



Appeal Decision

Site visit made on 5 March 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 24th April 2024

Appeal A: APP/E2205/W/23/3323409

Lower Woolwich Mounts Lane, Rolvenden, Kent TN17 4NX

- 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 and Mrs Hillier against the decision of Ashford Borough Council.
 - The application Ref is PA/2022/2103.
 - The development proposed is conversion of detached oak framed barn to annexe ancillary to main house.
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Appeal B: APP/E2205/Y/23/3323413

Lower Woolwich Mounts Lane, Rolvenden, Kent TN17 4NX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Hillier against the decision of Ashford Borough Council.
 - The application Ref is PA/2022/2370.
 - The works proposed are conversion of detached oak framed barn to annexe ancillary to main house.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Since the determination of these applications, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to these appeals have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. As the appeals relate to a listed building I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
5. There is no dispute that the site lies within the High Weald National Landscape (NL) which is a protected landscape. I have, therefore had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA).

6. Whilst identified in the Listing as "Lower Murgie", the nearby farmhouse is now known as "Lower Woolwich". I have referred to the farmhouse by the latter name in this decision, as that is how it is currently identified.

Main Issue

7. The main issue is whether the proposal would preserve the Grade II listed building, "Barn at Lower Murgie to South of House" (Ref: 1087048) (the barn), and any of the features of special architectural or historic interest it possesses.

Reasons

8. The barn dates from the late 17th or early 18th century and is a timber framed, one storey weather boarded building with a tiled hipped roof (half-hipped on the northern end). It sits on a brick plinth. As originally constructed it had three bays, however a fourth bay was added to the north in the late 18th-early 19th century. There is a cartwell in the central bay of the original part of the building which had an opposing door, typical of a threshing barn.
9. A later outshot to the east was added between 1840 and 1870. Originally open-sided, this was enclosed and converted into a library/study at some point in the 20th century, most likely during wider works to address storm damage.
10. A southern outshot was constructed at some time after 1870, but before the end of the century. This was later rebuilt after storm damage using some of the original materials.
11. Internally, a significant part of the special interest of the building is derived from the timber framing, which is currently exposed within the generous open space in the main part of the barn. This, and the wider fabric of the building provides an important record of traditional construction methods and a record of the evolution of the building and phased development over time from when it was first constructed. The large space enclosed by the barn, reflecting its functional use, assists the understanding of its historic function.
12. The Lower Woolwich farmstead comprises the 17th century or earlier farmhouse (Lower Murgie Ref: 1070897) (the farmhouse), the barn and a 19th century oasthouse (Oasthouse at Lower Murgie to North of House Ref: 1070898) (the oasthouse). The oasthouse has been converted into a dwelling and is under separate ownership to the farmhouse and the barn. All three buildings are separately Grade II Listed Buildings. These, as a group, provide additional interest evidencing the evolution of the working farm over time.
13. Turning to external features relevant to the proposal, notwithstanding some later additions in the form of windows and doors, there is a cohesive use of materials with a common patina of age that contributes to the rustic aesthetic of the group.
14. Given the above, I find the special interest of the building, insofar as it relates to these appeals, to be primarily associated with the evidential and aesthetic value of historic construction materials and techniques that have been used. I find that these elements directly contribute to the special interest of the building.
15. The proposal would create an annex within the barn. Two bedrooms and a bathroom would be inserted at first floor level, accessed by a staircase in the north-

west corner of the building. On the ground floor the space currently used as a library/study in the eastern outshot would be used to form a kitchen and bathroom whilst the ground floor of the main space within the barn would become a 'function room'. The upper part of the main space of the barn would be subdivided into roughly equal parts, with the living space occupying the two northernmost bays.

