



Appeal Decision

Site visit made on 2 October 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/P2935/W/23/3321480

Development site at Barley Hill House Barn, C265 Slaley to Kiln Pit Hill, Kiln Pitt Hill, Northumberland DH8 9RY

- 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 J. Clark against the decision of Northumberland County Council.
 - The application Ref 22/01012/FUL, dated 10 March 2022, was refused by notice dated 4 November 2022.
 - The development proposed is Conversion of agricultural buildings to create one dwelling including a link extension and detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site comprises two byres historically associated with the Grade II listed Barleyhill Farmhouse (Official list entry number 1045336) listed 18 June 1986. The appellant's evidence indicates that, at the very least, the L shaped byre building of the appeal site was part of the land associated with Barleyhill by 1919. From the evidence before me provided from Ordnance Survey (OS) maps, the smaller byre existed from around 1954 and is therefore not in contention between the parties as a curtilage listed building.
3. The statutory list description solely refers to the principal building of Barleyhill Farmhouse. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) defines what 'listed building' means and at subsection (b) it states that 'any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since 1948, shall...be treated as part of the building'.
4. At the time of listing of the farmhouse in 1986, it was confirmed by the parties that the two byre buildings were within common ownership and there is nothing before me to contradict this. Furthermore, there is no evidence before me that points to the L shaped byre as not having been within an agricultural function at the time of listing, even if the listing description does not refer to an agricultural function. Moreover, I note the appellant's application form confirms both these byres' existing use as agricultural. Whilst the context of a byre traditionally relates to rural working practices, and the original farmhouse dwelling associated with the living quarters of the agricultural worker, there is nothing before me to suggest that either byre did not support the overall functional workings of the rural enterprise.

5. Turning to the nature of enclosure at the site, a random stone boundary wall surrounds the listed building and encloses its domestic curtilage. To the other side it walls-off the byres set within a courtyard arrangement. The stone wall may indicate no sharing of spaces between the domestic space of the listed building and working space beyond the wall, and whilst a form of delineation between the two spaces is shown on the OS maps as early as 1896 before the byre existed, there is no conclusive evidence as to what this boundary consisted of or when the present wall was erected.
6. The physical layout of the L shaped byre sits forward of the listed building, around eight metres away to the northeast. Its south facing door and windows are observed from the farmhouse which indicates a means of traditional security surveillance at that time. All things considered, due to the layout of this byre, it is intimately linked to the farmhouse; the common ownership at the time of listing; agricultural function when in historical use, therefore, the L shaped byre is of special architectural or historic interest and an integral part of the curtilage of the listed farmhouse. As such, the appeal building can be treated as part of the listed building. Therefore, I am mindful of my statutory duties in respect of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate.
7. The National Planning Policy Framework (the Framework) has been revised on 19 December 2023, and after the submission of the appeal. The historic environment policies have remained unchanged within the updated version of the Framework which is a material consideration.
8. As part of my overall consideration of the appeal, I am aware that there is an extant consent at the site for a conversion of the byres into residential use¹.

Main Issue

9. The main issue is the effect of the proposed development on the Grade II listed Barleyhill Farmhouse having special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses.

Reasons

10. According to the statutory list description, Barleyhill Farmhouse originated from the late 18th century with later 19th and 20th century alterations. From what I can determine, the special interest of the listed farmhouse derives from its architectural execution as it remains a good example of a rural farmhouse of that era. Constructed from random rubble stone with cut quoins and dressings under a slate roof with stone end stacks, the north facing elevation is two storeys, three bays; with a first floor band. A central segmental arch has raised stone surround with imposts and keystones, with 20th century door and glazing, and late 19th century 4-pane sash windows. The listed building exhibits the typical characteristics redolent of a rural farmhouse of its era.
11. The proposal before me concerns development to convert both byre buildings into one single residential unit by adding a link extension, including a new porch and detached garage building.

¹ Application number T/92/E/736 Change of use and extension of agricultural building to form dwelling. Approved 22 October 1992.

