



Appeal Decisions

Site visit made on 24 October 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2024

Appeal A Ref: APP/M9496/W/23/3319738

Herod Farm, Turnlee Road, Simmondley, Glossop SK13 6JT

- 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 and Mrs Jones against the decision of Peak District National Park Authority.
 - The application Ref NP/HPK/0822/1032, dated 10 August 2022, was refused by notice dated 1 February 2023.
 - The development proposed is Conversion of barn to dwelling to include extension, alterations and landscape works.
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Appeal B Ref: APP/M9496/Y/23/3328109

Herod Farm Turnlee Road, Simmondley, Glossop SK13 6JT

- 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 and Mrs Jones against the decision of Peak District National Park Authority.
 - The application Ref NP/HPK/0623/0664, dated 16 June 2023, was refused by notice dated 11 August 2023.
 - The works proposed are Conversion of barn to dwelling to include extension, alterations and landscape works.
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Decision

1. *Appeal A*: The appeal is dismissed.
2. *Appeal B*: The appeal is dismissed.

Preliminary Matters

3. The appeal site lies within the grounds of Herod Farmhouse which is Grade II listed¹. The appeal building is a former barn that is used as additional living accommodation with a garage and workshop at ground floor level. Lying across a paved area, adjacent to Herod Farmhouse, both parties agree that the appeal site lies within its curtilage. Constructed before 1 July 1948, the former barn is therefore covered by the same statutory protection as Herod Farmhouse and is part of that listed building. I have therefore had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. I have taken into account the revised National Planning Policy Framework (the Framework) as published on 19 December 2023. Any reference to the Framework below is consequently a reference to this latest revised version.

¹ List Entry Number: 1087989

5. In the interests of clarity, my references to the individual elevations of the appeal building are consistent with those stated in the heritage statement. Thus, the west elevation is the gable elevation facing onto the paved area to the rear of the farmhouse and the north elevation is the elevation containing the existing lean-to extension.

Main Issues

6. The main issues are:

- whether the proposal would preserve the Grade II listed building, Herod Farmhouse, or any features of special architectural or historic interest which it possesses;
- whether the proposal would accord with the housing strategy, specifically with regard to open market dwellings;
- the effect of the proposal on the living conditions of the occupiers of the existing dwelling at Herod Farm, with particular regard to privacy;
- whether the proposal would provide adequate living conditions for future occupiers of the proposed dwelling, with particular regard to privacy; and
- the effect of the proposal on protected species.

Reasons

Listed Building

Special Interest and Significance

7. Herod Farmhouse was added to the statutory list in 1984, with the list entry identifying it as being constructed in the early seventeenth century, although a date stone within the lintel of the main doorway is inscribed with 'IM 1703'. It is a two-storey building constructed of coursed gritstone with a stone slate roof and prominent stone quoins. It is surrounded by agricultural fields and located within a group of four main buildings, with the farmhouse to the west, the appeal barn across the paved area to the east, a modern stable block adjacent to the appeal building to the north, and a modern timber field shelter within the northern aspect of the site. A large garden space lies to the north and east which wraps around the barn.
8. It is the considerable age, traditional construction and evolution over time, as well as the historic relationship with the wider farmstead and associated buildings that underlie the special interest and significance of Herod Farmhouse.
9. The appeal building is a coursed rubble barn, of three bays, with prominent quoins reflective of those at Herod Farmhouse, albeit somewhat smaller. The roof is blue slate. According to the appellant's heritage statement, the barn dates to the late nineteenth century. The building has large cart door openings to the central bay on both the north and south elevations. Two flanking outer doors to both elevations provide access to the outer two bays. Whilst the building has been converted to residential use, the three bays remain evident internally. Furthermore, feeding holes opening into the central bay from the eastern bay remain. These are also evident to the western bay, albeit now blocked.

10. According to the appellant's heritage statement the majority of the window openings were added in two main stages, firstly whilst the building was still in agricultural use in 1964 and, in 2003 as part of the conversion to residential use. The ventilation slits to the apex of either gable were blocked at some point during this time. The building has a lean-to porch shelter to the north elevation which is open to the north and east with walls and a roof of corrugated sheeting. This is a relatively recent addition, alongside the adjacent stable block in the yard to the north.
11. As set out in the appellant's heritage statement, the lean-to shelter extension detracts from the barn's significance, being a recent addition constructed of unsympathetic materials. It is nonetheless a lightweight structure that is easily distinguishable as a later addition, and being open to two sides, allows the main, north elevation of the barn to be easily viewed.
12. Attached to the east elevation of the barn is a small brick store with a flat roof. Although it is modest in scale, with its flat roof and brick walls, it relates poorly to the existing building and has a negative impact on its significance.
13. Whilst I acknowledge the extent and detail of change and intervention arising from the 2003 conversion, the building retains an agricultural character with a high solid to void ratio and still includes agricultural style openings, the majority at ground floor level, indicative of past functions, including the large full height openings and blocked vents. Moreover, the agricultural style windows inserted in 1964 are indicative of changes in agricultural practices during the twentieth century and reflective of the development of the building over time. Furthermore, the three bay arrangement and internal feeding holes remain largely evident at ground floor level. These features add to the evidential value of the former agricultural building.
14. Thus, the special interest and significance of the former barn, insofar as it relates to this appeal, derives, in part, from its high solid to void ratio, its functional agricultural appearance, presence of traditional materials, the legibility of its former use, including through the presence of historic features such as the feeding holes, its evolution over time and the contribution to the special interest and significance of the farmhouse.

Proposal and Effects

15. The proposal comprises extensions and alterations to the existing barn to create a new separate dwelling and associated landscaping works including the installation of a ground source heat pump. It is proposed to remove the existing modern lean-to shelter from the north elevation and replace this with a lean-to extension over the same footprint. The Peak District National Park Authority Conversion of Historic Buildings Supplementary Planning Document (2022) (the SPD) sets out that '*historic buildings should be large enough to accommodate the proposed new use and any associated storage without extensions or new ancillary buildings*'.
16. The proposed extension would have a considerable footprint and would have a much more solid and permanent appearance than the existing structure, being fully enclosed and forming part of the living space of the new dwelling. It would comprise of aluminium double-glazed windows and doors, black timber clad walls and a metal standing seam roof broken by rooflights and a domestic flue. This would contribute to a much more domestic appearance than the existing

lightweight, open shelter and would obscure the north elevation and its traditional features to a considerably greater degree. Overall, this would erode the legibility of its former use and function and disrupt the architectural integrity of the building, to the detriment of its special interest and significance. In that regard I note that the appellant's heritage statement concludes that this element of the proposal would amount to '*a moderate impact to significance*'.

17. The SPD guides that, new openings should only be inserted into roofs and walls where necessary. Where new openings can be justified, these should be limited in number and size. As part of the proposals a new window opening would be formed on the south elevation of the building. A further window opening would be installed in the west gable. Both of the windows would serve the same room, bedroom 2. Given the presence of existing first floor openings close by, and taking into account the existing first floor arrangement, I am not convinced by the justification for the additional openings. These proposed insertions would result in the loss of historic fabric and the introduction of further new openings at first floor level, in addition to those installed in 2003. These would erode the high solid to void ratio, and diminish the agricultural character of the building to the detriment of its special interest and significance.
18. There is no condition survey before me to suggest that the existing roof of the barn requires replacement. Moreover, the existing blue slate covering appears to be in good condition. I am not provided with details of the age of the current roof covering; however, this is a traditional material and thus helps to reinforce the significance of the building. It is proposed to remove the blue slate and replace it with solar PV rooftiles. The heritage statement sets out that these would '*aim to match the existing roof*' however I am provided with very little detail of the tiles or how they would be installed. The tiles appear to be set in away from the edges of the roof on the proposed drawings but there is little detail of how the tiles would interact with the existing blue slates, if they are proposed to remain. Owing to the lack of information, I cannot be certain that the proposal would not result in the loss of historic fabric, nor that it would preserve the building's special interest and significance.
19. It is proposed to block the remaining feeding holes with a partition that would sit flush with the wall of the central bay. Whilst this would be with a plasterboard wall with timber boarding, the loss of the opening would, nonetheless, obscure this traditional feature and erode the evidential value of the building to the detriment of its special interest and significance.
20. The reconfiguration of the first floor arrangement would relocate the position of bathrooms, whilst adding an additional ensuite. There is limited information before me regarding how the existing bathrooms are vented. There is an existing external soil pipe on the west gable. I am not provided with any details of proposed pipework or soil pipes. There is also no detail regarding the position of any proposed extraction vents. The formation of extraction vent holes and holes to accommodate drainage has potential to result in the loss of historic fabric, whilst the internal and external soil pipes or extract vents could lead to further erosion of the agricultural character through the provision of domestic features. Whilst precise details of the plumbing routes could be dealt with by condition, there is nonetheless insufficient evidence for me to conclude that the revised first floor arrangement and its implications for drainage and ventilation would not lead to a loss of historic fabric and harm to the