16. The appellants have proposed that the level of accommodation is needed to supplement the accommodation within the farmhouse. This is disputed by the Council, who contest that the quantum of additional space provided results in unacceptable harm to the barn. I have no definitive evidence before me upon which to make a judgement of current, or future, need for accommodation associated with occupation of the farmhouse.
17. The insertion of the upper floor, by subdividing the upper space would diminish the aesthetic sweep of the trusses by reducing the open nature of the interior. There would also be a significant reduction in the ability to see and appreciate the details of the timber frame and legibility of the barns staged development.
18. The appellants propose that, as the northern bay of the barn is a later addition, and the barn has, generally, been repaired and fabric replaced or re-used, the value of the barn as a heritage asset is diminished.
19. Nonetheless, there remains a significant proportion of historic fabric and this contributes to the narrative of the life of the barn from construction to the present day. Such a narrative is important in interpreting the special interest of the barn.
20. The subdivision of the library/study is not seen by the parties as being controversial and, as the library study is a comparatively recent addition, enclosed to form an ancillary space, I see no reason to disagree with that view.
21. Externally, the proposal would renew the existing fenestration and add two new windows. These would both face to the west. One would be positioned under the eaves of the barn whilst the other, in line above it, would be positioned in the roof slope. These would both provide natural light to one of the proposed bedrooms and this is one of the matters of contention between the parties.
22. The west elevation of the east range has a clay tile roof with a clay tile ridge. The roof tiles show signs of repair but are relatively uniform. The proposal would insert two further skylights in the north roof slope. The windows would necessitate the cutting of a rafter and a stud to insert them. These members are later additions and thus their alteration and, thus, no original material would be lost. This notwithstanding, the north roof slope contributes positively to the aesthetic character and appearance of the building given the largely uninterrupted sweep of this elevation.
23. The insertion of the additional windows would disrupt the roof form and its appearance on a roof face that is otherwise uniform and this amounts to harm to the aesthetic character of the barn. Further, the additional windows would further undermine the visual continuity of form with the other buildings in the group. The presence of existing, modern features on the roof slope does not justify further harm.
24. Any additional living space at the upper level would require natural daylight for the wellbeing of occupiers and to minimise the reliance on artificial lighting and

associated energy consumption. There is a balance to be struck between the harm caused to the special interest of the building and the level, amenity and energy efficiency of the accommodation should it otherwise be acceptable. The bathroom is not provided with windows to afford natural daylight and given the function of that room, where occupiers are unlikely to spend significant periods of time, they are not essential. Given the above, it has not been demonstrated that an alternative arrangement to the upper floor could not be formulated that would diminish or obviate the harm that I have identified to the western roof slope.

25. I am mindful of the advice provided in Design Guidance 5 of the Council's Supplementary Planning Guidance Note 7 – The re-use of agricultural buildings that "In timber framed barns or open timber roofed buildings a minimum of one bay for its full height should be kept open to preserve the original open character of the interior".
26. The proposal would retain the three southernmost bays open to the rafters. However, as will be seen above it has not been demonstrated that the proposal, in its current form, is the most appropriate layout to achieve the aims of the appellants.
27. Otherwise, the reglazing of the barn would replace existing frames with similar, both in appearance and size. Much of the existing windows are modern additions and their replacement would not be harmful to the features that contribute to the special interest of the building.
28. The existing doors would be replaced or renewed. The door within the western elevation, which gives onto the cartwell would be retained as an openable door, but with a glazed screen, set back within the building. This would create a shadow effect so as to maintain the appearance of the open cartwell.
29. An opening to the eastern end of the cartwell will be formed. The lean-to extension of the building to the east superseded the original doorway to the cartwell. Currently the former access to the east is blocked.
30. A pair of glazed double doors with fixed sidelights will be installed. The glazing will sit on the external wall line. This doorway would have an obviously incongruous appearance in this location and, with the absence of doors to set it in context, would form an inauthentic addition to the elevation.
31. Brick steps would be provided to provide access. There is little information as to how access was provided to the original eastern doors but given the difference in heights with the surrounding land, it is likely that access was ramped.
32. The size of the doors is relatively small and would be fitted into a later addition to the barn. The lean-to extension to the east has undermined the understanding of the historic layout and use of the building by disguising the former cart access. Whilst harmful, the doors would be an obvious change, with no attempt to disguise their nature. They would facilitate the use of the building as ancillary accommodation.
33. The roof and walls of the barn would be insulated, so as to provide appropriate living conditions for the persons using it. The proposed insulation would add another 100mm to the depth of the roof, necessitating the raising of the roofline.

