



Appeal Decisions

Site visit made on 9 January 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal A Ref: APP/J1860/W/23/3315225

Upper Howsen Farm, Howsen, Cotheridge, Worcester WR6 5LR

- 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 Philip Matthews Construction & Burgoyne Property Developments Ltd against the decision of Malvern Hills District Council.
 - The application Ref M/22/01037/FUL, dated 8 July 2022, was refused by notice dated 1 December 2022.
 - The development proposed is conversion of former hop kiln into residential use alongside extension and alterations to Upper Howsen Farmhouse and The Granary. Works to also include new access to The Granary, construction of two garages following removal of existing Dutch barn and dilapidated garage.
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Appeal B Ref: APP/J1860/Y/23/3315226

Upper Howsen Farm, Howsen, Cotheridge, Worcester WR6 5LR

- 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 Philip Matthews Construction & Burgoyne Property Developments Ltd against the decision of Malvern Hills District Council.
 - The application Ref M/22/01038/LB, dated 8 July 2022, was refused by notice dated 1 December 2022.
 - The works proposed are conversion of former hop kiln into residential use alongside extension and alterations to Upper Howsen Farmhouse and The Granary. Works to also include new access to The Granary, construction of two garages following removal of existing Dutch barn and dilapidated garage.
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Decisions

1. Both appeals are dismissed.

Preliminary Matters

2. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated.
3. I have taken the description of development/works from the application form. However, for clarity, I have made reference to the proposed alterations to Upper Howsen Farmhouse and The Granary.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decision. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal.

Main Issues

5. The main issues are:

- The effect of the proposal on the special interest/significance of the Grade II listed building known as Upper Howsen Farmhouse, including its setting; (Appeal A and B)
- Whether the appeal site would be a suitable location for the proposed development having regard to the Council's spatial strategy. (Appeal A only)
- Whether the proposal makes acceptable provision for affordable housing. (Appeal A only)

Reasons

Listed and curtilage listed buildings (Appeal A and B)

6. Upper Howsen Farmhouse (Ref.1349348, listed in 1984) (the farmhouse) is a Grade II listed building. The list description mentions that the building is 17th century or earlier with later alterations. It is timber framed, refaced in brick, with a large, external brick rear stack and second external stack to the right elevation. It has a H-shaped plan of hall and two cross wings. It describes the arrangement of the bays, windows and doors and its external architectural detailing.
7. The significance of this building, in so much as it relates to the appeal before me, is largely derived from its considerable age, its plan form and its historic fabric including visible timber framing. These attributes, along with its distinctive appearance, mark it as an important survival of an early, vernacular dwelling. Despite some later alterations, the status and significance of this farmhouse is clearly apparent, and this is reinforced by its agricultural setting.
8. The setting of a listed building is defined in the National Planning Policy Framework (the Framework), as being the surroundings in which a heritage asset is experienced. This includes the relatively open agricultural landscape surrounding the farmstead and the arrangement and function of buildings associated with it. Also, the historic significance of several of those surrounding buildings contribute positively to the setting of the farmhouse and collectively contribute to and reinforce its significance.
9. The Granary is a small brick and tile building of simple form situated to the rear of the farmstead. The evidence from the appellant's historic mapping suggests to me that it was also a functional, agricultural building associated with the wider farmstead. This building, now converted into residential use, is also identified as a curtilage listed building. Although the building appears to have been subject to some recent alterations and the domestication of land around it, it nevertheless is recognisable as an ancillary, functional historic building with an agricultural character. Its historic interest adds to the sum significance of the farmhouse and wider building grouping.
10. The hop kiln stands prominently alongside the farmhouse and although in a state of deterioration and has suffered some loss of historic features has a clearly recognisable functional identity. This is derived from the form and massing of the building as well as the arrangement and appearance of its openings and other features. As a curtilage listed building, it embodies a

measure of architectural and historic interest in its own right. It also comprises a key element of the setting of the farmhouse, thus unequivocally contributing to its significance as a designated heritage asset.

11. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Proposed development/works to the farmhouse

12. The proposed orangery would span across a significant part of the south west elevation, extending across an existing double door and window; the latter which is proposed to be enlarged to form a double doorway. The painted timber orangery with a brick-faced base would be of lean-to construction, terminating just beneath the first floor window sills with a central gable feature. Although the orangery would be attached to the visibly larger cross-wing, it would be of significant size and massing and would dominate and overwhelm the elevation. Its open position would allow it to be viewed from many vantage points around the immediate site. Despite the use of glazing, it would be particularly noticeable when read alongside the smaller form and massing of the hall and other cross wing.
13. Even based on the limited design and construction details, the structure's overall design bears little relation to the form and appearance of the farmhouse with little explanation as to how it has been designed to take account of the characteristics of the building. A notable, jarring feature is the gable detail which would be awkwardly offset from the chimney stack. Despite the proposed use of painted timber and being set in from the outer walls, the size of the proposal and its design would divert attention from the ability to read and understand the building and potentially obscure features of interest.
14. The proposed orangery would be at the rear of the farmhouse, but it would be visible from the surrounding landscape and viewed in conjunction with the historic farmstead. In this context, this elevation is a key part of the building's special interest and significance, and it cannot be assumed that rear elevations are of less significance to frontages. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views or access can be gained. Furthermore, the contribution of setting to significance does not depend on public rights or the ability to access it.
15. I have no construction details to indicate how the proposed orangery would be attached to the listed building or relate to the window sills above. If not detailed sympathetically this could have an adverse effect on the historic fabric. Also, there is no adequate justification as to why the historic fabric needs to be disturbed to form an additional, large doorway. Whilst the existing window fenestration may be modern, I have no adequate information as to the circumstances surrounding this window and the opening may be historic. The presence of the modern window and door does not substantially diminish the significance of the elevation given that it forms part of the cross wing.

16. The evidence suggests that the existing porch is a relatively recent addition but its form, clay tiles and some detailing assists in its assimilation with the main building. However, it is apparent to me that the porch adjoins an area of timber-framing in the gable end. I also saw possible evidence of timber frame repairs to the sides of the gable. In my view, before any replacement structure is considered, the historic fabric in this part of the building needs to be fully understood. This would ensure that proposed alterations interact successfully with the historic fabric and avoid damage to it. Notwithstanding the need to assess the historic fabric, there is little detail regarding the proposed replacement porch. Further, apart from the proposed use of handmade bricks and lime mortar, it is unclear to me how the replacement would better reveal earlier part of the building or be of any design improvement to the existing structure. Understanding the structure and a fully specified drawing should form part of the initial proposal and could not be resolved through conditions attached to any approval.
17. Although it may be possible to convert a bedroom to form a dressing area and en-suite and to form a connecting doorway, I have insufficient information before me to illustrate how the conversion of this room would impact on the historic fabric of the building. For example, I have no adequate details of whether there is timber framing in the walls, where the pipe runs would be, and details of ventilation. The nature of the building fabric would need to be understood by careful removal of small areas of plaster, before proposing the formation of a doorway or adding impervious wall finishes. Such details could not be secured by condition as it is important that the significance of the structure and its vulnerability to change is understood before approval is given. Therefore, the evidence before me does not offer sufficient clarity and robustness to be able to conclude that these elements of the proposal would not cause harm to the building's special interest/significance.
18. Whilst there is no objection to the demolition of the mid-20th century garage and construction of a single storey open fronted car port, the replacement structure would be far closer to the farmhouse and would most likely obscure some views of it from the lane. There may be mature planting which would limit some views but in terms of its relationship with the farmhouse the structure would be incongruous, awkwardly sited and cramped within the site.

Proposed development/works to The Granary

19. Although the historic mapping suggests that the building may have previously been larger, I have no adequate details as to what this larger building looked like and I saw no evidence of it on site. Furthermore, the evidence suggests to me that the extensions date to no earlier than the early 20th century. The presence of earlier structures therefore provides little justification for any reinstatement. Whilst the siting and overall form of the proposed extensions would be typical of additions to an agricultural building, they would be substantial in their extent, overpower the building as it currently stands and erode its legibility. Furthermore, the design of the glazed gable would contrast with the solid to void ratio of the existing building and I was not made aware of any similar design features on nearby agricultural buildings. The proposed extensions would therefore harm the significance of the building and represent an incongruous and harmful development within the setting of the farmhouse and farmstead as a whole.

20. Whilst upgrading the building to ensure minimum space standards are met would be desirable to the appellant, there is inadequate submitted evidence to suggest that this standard applies to adaptations to heritage assets. It is also not demonstrated that an extension of the size proposed is required to achieve the desired bedroom sizes.

Proposed development/works to the hop kiln

21. Doors, windows and architectural features are often an important indicator of how a historic building functioned and its legibility. The previous permission/consent largely worked with the historic openings, proposed to reinstate key historic features, and sought to substantially retain the functional appearance of the hop kiln. Whilst the appeal proposal would continue to reinstate the historic roof there are significant changes to the size and arrangement of door and window openings to the south west elevation which would disrupt its functional appearance. Double and triple glazed doors are not a characteristic feature of the building and the substantial enlargement of the first floor openings beneath the larger pyramidal roof would be a marked change. Furthermore, the additional windows on the north east elevation would also be visually disruptive. Despite the reinstatement of the roof, the proposed changes would confuse the building's legibility, would give it an overtly domestic appearance and have not been adequately justified. Furthermore, the wide openings would disrupt the strong vertical emphasis of many of the building elements and result in a loss of historic fabric.
22. The balcony window would represent a large and obtrusive element in the roofscape, especially given that I have no adequate evidence that the building previously had rooflights at this level. New rooflights are also proposed to the north east elevation. Details such as these are fundamental to the acceptability of the proposal and the exact specification and justification for them should have formed part of the proposal from the outset and should not be left to be resolved through conditions.
23. It is often the case that many agricultural buildings had shuttered openings and some of the hop kiln's openings would have had them. However, without adequate evidence, it would be wrong to assume that most openings had shutters and too many could create clutter on the building and create a confusing, contrived appearance. An analysis of the position of doors and windows within their openings together with other indicators such as pintle hinges would assist in this regard.
24. It may be the case that the previous scheme was not implemented due to poor levels of natural illumination. However, in my view, this has not been adequately evidenced such as by suggesting where the lighting shortfalls would be and options for addressing this matter. Whilst it is suggested that the Council's Design Guide SPD supports larger windows in south elevations to exploit natural daylight and for improving energy efficiency, historic building conversions often demand a more bespoke approach to protect their significance. It must also be remembered that protecting and enhancing the historic environment is part of the Framework's environmental objectives to achieve sustainable development.
25. It is suggested that the south west elevation is not visible from any public viewpoint. However, I have already mentioned that an historic building's significance does not depend on public visibility, and it cannot be assumed that

the rear of an agricultural building should be of lesser importance. The 'rear' of the hop kiln faces the farmyard which has a loosely dispersed form of buildings around it and would have been a key part of farm's functional activities. It also has a close visual relationship with the farmhouse. Designing a scheme based on a detailed understanding of how a building functioned as well as visual appearance is a key part of Historic England's best practice guidance.

26. Whilst I acknowledge that the proposal would find a new use for the hop kiln, would bring about its repair and reinstate the historic roof, the scheme would be harmful to the building's significance. It would also cause harm to the setting of the farmhouse and the wider farmstead.
27. Considering all of the above, I find that the appeal scheme would have a harmful effect on the special interest/significance of the listed building, including its setting. Therefore, the expectations of the Act are not met. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage assets as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal.
28. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. I will return to the weighing of public benefits and reaching a balanced judgement below.

Location (Appeal A only)

29. As the appeal site lies within the open countryside as defined by Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP), new development, including the conversion of existing buildings, is strictly controlled and limited to specific uses. In this regard, no marketing exercise has been carried out to support residential conversion of the hop kiln in accordance with Part E of Policy SWDP12. However, Policy SWDP24 supports the sympathetic and creative re-use and adaptation of historic buildings and Policy P2 of the Broadwas and Cotheridge Neighbourhood Development Plan (2019) (BCNDP) supports dwellings that represent the optimal viable use of a heritage asset to secure their future. In this regard, its status as a curtilage listed building, its disused, dilapidated condition and the previously authorised residential conversion suggests to me that residential use could well be its optimum viable use.
30. However, whilst I consider that the principle of the conversion carries significant weight, I have found that the proposal would cause harm to the listed building, including its setting. The scheme would therefore not be compliant with Policy SWDP24 and BCNDP Policy P2.
31. The appellant has raised the Council's apparent lack of a 5-year housing land supply. However, given the harm I have identified to the designated heritage assets, and bearing in mind footnote 7 of the Framework, the presumption in

favour of the development is not engaged. The significant harm identified gives me a clear reason for refusal. Therefore, for these reasons, I conclude that the appeal site would not be a suitable location for the proposed development having regard to the Council's spatial strategy. It would therefore be contrary to SWDP Policies SWDP1, SWDP2, SWDP24 and (BCNDP) Policy P2. It would also be contrary to the Framework which seeks to avoid the development of isolated homes in the countryside.