agricultural character of the building. Such harm would erode the special interest and significance of the barn.

21. I acknowledge that the building has already been converted to a residential use. This has resulted in a degree of harm to the special interest and significance of the building. However, this is not justification for further erosion of the agricultural character through additional alterations to the barn.
22. The proposed creation of a separate dwelling would lead to a separate stone terrace, amenity area and parking area being formed to serve the new dwelling. The proposed site plan outlines an anticipated 'curtilage'. Whilst the National Park Authority is concerned with regard to the lack of a boundary treatment containing the curtilage, which, it contends, may expand over time, eroding the setting of the barn. The barn is already located adjacent to a garden area and paved area, some of which would be used in association with the barn. Any expansion of residential activities into agricultural land would likely require planning permission. Moreover, the details of any boundary treatments can be secured through a planning condition on any approval, at which point any effect on special interest and significance could also be considered. I am therefore not convinced that the proposal would be likely to erode the setting of the barn through the establishment of a separate curtilage.
23. The appellant refers to the Authority's grant of planning permission² for the conversion of an isolated barn to a dwelling. However, it is not clear from the submitted information that a similarly large extension was proposed as part of this approval and, given that it did not appear to include a listed building, I am not convinced that it represents a parallel with the appeal scheme. This limits the weight I can attribute to this previous approval.
24. The appellant refers to an allowed appeal decision³ relating to the conversion of a barn within the National Park to a dwelling. Whilst that decision involves a non-designated heritage asset, the appeal building is statutorily protected as part of a listed building. This case is therefore not comparable with the appeal scheme and nevertheless, unrelated works and development elsewhere is rarely justification for harm to a listed building. This limits the weight I can ascribe to this matter.
25. For the reasons set out above, the proposal would fail to preserve the Grade II listed building, Herod Farmhouse, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act. In doing so it would cause harm to the significance of this designated heritage asset.

Public Benefits and Balance

26. With reference to Paragraphs 207 and 208 of the Framework, in finding harm to a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposals, I find that the harm to the listed building would be less than substantial, this is nonetheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.

² Ref NP/DDD/1114/1184.

³ Ref APP/M9496/W/21/3285395.