12. Both byres, even in their current condition retain historic and architectural merit and read as traditional rural outbuildings. The development would involve considerable alterations. As a consequence of joining them together through a new stone link, the overall scale would appear out of proportion as one continuously long building as opposed to two structures that currently survive as modest and distinctive rural outbuildings. To combine into one continuous large mass would not retain the legibility of the two rudimentary byres, but instead harmfully diminish their rural aesthetic and authenticity.
13. I can see from the evidence that no link between byres was approved to the earlier extant permission, and I appreciate the appellant could exercise their permitted development rights which have not been removed from the extant permission. As such, this is a fall-back positioned for the appellant. However, they have provided me with no details regarding extending by virtue of permitted development rights as a real proposition. Therefore, I apply limited weight to this as a genuine prospect.
14. I am aware from the evidence presented by the appellant that the extant permission allowed some new openings together with retaining original openings, and I can see from the extant permission that these were of modest and limited physical intervention to both. This supports the wider good practice view that rural barn conversions should seek to retain these inaugural and important features as well as minimising new openings in order to retain their historic agricultural integrity.
15. In contrast, this development would include sufficiently more new openings as well as changes to what appears to be original openings including uncharacteristically inserting new apertures into the traditionally blind gable end of the L shaped byre to the north facing elevation close to the roadside. It would also conceal many openings to the south side of this byre that are a key reminder of the primitive security measures of that time. In addition, the proposed inclusion of two sets of contemporary bi-fold doors would overtly modernise the traditional quality of the outbuildings and in addition, and notably, would result in the loss of a generous amount of historic fabric to the L shaped byre. Furthermore, the roof profile of this byre would be altered from the historic hipped roof style to a pitched roof, therefore detrimentally detracting from its rural aesthetic legibility, together with the addition of a new and incongruous porch extension. All things considered, the development would harmfully detract from their authentic origins as traditional rural outbuildings of the 19th century.
16. Furthermore, the setting of the listed farmhouse requires due consideration as both byres are positioned in close range to it and are within its setting, although I appreciate their current neglected condition has an impact on its setting. Although the setting of a heritage asset is not fixed and can change and evolve over time, the inappropriate means of converting the byres would erode their traditional rural characteristics and would adversely affect the heritage asset's setting. As a result, the setting would not be preserved and an element that contributes to its overall significance would be harmed.
17. As a whole, the development would not preserve the special architectural and historic interest of the heritage asset but instead harm its significance, and therefore the expectations of the Act would not be met. Paragraph 205 of the National Planning Policy Framework advises that when considering the impact

of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a proposal will lead to less than substantial harm to the significance of a designated asset, Paragraph 208 of the Framework requires the less than substantial harm be weighed against the public benefits of the proposal, including where appropriate, securing the optimum viable use. Bearing in mind the scale and nature of the proposal, I judge that the degree of the harm to the significance of the heritage asset be less than substantial.

18. When considering the merits of the benefits of the proposal, the L shaped byre structural survey concludes it is in a particularly poor condition as it has fallen into progressive disrepair, and this is evidenced by its collapsed roof and neglected condition. To bring it into residential use would provide a viable purpose by securing a long-term function and reduce the risk of further deterioration. However, as a material planning consideration, the appellant can continue to pursue the fall-back position given the extant permission as this would restore the buildings' condition. Furthermore, whilst the appellant advises that residential use would secure its optimum viable use, there is no evidence presented that would lead me to conclude that residential use is the only optimal viable use, or indeed linking them together like this is the only 'workable' proposition in a residential scheme. The ecological and biodiversity enhancements advanced by the appellant can be considered as a wider public benefit. However, the modest detail that largely surrounds the statutorily required ecological mitigation is such that I only apportion limited weight to this as a public benefit, as well as sustainability credentials with precise details not before me. Overall, on balance I consider the sum of the public benefits put to me are limited and do not lead me to conclude that they would outweigh the harm arising to the significance of the heritage asset.
19. Even though I have found that the harm to the heritage asset is less than substantial, there is little before me to justify the proposal as causing the minimum impact to achieve it. On balance I consider that the sum of public benefits would be insufficient to outweigh the less than substantial harm I have identified to the designated heritage asset, and the great weight this carries. Therefore, I conclude that the proposal as a whole would fail to preserve the special historic and architectural interest of the heritage asset in accordance with the Act. It would not meet the historic environment safeguarding objectives of the Northumberland Local Plan 2022 policies QOP1 and ENV1 and design objectives of policies QOP2 and HOU9, or the Framework that seeks to achieve well-designed and beautiful places, and conserve and enhance the historic environment.

Other Matters

20. I read from the evidence before me that the appellant is aggrieved by the Council's contradictory advice considering curtilage listing and design. As I have set out my own findings on these matters, I have therefore come to my own conclusions thereof. It is not within my jurisdiction to comment on the Council's previous conflicting views and the appellant can seek other means of recourse with the Council directly.

21. I am aware of the appellant's evidence relating to whether or not a rural outbuilding at Mill Barn Jews Farm was considered to be curtilage listed, and the parallels drawn between this proposal and that specific circumstance. They also point me to other evidence relating to curtilage buildings which they consider to be relevant. However, as is required, every appeal is determined on a case-by-case basis and further to the evidence before me, I have come to my own view on the matter.
22. Although an earlier consent brought to my attention approved similar works to these buildings, both parties agree this permission has since lapsed, and I have nothing to contradict this, and is therefore not a genuine fall-back position for the appellant to pursue. In any case, there remains differences between the two proposals including that consent was considered some time ago under a different local plan and national policy. All things considered, I have assessed the proposal before me as a whole and come to my own conclusion on the matter.

Conclusion

23. The development would fail to preserve the heritage asset. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR