



Appeal Decision

Site visit made on 13 December 2023

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/W3330/W/22/3312884

Burts Farm, Ford Street, Wellington TA21 9PG

- 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 R Baker against the decision of Somerset Council.
 - The application Ref 44/22/0003, dated 9 March 2022, was refused by notice dated 15 July 2022.
 - The development proposed is erection of an ancillary gym building and the extension of residential curtilage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposal from the application form.
3. The building described above was already built and the material change of use of land had commenced prior to my visit. The appeal proposal therefore seeks permission for these elements retrospectively.
4. The appeal was submitted against the refusal of permission by Somerset West and Taunton Council, which since the submission of the appeal, has merged with other Councils to form Somerset Council. As a result, I have referred to Somerset Council in the banner heading above.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal would preserve or enhance the significance of the Grade II listed building, Burts Farmhouse;
 - the effects of the proposal on the character and appearance of the site and surrounding area; and
 - whether the proposal would be suitably located in relation to the host dwelling.

Reasons

Context

6. This appeal seeks retrospective planning permission for the erection of an ancillary building and the extension of the domestic use of land in order to accommodate the appellant's home gym. The gym building (and car port) measures around 12.3m by 13.8m by around 5.8m high to its ridge with an internal mezzanine first floor level. Its north-eastern elevation is largely glazed.

The remaining elevations comprise a mix of waney edge timber cladding, dark grey weatherboard cladding and metal profile sheeting. The asymmetric roof form is covered with slates on one plane and profile sheeting on the other.

7. The development plan for the area includes the Taunton Deane Core Strategy (2012) (CS) and the Taunton Site Allocations and Development Management Plan (2016) (SADMP).

Effects on Listed Building

8. The Grade II listed building, Burts Farmhouse (List Entry Number: 1344619), is a handsome, detached dwelling that dates from the mid-19th century and features stucco front elevation with centred porch, a hipped slate roof and traditional sash windows.
9. The significance and special interest of the listed building stems from its architectural aesthetic and detailing and remaining historic fabric that denotes its origins as a relatively high status Georgian farm dwelling. Significance also comes from the listed buildings historic function as the primary building within the original farmstead. The former barns have been converted into separate dwellings and the listed building stands within its spacious garden, partially enclosed by stone walls and adjoined on one side by agricultural land.
10. In my view, the significance of the listed building has already been eroded to a degree by the accumulative effects of new buildings and the spread and extent of land changed to uses associated therewith. Not only within the land owned by the Appellant but also on adjoining land to the west which appears to be in various commercial and domestic uses. The effects of the urbanisation of the wider surrounding area undermine the legibility of the rural listed building and what would have been its associated farmstead. As a contrast, it is fortunate to retain its spacious, verdant garden and sense of rurality to the north and east.
11. By virtue of the generous scale, form and mass, and the incoherent mix of external materials, the building would result in further urbanising effects of the appeal site when taken in combination with the large extent of hardstanding and associated domestic paraphernalia. Taken as a whole, in my view, the appeal scheme detracts from the rural scene and setting of the listed building. This results in a further modest erosive effect on the listed building's significance.
12. That the significance of the building has already been undermined by other development within its setting is not sufficient justification for further harm. Similarly, harm does not need to be widely visible from public vantage points or from *habitable* rooms from within the listed building itself, though there are windows from the listed building that look towards the appeal building and hardstanding. Furthermore, given the proximity and relationship between the listed building and the appeal site, I do not consider that a landscaping scheme required by way of planning condition could negate the identified harm.
13. For the above reasons, the proposal fails to preserve the significance of the listed building, thus bringing the appeal scheme into conflict with S66(1) of the Listed Building and Conservation Areas Act 1990, and with CS Policy CP8 which requires development to protect, conserve or enhance the interests of natural and historic assets.

14. Under the terms of the National Planning Policy Framework (the Framework), less than substantial harm to the significance of a designated heritage asset shall be weighed against the public benefits of the scheme. In this case, I consider that the magnitude of harm to the significance of the designated heritage asset would be less than substantial. I return to the balance below.