34. This additional 100mm creates the need for an additional member on top of the rafter that would be deeper than the rafter itself and this would, in this case, result in an inauthentic eaves detail, inappropriate in this simple, rustic building where exposed rafter feet are a significant characteristic of this type of roof. In this case the proposed changes to the roof would detract from the appearance of the barn and amount to harm to the important features of the heritage asset.
35. I note that the proposed insulation is a potential solution amongst a selection of options suggested within the Historic England guidance¹ (the guidance). With external insulation it specifically mentions that raising the roof line can be problematic at eaves level. The exposed rafter feet detail is an intrinsic characteristic of this type of roof and the method of insulation will detrimentally affect the appearance of the barn.
36. The guidance provides design options for insulation and on the basis of the evidence before me it has not been demonstrated that the most appropriate, or only, solution has been put forward. The appellants have suggested that the final design of roof insulation could be conditioned. However, the provision of roof insulation has potential to fundamentally alter the final appearance of the heritage asset. Given the importance that the government places on the protection of heritage assets it is fundamental to the assessment of the proposal that the impact of insulation is understood as this may affect the balance of harms and benefits. Under such circumstances the use of a condition would not be appropriate as it is unclear as to whether a satisfactory solution could be achieved.
37. The appellants have provided information on dilapidation of the building. The timber frame has, over time, spread and it is likely that movement of the building is ongoing. Repairs to arrest movement and maintain the structural integrity of the building are apparent in the form of metal ties and buttressing. Further, the use of inappropriate materials in previous works, such as the installation of a concrete floor, may be harmful to the structure over time.
38. At the time of my visit insect damage was apparent on many structural members. However, it is not clear whether that is ongoing. The arrest of movement and stabilisation of the building, together with works to renovate and repair damage and dilapidation would help to ensure the future integrity of the building.
39. Overall, I find that the proposed development would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
40. 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 their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of change to the external appearance, that the older historic roof trusses would remain largely visible and that the proposal also effects how the building is experienced, I find the

¹ Historic England Energy Efficiency and Historic Buildings – Insulating Pitched Roofs at Rafter Level (2012)

harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

41. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
42. The proposal would bring the building back into a beneficial use, ancillary to the use of the main dwelling, and would incorporate works to arrest movement in the fabric of the barn and stabilise the building, securing its future. It would renovate the building, repairing existing damage. This would provide a major benefit in support of the proposal.
43. However, it has not been demonstrated that the harm that I have identified above could not be mitigated or reduced by an alternative design, a whilst providing these same benefits and this moderates the weight that I place on these benefits.
44. The proposal would provide short term employment in the construction industry. These would likely be local jobs. There would also be further benefits in the supply chain. The proposal site lies in a rural area and the stated intention of the Government is to encourage development that supports the rural economy. Whilst these would be public benefits, given the scale of the works, they would be very limited and transient.
45. The proposal would provide additional floorspace for the current dwelling. However, this is a private, rather than a public, benefit. Taken together these benefits are not sufficient to outweigh the harm that I have identified.
46. Given the above and in the absence of public benefits that outweigh the harm that I have identified, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, and conflict with Policies SP1, SP6 and ENV13 of the Ashford Local Plan 2030 (2019) that seek, among other things, to preserve and enhance heritage assets in a way that promotes distinctive places, proportionate to their significance and support development that will bring redundant or under-used buildings into appropriate and viable use where it is consistent with their conservation where less than substantial harm will be weighed against the public benefits of the proposal. As a result the proposal would not be in accordance with the development plan.

Other Matters

47. Section 85(A1) of the CRWA places a statutory duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the NL. However, the changes to the building would be unobtrusive and limited mainly to within the building envelope. None of the proposed changes would be strident or intrusive within the landscape and would, therefore, not harm the landscape and scenic beauty of the NL and thus would conserve its scenic beauty.

Conclusion

48. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

I A Dyer

INSPECTOR