



Appeal Decisions

Site visit made on 22 March 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 17th May 2024

Appeal A: APP/T3725/W/23/3329054

Church Farmhouse, Woodway Lane, Budbrooke, Warwickshire CV35 8QL

- 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 Charlesworth against the decision of Warwick District Council.
 - The application Ref is W/22/0956.
 - The development proposed is erection of first floor extension to residential barn.
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Appeal B: APP/T3725/Y/23/3329053

Church Farmhouse, Woodway Lane, Budbrooke, Warwickshire CV35 8QL

- 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 Charlesworth against the decision of Warwick District Council.
 - The application Ref is W/22/0957/LB.
 - The works proposed are erection of first floor extension to residential barn.
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Decision

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

Preliminary Matters

3. 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 (the Act).
4. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023, which is after the applications were determined and the appeals were made. This is a material consideration in the determination of these appeals. Although the parties have not been afforded the opportunity to comment on the implications of the revisions to their cases, I am satisfied that the revisions are not relevant to the main issue in the appeals. As such, the interests of the parties would not be prejudiced by my taking account of the revised Framework in the determination of these appeals.
5. The proposal is in the Green Belt, where the Framework advises that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. The Framework sets out exceptions to inappropriate development, including the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. In this case, the proposal would increase

the floor space by around 9%, which would not be a disproportionate addition. Consequently, the proposal would not be inappropriate development in the Green Belt and it would not conflict with the local and national policies that protect the Green Belt.

6. The appeals relate to an unnamed former barn in the curtilage of Church Farmhouse. The evidence indicates that the barn was already in ancillary residential use in 2011 when listed building consent (Ref: W11/1633/LB) was granted for its conversion to habitable accommodation. Previous appeal decisions¹ confirm that the residential barn is an annex to the main dwelling. Therefore, I have determined the appeals on the basis that permission is sought for an extension to the ancillary residential annex.
7. The proposal is a resubmission of a scheme that has previously been refused and subsequently dismissed on appeals² for a first floor extension to the barn. The evidence indicates that the scheme is unchanged, but additional supporting information has been provided to justify it.

Main Issue

8. Therefore, the main issue is whether the proposal would preserve a Grade II listed building "Church Farmhouse" (Ref: 1115644) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

9. The LB is a substantial red brick house with stone dressings dating from the 18th century. It is an isolated house forming part of a farmstead in the open countryside, accessed from the highway via a long private road. The LB is set in a large garden and it is widely separated from the extensive yard to the south, this being densely developed with agricultural sheds and outbuildings mostly in separate ownership. The large modern farm buildings are of no architectural or historic interest. However, there are a number of traditional outbuildings and barns associated with the LB and within its curtilage.
10. The converted barn subject of the appeal lies perpendicular to the LB, sited forward and to the side of the principal elevation of the LB. The barn dates from the late 18th or early 19th century. It is a long and narrow rectangular building with a simple pitched roof and a single-storey monopitch lean-to to its gable end facing away from the LB. The principal long side elevation of the barn is flush with the boundary wall that separates the garden of the LB from the yard to the south. The remaining elevations are open to the garden land and hardstanding carparking area to the front of the LB.
11. There is evidence of historic alterations to the barn and it has been altered internally to provide habitable accommodation over 2 floors. Nevertheless, it remains clearly legible and it has heritage value as a well-preserved example of an early stable building with historic, and continuing, functional relationship with the LB farmhouse. Given the above, I find the special interest of the LB, insofar as it relates to these appeals, to be associated with the relatively simple design and modest form of the barn which, together with the layout and relationship of the historic farmstead buildings, is indicative of its status and use as stables ancillary to the fine rural vernacular house.

