



Appeal Decision

Site visit made on 5 March 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/L3245/W/23/3321630

Lower House Farm, The Ridge, Ellesmere SY12 9HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr William Lewis against the decision of Shropshire Council.
 - The application Ref is 22/03822/FUL.
 - The development proposed is a replacement dwelling with double garage and associated landscape works.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling with double garage and associated landscape works at Lower House Farm, The Ridge, Ellesmere SY12 9HT in accordance with the terms of the application, Ref 22/03822/FUL, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposal on a non-designated heritage asset and whether any harm would be justified.

Reasons

3. The appeal dwelling is a two-storey detached farmhouse set perpendicular to the road, it is located within a sizeable garden area with a large barn building and associated hardstanding. To the front of the dwelling are a group of former barns, that have been converted to dwellings, which form a C-shape with the host dwelling. The Council consider the appeal dwelling to be a non-designated heritage asset (NDHA) and I note that Cruck Lodge, one of the former barns, is a Grade II Listed Building.
4. The appeal dwelling is of some age, likely stemming from around 1800. Although I understand it was originally finished in brick, it has since been rendered in a mock timber style. It appears that the general form and layout of the host building has largely been retained although a rear conservatory has been added and the original windows have been replaced with PVC. Similarly, although internally there are examples of historic features and materials, the property has been altered with features having been removed or replaced with modern replicas. I note that Historic England have assessed the property and do not consider its historic interest or significance to be such that it would warrant listing.

5. I find that the significance and interest of the appeal dwelling stems, in part, from its relationship to the other former farm buildings and the legibility of this relationship. Further significance also stems from the materials of the dwelling's construction and the remaining legibility of its internal layout. However, I find it is the relationship between the buildings that provides the most interest and significance as the farmhouse has been extended and altered as set out above. I am mindful that historic buildings can change overtime, and this can contribute towards their significance by demonstrating the changing needs and tastes of time. However, I do not find any of the changes outlined above to be so unique or interesting as to add to the significance of the building.
6. Planning permission has been granted, reference 23/01844/FUL, for the extension and alteration of the dwelling. This permission would retain the original dwelling and extend it to the rear with a mixture of single and two-storey extensions that would replace the existing conservatory. The existing decorated render would also be replaced with a plain render. Internal changes would also be carried out and parts of the original rear wall would be removed. This permission, as such, grants alterations to the historic internal and external form and fabric of the building. Given the permission is extant and would achieve a similar outcome to the proposal before me; in that it would extend and alter the property to provide additional accommodation, I consider it likely to be carried out should this appeal not succeed.
7. It is therefore from this point that I consider the interest and significance of the building and whether it should be deemed a NDHA. Whilst Historic England may consider the building to not warrant listing, I still find it to carry a degree of heritage significance that merits some consideration. However, given the matters above, the significance of the building is limited. Therefore, whilst I consider the host dwelling to be a NDHA it is only of very modest significance as an asset.
8. The host dwelling is within the setting of Garde II Listed Cruck Lodge, a former barn associated with the dwelling, its name draws from its method of construction. I find that the significance of this half-timbered building stems from its age, the materials and method of its construction, and the extent to which its historic function and relationships are still legible.
9. The appeal proposal would result in the complete removal of the appeal dwelling, and the modern barn building. The dwelling would be replaced with a similarly styled building with an enlarged rear that largely reflects the extensions granted by the above planning permission. The proposed replacement would be set slightly further away from the road and would have a shallower pitch to the roof. The render would also not be replaced on the front elevation with red bricks forming the external finish. With regard to the form, fenestration, materials and appearance, the front elevation of the replacement dwelling, would bear resemblance to the original dwelling prior to its rendering.
10. To this extent, I find that the proposed replacement dwelling would retain the legibility of the historic functional and physical relationship between the host dwelling and the listed barn. This would be further protected by the appearance of the dwelling's frontage. I do not consider the differences between the granted and proposed rear extensions to be so significant as to unacceptably affect the setting of the barn.