Character and appearance

15. As above, I have found the building to have a harmful effect on the rural scene owing to its scale, form and appearance. These conclusions are also relevant to the effects on the character and appearance of the area. The scale of the building challenges the primacy of the host dwelling and when combined with the excessive hardstanding, absence of soft landscaping and hedges, and spread of domesticity, the development has a harmful urbanising effect on the rural area. These effects are not offset by the agricultural feel of the building promoted by the Appellant, which is limited only to the waney edged timber clad elevation and its simple form, although it is similarly akin to a modest commercial building.
16. It is claimed that the building is screened by the host dwelling in views from the south, which is broadly accurate. However, I was able to glimpse parts of the building itself from the nearby public right of way and noted its association with buildings, caravans and structures on the adjoining site. Rather than being of limited consequence in this context, the appeal proposal adds to this overall cluttering effect.
17. The suggestion that the curtilage does not project into the open countryside is also difficult to rationalise with the evidence presented and with what is visible on the ground. The Council's Statement provides an extract showing the planning unit from the original conversion scheme which shows it to be much smaller than it is on the ground. Figure 11 of the Appellant's Statement sets a notional line denoting the furthest extents of domestic curtilages with which the appeal proposal is purportedly contiguous. However, there are a number of projections of the residential uses beyond this red line, including a recent addition not captured within the plans.
18. In reaching this finding, I do not consider that there would be material effects on the setting of Wellington or on the nearby Blackdown Hills Area of Outstanding Natural Beauty. I have focussed on the effects of the scheme on the site and its surroundings within the cluster of buildings at Burts Farm, Farmhouse and immediately surrounding landscape. I have also considered the Appellant's willingness to replace the external materials of the building if it were capable of remedying identified harm. In my view, this would not be adequate to overcome the identified harms and therefore, I have determined the appeal on the basis of the plans before me.
19. For the above reasons, the proposal would be harmful to the character and appearance of the area, contrary to, in particular, CS Policies DM1 and CP8. Together, these Policies require development to be appropriate in terms of scale, siting and design and to avoid unacceptable harm to the appearance and character of any affected landscape.

Location of development

20. Whilst the Appellant alleges that the extent of the red site area was already part of the domestic curtilage, the appeal seeks to retain the change to a residential use associated with the host dwelling should it be necessary.
21. My view is that the domestic use of the land appears to have been extended incrementally through the siting of various buildings; the planning status of which is unclear from the evidence. The same can be said of the appeal scheme. As observed on my site visit, the most recent extension of the domestic use of the land beyond the appeal building has already occurred; with an enclosed decking and equipped play area having been created part way into the paddock area. This additional change of use of land is not reflected in the plans submitted to me.
22. Neither the CS or SADMP appears to contain any policies explicitly addressing the change of use of land to domestic uses in countryside locations. Policy D6 of the SADMP refers to the conversion of an appropriate building within the curtilage of a dwelling, or the construction of new buildings within the curtilage of a dwelling for ancillary purposes. The wording of Policy D6 appears to infer that the curtilage of the dwelling should be established prior to consideration of any proposals for an additional building to be sited within it. The Policy does not obviously deal with the present scenario where a building is proposed on land which would also concurrently extend the domestic curtilage.
23. However, the change of use of land and its associated domestic paraphernalia has a visual dimension, and even if the building were close enough to maintain a functional relationship with the dwelling, the harms to the character and appearance of the area and undermining of the significance of the designated heritage asset still conflict with SADMP Policy DM1 and CS Policy CP8 in any event. Therefore, SADMP Policy D6 is not determinative in this appeal.

Planning balance

24. By reason of its effects on the character and appearance of the area and harm to the significance of the designated heritage asset, the appeal scheme conflicts with the development plan when taken as a whole.
25. I have considered the suggested needs of the Appellant for the well-sized, lit and ventilated building on site to accommodate specialist exercise equipment. I have attributed limited weight to this aspect which would derive largely private benefits for the Appellant in any event. The reduction in the Appellant's need to travel to facilities elsewhere is a very limited benefit.
26. The less than substantial harm to the significance of the designated heritage asset is not outweighed by the very limited public benefit of the scheme. Furthermore, the limited public benefits do not form a consideration of such materiality that they indicate that a decision should be taken other than in accordance with the development plan.
27. The appeal is therefore dismissed.

Hollie Nicholls

INSPECTOR