Affordable housing (Appeal A only)

32. The hop kiln falls within a Designated Rural Area, therefore Policy SWDP15 requires new housing to contribute to the provision of affordable housing. A draft unilateral undertaking has been submitted to the Council indicating an intention to provide an off-site contribution. However, the Council has required amendments which raise significant points of concern. In the absence of a completed legal agreement, the proposal fails to support any affordable housing provision, contrary to Policy SWDP15 and paragraph 64 of the Framework.

Public benefits (Appeal A and B)

33. The farmhouse proposal would be clearly beneficial to the occupant's living conditions. However, I regard this as a private rather than a public benefit. It may be that the building requires modernisation, repair and thermal improvement but there is no evidence before me of exactly what these works would entail or how they would form part of the proposal and there would more than likely be a range of ways of achieving these objectives without the harm identified. It is suggested that the replacement of the porch would be a visual improvement. However, this has not been adequately substantiated, and more investigation would be required to understand the impact of this on the fabric of the building. Moreover, I have been given no evidence that the continued viable use of the appeal property as a residential dwelling or its maintenance is dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
34. There is no doubt that the occupants of The Granary would benefit from the increased floor area. However, again there is inadequate evidence that the extension and works would be necessary to secure its continued use, and this would be a private benefit. It has been suggested that the bedrooms need to comply with space standards, but I have already concluded that it has not been demonstrated that these standards apply to historic building conversions. The building would also benefit from a new drive, separating it from commercial vehicles and a future adjoining tourism use. This, in my view, would again be a private benefit as I have no sufficient evidence that the existing track is unsuitable for the users of the dwelling. The building also already visually clearly forms part of the farmstead, regardless of the access.
35. The conversion of the hop kiln to a dwelling would bring about its repair, secure the reinstatement of the historic roof structure and ensure its long-term future. It would also have a positive effect on the setting of the farmhouse, the wider farmstead and the immediate locality. It may also be that a dwelling is its optimal viable use. These would represent significant public benefits in favour of the proposal. However, it has not been demonstrated that the scheme before me is the only way to achieve these public benefits especially as the previous scheme appeared to achieve these benefits without the level of harm

identified. This therefore limits the overall weight that can be attributed to them.

36. It is also suggested that the scheme would improve the thermal performance of the building by incorporating greater energy efficiency measures, including natural lighting and solar gain. However, again, I have few details of what these works would entail, and it has not been adequately demonstrated how the appeal scheme would deliver greater energy efficiency to the previous scheme or to other design options which may have less harmful consequences. Therefore, at this stage, this benefit cannot be justified.
37. The creation of a new dwelling would contribute to the supply of local housing which is a public benefit, and future occupants would support local services and facilities. However, I have concluded that the site would be in an unsustainable location, and this limits the weight that can be attached to this benefit. There would be an economic benefit during the construction phase of the dwelling as well as the proposed works/development on the site. However, these benefits would be limited in scale due to the magnitude of proposal.
38. The removal of the prominent Dutch barn and the garage near to the farmhouse would be considered an enhancement to the setting of the listed building. These would command a degree of public benefit. However, I have found the replacement garage to be unacceptably close to the farmhouse. Whilst there is no objection to the proposed garage to serve the hop kiln, it could not be regarded as being an enhancement to the setting. This limits the weight that I would afford to these public benefits.
39. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the Grade II listed building. As such, the proposal would not comply with paragraph 208 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the listed building. Hence, the proposal would fail to satisfy the requirements of the Act and the Framework. It would also conflict with Policy SWDP6, SWDP21, SWDP24C and BCNDP Policy P2 that seek to support and underpin the statutory and policy objectives.

Conclusion (Appeal A and B)

40. Whilst there would be benefits associated with the proposal, I consider that there are no material considerations, including the provisions of the Framework, of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that both appeals should be dismissed.

G Bayliss

INSPECTOR