11. The proposal would result in the complete loss of any historic interest currently retained within the host dwelling. However, as noted above, the extant permission would already remove a number of features, including the existing staircase. Moreover, I have not been made aware of any existing protections or controls covering the dwelling that would prevent works from removing features. Therefore, even if this appeal were to not succeed, the complete loss of internal features could still occur. Consequently, whilst the building is of some modest historic interest, I cannot be certain that this interest can be retained in perpetuity.
12. The dwelling's main, currently retained, feature of significance is its location and relationship to the Listed Building. All the other features, as noted above, have already been significantly eroded or easily could be without planning permission. As the proposed replacement dwelling would be sympathetic to the original dwelling in siting and appearance, I find that it would still present the current relationship in support of the Listed Building and the general history of the area. Consequently, and given my above findings, there would be no harm to stemming from the replacement of the NDHA as proposed before me.
13. In light of the above, the loss of the NDHA as part of the proposed scheme would not be unacceptable and would not harm the setting of the Grade II Listed Cruck Lodge. The proposal would, therefore, comply with Policies CS5, CS6 and CS17 of the The Adopted Core Strategy and Policies MD2, MD7a, MD13 of the Site Allocations and Management of Development Plan. These collectively, and amongst other matters, seek to protect the character and appearance of Shropshire's natural, built and historic landscape with particular reference to designated and non-designated heritage assets. The proposal would also comply with the National Planning Policy Framework (the Framework), in particular with regard to Sections 12 and 16. It would also comply with the guidance on replacement dwellings in the countryside set out within the Type and Affordability of Housing Supplementary Planning Document.

Other Matters

14. Due to the method of its construction, and lacking any substantive evidence to the contrary, it is very likely that the appeal dwelling is not of a high energy efficiency and indeed it is likely to not meet the current standards set out under other legislation for new dwellings. Therefore, whilst the dwelling may hold embodied energy as noted by the Council, I consider the replacement dwelling would, through its lifetime, save more energy than that lost by the demolition of the building.

Conditions

15. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
16. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.

17. Given the sensitive siting of the proposal in close proximity to a Listed Building, it is necessary to impose a condition requiring that further details for a number of external features and materials are submitted. This shall ensure that the proposed dwelling would not unacceptably affect the setting of the Listed Building and that it would be sympathetic to the building it replaces.
18. Details of the existing and proposed landscaping would also be required to be submitted in order to ensure the character and appearance of the surrounding area is protected, along with any habitats and wildlife on site. These details would need to be submitted prior to any works, including demolition, as this could result in the loss of trees, planting or other features whose retention is desirable. Conditions are also necessary to ensure that proper mitigation and enhancements are secured for biodiversity on site, namely through; artificial roosts, following the Great Crested Newt recommendations and, a lighting plan.
19. In order to ensure that development is not overly sprawling across the site, and to protect the character and appearance of the area, a condition is necessary requiring the removal of the barn prior to the first use of the garage building. The rear room of the garage is proposed to be an office and so would be capable of being a habitable room. I do not find there would be a noticeable difference, with regard to character or amenity, should the room be used for other purposes ancillary to the domestic use of the site. However, it is likely that alternative, more commercial, uses would unacceptably affect the character and amenity of the site and its surroundings. Consequently, and whilst I have removed the restriction on "living accommodation", as it is not clear what the Council wishes to restrict by this, the rest of the condition is necessary.
20. The development plan is clear that rural buildings should not be excessively enlarged as this can have adverse impacts, including to the availability of a mix of dwelling types and sizes within the area. It is clear that where a dwelling is replaced and, in doing so enlarged, the permitted development rights set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) should be restricted. This would prevent further additions that would exceed the Council's strategy. In this case I consider that, in line with the Framework, the removal of some rights are clearly justified.

Conclusion

21. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-001, PL-002, PL-003, PL-007, PL-008, PL-009, Phase 2 Bat Activity Survey, and Preliminary Ecological Assessment.
- 3) Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 4) Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.
- 5) Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.
- 6) Prior to its installation, full details of the roof lantern shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.
- 7) No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a. Planting plans, creation of wildlife habitats and features and ecological enhancements;
 - b. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d. Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f. Implementation timetables.
 - g. Details of boundary treatments.The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.
- 8) The portal framed shed earmarked for demolition as part of the scheme shall be removed from the site in its entirety and the affected site area made good prior to the new garage building being brought into use.

- 9) Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
- 10) Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in Appendix 3 of the Preliminary Ecological Assessment (Arbor Vitae, February 2022).
- 11) The garage hereby permitted shall only be used for purposes incidental to the enjoyment of the residential dwelling at Lower House Farm, The Ridge, Ellesmere.
- 12) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:
 - a. extension to the dwelling
 - b. addition or alteration to the roof
 - c. erection of a porch
 - d. container for the storage of oil
 - e. fences, gates or walls
 - f. any windows or dormer windows