27. The appellant has referred to a committee report relating to a grant of planning permission⁴ by the National Park Authority. In that case, the Authority considered that the removal of a garden building represented a significant enhancement that outweighed any harm arising from the creation of a lawned garden. However, this does not appear to have related to a listed building, and the harm arising in this instance is primarily from the alterations to the building itself. The previous approval therefore has limited relevance to the scheme before me.
28. However, I acknowledge that there would be heritage benefits from the removal of the modern lean-to extension and the brick store. Nevertheless, the lean-to would be replaced by a more substantial structure that would result in greater harm to the listed building. The removal of the stable block would represent a minor heritage benefit in terms of removing a more modern structure in order to provide similar surroundings to those shown on the historic maps.
29. It appears from the evidence that the ground source heat pump and the solar PV tiles would supply both the barn and the farmhouse with heating and electricity, representing a move away from oil central heating and reliance on mains electricity. The insulation proposed within the barn would also help to reduce energy consumption. Significant environmental benefits would therefore arise as part of the proposal.
30. In that regard, I recognise the need to give significant weight to energy efficiency and low carbon heating improvements to existing buildings. Nonetheless, the Framework highlights that the policies that relate to the historic environment should also be applied, which includes the need to give great weight to the conservation of heritage assets.
31. The appeal building appears to be in good condition. Unlike the example of the barn referred to in the appeal decision⁵ provided, there is no convincing evidence before me that the appeal building would not be useable or viable as additional living accommodation, or that its conservation as a designated heritage asset would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented. There is nothing before me to suggest that the building's future is not secure and therefore its change of use to a separate dwelling would provide little benefit in terms of securing the future of the asset.
32. Paragraph 206 of the Framework is explicit in its requirement that any harm to the significance of designated heritage assets should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeal before me. Cumulatively, therefore, whilst the public benefits arising from the appeal scheme are significant, they would not outweigh the harm to the designated heritage asset, to which I must give considerable importance and weight.
33. Overall, the proposal would fail to preserve the Grade II listed building, Herod Farmhouse, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be

⁴ Ref NP/SM/0519/0473.

⁵ Ref APP/M9496/W/21/3285395.

contrary to Policies GSP1, GSP3 and L3 of the Peak District National Park Authority Local Plan Core Strategy Development Plan Document (2011) (the CS) and Policies DMC3, DMC5, DMC10, DMH7 and DMH8 of the Peak District National Park Authority Local Plan Development Management Policies (2019) (DMP) which together seek to protect and enhance heritage assets whilst providing high quality design that makes a positive contribution to local distinctiveness and preserves the cultural heritage of the National Park. Similarly, there would be conflict with the SPD, described above.

Open Market Dwellings

34. Policy HC1 of the CS sets out the housing strategy within the National Park. This Policy only permits new open market dwellings in specific circumstances, including, where, in accordance with Policies GSP1 and GSP2 of the CS (referred to above), it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.
35. As the proposal seeks to convert the appeal building to a separate, open market dwelling and, as I have found that the proposal would fail to preserve the listed building, it would not meet the exception referred to in the policy and therefore would conflict with Policy HC1C of the CS. It would therefore conflict with the housing strategy of the National Park, specifically in relation to open market dwellings.

Living Conditions – Existing Dwelling

36. Whilst a public right of way passes close by, being located in a relatively isolated position, the gardens of the main existing dwelling at Herod Farm are reasonably private due to screening from topography and vegetation. The gardens include the large, paved area, used for outdoor seating that lies between the appeal building and the existing dwelling. Existing privacy levels are therefore high.
37. The proposal would create a separate dwelling with associated stone terrace and parking area located immediately adjacent to the garden areas of the existing dwelling. The windows in the gable of the barn, including the proposed window to bedroom 2 would face onto the aforementioned paved area. Whilst there would be no window-to-window overlooking, the proposal would nonetheless result in a reduction of privacy levels to the paved area and a significant increase in the potential for overlooking of this space.
38. Whilst this paved area is shown on the proposed site plan as the new parking area for the existing dwelling, this does not lie within the application site, limiting the planning control over how it is used. Having regard to its position close to the rear door of the dwelling, the existing or future occupiers may continue to seek to use this as an outdoor seating area.
39. The majority of the garden space that currently surrounds the barn would continue to be used in association with the existing dwelling at Herod Farm, with a relatively small area given over to the new dwelling. The proposed terrace to the rear of the proposed dwelling would sit at a higher level than the adjacent lawned garden areas with no intervening boundary treatments shown on the proposed plans. This would increase the potential for overlooking, leading to a reduction in privacy of the garden at Herod Farm.

40. Whilst I accept that the existing owners may be happy with this arrangement, that may not be the case for future owners. Therefore, for the above reasons, I conclude that the proposal would adversely affect the living conditions of the occupants of the existing dwelling at Herod Farm. The proposal would therefore conflict with paragraph 135 of the Framework which seeks to ensure new developments provide a high standard of amenity for existing and future users.

Living Conditions – Proposed Dwelling

41. Due to their close relationship, vehicles accessing the existing dwelling would likely pass close to the front of the proposed dwelling. In such instances, noise and light from headlights would likely be observable from within the proposed dwelling. However, given that these vehicle movements would be associated with just one dwelling, their frequency is likely to be low. A shared access is not an unusual occurrence, and I am therefore not convinced that the proposed relationship between the two properties would be such that adequate living conditions for future occupier of the barn could not be achieved.
42. I am satisfied that the occupants of the existing dwelling would not need to walk across the amenity space identified as 'curtilage' on the proposed site plan in order to access their garden area. From my impressions on site and the proposed plans, the garden could be entered using the existing timber gate to the north of the stable block, from the existing access running alongside the barn. I am therefore not convinced that the proposal would likely result in future occupiers of the proposed dwelling experiencing low levels of perceived security or privacy.
43. I therefore conclude that the proposal would provide adequate living conditions for future occupiers of the proposed dwelling. In that regard the proposal would comply with the provisions of paragraph 135 of the Framework, as described above.

Protected Species

44. Bats and wild birds are protected by law⁶ and their presence is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. There is a statutory duty on me to have regard to the conservation of biodiversity⁷.
45. ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
46. The appellant has provided a protected species survey report⁸. This found evidence of bat roosts at the appeal building and at the existing dwelling. One of these was a common pipistrelle bat roost used by a single bat and was located within the west gable end of the barn where there is missing mortar at the verge. A further common pipistrelle bat roost associated with the double-door lintel was also identified at the barn. The report also highlighted other potential roosting sites within the appeal building. All of the roosts found were

⁶ Conservation of Habitats and Species Regulations (2017) & Wildlife and Countryside Act (1981).

⁷ Section 40 of the Natural Environment and Rural Communities Act (2006), as amended.

⁸ Bat Survey Report by BCG Ecology, dated August 2020.

considered to be day roosts, although the survey concluded that these could also be used for hibernation purposes given their locations. Evidence of roosting by a barn owl was also found.

47. However, the report was published on 5 August 2020 with surveys carried out in the preceding June and July. It was therefore over two years old at the time of submission of the application. Given that bats and birds are mobile species, there is potential that their extent and distribution across the site will change over time. Such changes would likely alter the extent that protected species are affected by the proposed development.
48. Moreover, the report also appears to refer to an earlier iteration of the proposed development. Neither the plans included within Appendix 1, or the text of the report includes reference to the alterations to the roof to install the solar PV panels that are now proposed. There is also no reference to the formation of the two proposed new window openings within the masonry. Furthermore, the report states that the brick store is to be retained, rather than demolished as currently proposed.
49. At 4.12, with reference to the bat roost accessed via the missing mortar in the verge, the report states that no works are currently proposed here. Given the extent of alterations now proposed to the roof as part of the appeal scheme, namely through the installation of PV panels, it is considered that this could change. In that regard the report states that, if the roost were to be affected by the proposal, further consideration of the impacts would be required.
50. Natural England Guidance⁹ sets out that where surveys are not up to date, planning applications are at risk of refusal. Taking into account the time that has elapsed since the surveys were carried out and the reference within the report to a different development proposal, excluding aspects of the current scheme, I cannot be certain as to the extent to which protected species may be affected by the proposal. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required. In this regard, paragraph 186 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
51. For the above reasons, I cannot conclude that the proposal would not adversely affect protected species, specifically bats and nesting birds. The proposal would therefore conflict with Policy DMC12 of the DMP which together, in summary and amongst other things, seeks to ensure that development proposals avoid negative impacts on biodiversity.
52. It would also be contrary to paragraph 180 (d) of the Framework which amongst other things, seeks to minimise impacts on, and provide net gains for, biodiversity.

Conclusion

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

⁹ Protected species and development: advice for local planning authorities (2014), as amended.

54. *Appeal B*: For the above reasons and having regard to all matters raised I conclude that Appeal B should be dismissed.

Paul Martinson

INSPECTOR