¹ Refs: APP/T3725/W/18/3206975 and APP/T3725/Y/18/3201029

² The appeals referred to at footnote 1, also Ref: APP/T3725/Y/21/3267281

12. The proposed first floor extension would be above the lean-to. It would have a pitched roof to match its host. Its gable end would include a first floor window, with ventilation holes in the brickwork above to replicate the historic external ventilation holes that would be obscured. The side elevations would be blank, but there would be a rooflight in the north facing roof slope.
13. The extension would be modest and it would retain the simple plan form of the barn. Nevertheless, it would result in the loss of the lean-to, which is a prominently-sited utilitarian structure that contributes to the ancillary, agricultural character of the barn. Moreover, irrespective of whether or not it is a unique feature, the lean-to is considered to be contemporary with the barn. Consequently, the loss of the lean-to and the gable end ventilation holes would erode the historic fabric and the character and appearance of the barn. While the upper floor may historically have been used to accommodate farm workers, the gable end first floor window would be inauthentic and both it and the rooflight would be conspicuous including overnight. The increasing size and domesticated character and appearance of the barn would erode the evidence of its historic use and function ancillary to the LB. The harm would not be mitigated by the re-use of materials and the replica ventilation holes.
14. Given the above, and as found by previous Inspectors, I find that the proposal would fail to preserve the special interest of the LB. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
15. 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 the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, 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.
17. I note the suggestion that enabling the appellants' son and his family to continue living in the barn would be the best way to conserve the heritage asset and ensure it remains in active viable use. However, the curtilage listed barn has already been converted, and thereby conserved, and its ongoing use in association with the LB would not cease in the absence of the proposal.
18. The previous Inspector considered that there would be heritage benefits because the farm maintains the LB, and the occupation of the barn by a farm worker supports the farming business. However, the LB is not owned by the farming business nor subject to an agricultural occupancy restriction and the appellants are employed full-time outside of agriculture. While the LB would historically have been maintained by farming, there is little evidence that the formerly limited farming enterprise funded the LB or the barn conversion.
19. While the expanded farming business is viable and it could finance the proposal, nevertheless the appellants continue to work outside of farming. Any

heritage benefits to the LB arising from the occupation of the ancillary residential accommodation by a rural worker would appear limited. There would be limited economic benefits during the construction of the extension.

20. The existing arrangement, whereby the appellants' granddaughter sleeps on the landing of the barn, is clearly unsatisfactory and unsustainable. However, while the proposal would provide 3 bedrooms, there would be only a very modest increase in the extent of living space. The proposed children's bedrooms would be below the minimum room sizes set out in the nationally described space standards, with reduced headroom due to the low eaves. Nevertheless, on the basis that the proposal would better meet the needs of the growing family than the existing accommodation, there would be a limited social benefit in terms of meeting an identified need for larger housing.
21. I note that a previous Inspector considered the proposed extension would be likely to result in a lesser adverse impact on the LB than would a new dwelling. However, in the absence of a valid fallback position, the theoretically greater harm that might arise from a new dwelling is not a benefit of the scheme.
22. The business comprises a beef-rearing enterprise, a breeding flock of sheep and arable land. The farmhouse is occupied by the appellants and it is unavailable to their son. They consider that if the barn cannot be extended, their son would have to move away from the farm and the enterprise would cease. I accept that beef-rearing enterprise could not continue without a rural worker on site, but arable agriculture and sheep breeding, with its seasonal requirement for a rural worker during lambing, might nevertheless continue.
23. In terms of the local economy, there is little evidence that the loss of the livestock enterprise would impact the viability of a local slaughterhouse. Moreover, while beef-rearing supports the dairy industry, there is apparently a lack of supply of calves in the local area. The public benefits associated with the grazing of Wildlife Trust land would not cease in the absence of the appeal scheme and are in any case principally attributable to the Wildlife Trust and not the grazier. While the farm receives grants to manage land under countryside stewardship schemes, there would be no additional environmental benefits and it has not been demonstrated that there would be a significant loss of farmland biodiversity if the appeals should fail.
24. Nevertheless, I acknowledge that the farming enterprise delivers public benefits. I am also mindful of the policy support in the Framework for the sustainable growth of agricultural businesses and for the development of isolated homes in the countryside including where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work.
25. The farming business requires a full-time rural worker and there is an essential functional need for a worker to live at or near the farm buildings for a good proportion of the year in the interests of animal welfare. The son is the active day-to-day farmer. His father helps out at weekends and with lambing. The appellants also provide childcare for their grandchildren. The business is in the names of the appellants and their son and I have no reason to believe that the son would not increasingly take over the business as the appellants age and can no longer help out. While the existing arrangements have previously met the needs of the enterprise, the barn no longer meets the reasonable needs of the farm worker and his growing family.

