposed photovoltaic panels would be attached to the rear facing roof slope of the western range of extensions. However, this range is offset to the side of the main range. As a result of this and its modern materials and varied roof form, it has a more contemporary appearance in comparison with the main range. Therefore, the panels proposed in this location would not erode the historic legibility of the building.
27. Be that as it may, the scheme as a whole would disrupt the historic plan form of the former farmstead and the relatively simple, functional appearance of the main range's roof, harming the contribution it makes to the special interest of the principal building. The fact that the works would, theoretically, be reversible would do little to mitigate the harm.
28. Paragraph 199 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset and that any such harm should have a clear and convincing justification. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
29. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. I appreciate that the panels comprise a form of renewable energy generation which would improve the building's thermal performance and sustainability. However, the building is currently in use for residential purposes and its continued use for such purposes is not dependent on the outcome of this scheme. There may also be other suitable locations within the grounds of the property to accommodate additional panels which do not result in the same level of harm. In this case, the proposed panels would therefore provide only modest benefits.
30. The additions proposed to the front of the building would provide a covered entryway into the house, protection for two vehicles and additional storage space. An area of planting would also be created, although that is not dependent on the appeal scheme. Therefore, these constitute private benefits. Overall, the public benefits in this case are not of sufficient weight to outweigh the identified harm.
31. Given the above and in the absence of sufficient public benefit, I conclude that the proposal would fail, on balance, to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 199 of the Framework and would conflict with Policies HQ/1, NH/14 and NH/15 of the South Cambridgeshire Local Plan (2018) which require, amongst other matters, that proposals conserve historic assets and the District's building traditions and details, with proposals for renewable energy being permitted if the significance of historic buildings is adequately

safeguarded. As a result, the proposal would not be in accordance with the development plan.

Other Matter

32. The appellant alleges that the Council did not engage with them effectively and refused their applications without prior discussion. However, this is a matter between the parties and has no bearing on my determination of these cases, which have been assessed on their planning merits.

Conclusion

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

M Woodward

INSPECTOR