26. The most recent previous Inspector found if there was a demonstrable need for a rural worker to live permanently at the farm, and the barn was required to be occupied by said worker, then it may well be reasonable and necessary to impose a planning condition to restrict the occupancy of the extended barn to agricultural workers. However, such a condition could not be imposed on a listed building consent. In this case, the appeals relate not only to listed building consent but also to planning permission. I have therefore considered whether a planning condition could be an appropriate mechanism to restrict the occupancy of the barn, and whether the securing of the public benefits would outweigh the harm to the heritage asset.
27. In this regard, I acknowledge that the appellants' son and his family intend to continue living in the extended barn in order to meet the essential function needs of the family's farming business. Nevertheless, planning permission runs with the land and I am therefore required to consider the proposal over its lifetime.
28. The residential barn subject of the appeals is ancillary to Church Farmhouse and it is in the same (residential) use as the house. The barn does provide facilities for independent day-to-day living and it is permanently occupied by a family. Nevertheless, the house and the barn are occupied by members of the same family who share outdoor space, parking arrangements and childcare, among other things. On this basis, the ancillary barn is part of the Church Farmhouse planning unit and it is not a separate dwellinghouse.
29. The ancillary barn is not subject to an agricultural occupancy restriction. It therefore follows that the occupancy of the Church Farmhouse planning unit is not restricted. Indeed, email correspondence between the parties confirms that Church Farmhouse is not owned by the farming business and it is an unrestricted open market property.
30. The appellants would be willing for the occupancy of the barn to be restricted to an agricultural worker by condition. However, the email correspondence indicates that, for various reasons, it would not be reasonable to impose an agricultural workers occupancy condition on the farmhouse. Particularly taking into account that the appellants are employed on a full-time basis outside of agriculture, and they are not dependent upon agriculture, I agree it would be unreasonable to impose a condition restricting the occupancy of their dwelling to persons solely or mainly working, or last working, in agriculture.
31. Nevertheless, and irrespective of the way in which the appellants and their family occupy the planning unit, the suggested condition would be likely to in effect result in a material change of use of part of the planning unit. In this regard, it is not clear how an agricultural occupancy restriction could be imposed on the residential annex only without creating a separate unit of residential accommodation or separate planning unit, the implications of which would need to be fully considered including in terms of the effects on the designated heritage asset.
32. Therefore, on the basis of the evidence before me, I am not satisfied that the imposition of an agricultural occupancy condition on the ancillary barn would be an appropriate mechanism to secure a rural workers dwelling in this location. In the absence of an occupancy condition, the modest public benefits could not be secured and they are not sufficient to outweigh the less than substantial harm that I have identified.

33. Therefore, 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, paragraph 205 of the Framework and conflict with the heritage protection aims of policy HE1 of the Warwick District Local Plan 2011-2029 Adopted September 2017 and policy BNDP8 of the Budbrooke Neighbourhood Development Plan 2018 to 2029 Adopted April 2018. As a result, the proposal would not be in accordance with the development plan.

Other Considerations

34. The Council suggests that an additional bedroom could be created from the ground floor utility room or the home office. In this regard, the utility room appears to be a similar size to the proposed bedroom. The room marked as a home office on the plans is currently used as a living room. Although the open living/ kitchen room is reasonably large, the barn is small and the appellants understandably wish to retain the family living room and the utility room with its cloakroom and washing facilities suitable for a rural worker.
35. The appellants refer to lengthy email correspondence between the parties and freedom of information requests. They consider that the Council behaved unreasonably, including by failing to answer questions to their satisfaction. However, the appellants' concerns in relation to the Council's behaviour during the processing of the applications are not a matter for the appeals and do not weigh in favour of the scheme.
36. The barn has negligible to low potential to support roosting bats. Mitigation for potential impacts on roosting bats and nesting birds could be secured by the imposition of planning conditions.

Conclusion

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

Sarah Manchester

INSPECTOR