



Appeal Decisions

Site visit made on 25 June 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Appeal A Ref: APP/J0540/W/23/3327214

Middle Farm, Main Street, Southorpe, Peterborough PE9 3BX

- 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 Ms K Wszolek against the decision of Peterborough City Council.
 - The application Ref is 23/00670/HHFUL.
 - The development proposed is single storey rear extension to annex.
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Appeal B Ref: APP/J0540/Y/23/3327218

Middle Farm, Main Street, Southorpe, Peterborough PE9 3BX

- 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 Ms K Wszolek against the decision of Peterborough City Council.
 - The application Ref is 23/00671/LBC.
 - The works proposed is single storey rear extension to annex.
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Decision

1. Both appeals are dismissed.

Preliminary Matters

2. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decisions. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal.
4. The appellant indicates that an amended plan was sent to the Council showing a revised siting and size of the proposed extension which they suggest was not considered when the Council made its decision. Nevertheless, it appears that this same plan has been submitted with the appeal documents. Whilst I have not been provided with a detailed summary of the proposed revisions, the amended plan appears to show the proposed extension re-sited towards the gable furthest away from the main house together with a glazed linking extension from the rear door. The overall width of the extension would be reduced owing to a reduction in the projecting roof along the long side of the elevation and, whilst the roof would be of approximately the same length, the walling would be set in slightly.

5. Under the 'Wheatcroft Principles' established under *Bernard Wheatcroft Ltd v SSE* 1982, the amended plan submitted with the appeal would not fundamentally change the nature or scale of the proposed development and I am content that no parties would be unfairly disadvantaged by my acceptance of this plan. Furthermore, I note that the Council has referred to it in its statement of case. I shall therefore determine these appeals based on the amended floor plan and elevations submitted with the appeal documents.
6. Whilst the existing floor plan shows the building unconverted with its use identified as a barn, chiller/freezer and side shed, on my visit I saw that the building had been converted into residential use. In this regard, the layout in the proposed drawings relating to the existing building showing a kitchen, boot room and WC appeared consistent with what I saw on site. Furthermore, the Council has confirmed that conversion to a residential annex has been approved¹. Although I have not been provided with the full details of the approved scheme, I have no reason to believe that the works have not been carried out in accordance with them.
7. I have a statutory duty under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have 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. I have also had regard to the duty imposed by section 72(1) of the Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 189 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
8. Whilst the Council makes no reference in its reasons for refusal to the effect of the proposal on the character and appearance of the Southorpe Conservation Area (CA), the Council has highlighted harm to the CA within the officer report and in its statement of case. In view of this and to reflect my statutory duty, I have addressed this as part of my decision.

Main Issues

9. The main issues are:
 - Whether the appeal site would be an appropriate location for the proposed development having regard to the spatial strategy and the effect on the countryside;
 - the effect of the proposal on designated heritage assets; and
 - whether the proposed size and scale of the resulting annex would be tantamount to the creation of a separate dwelling.

Reasons

Location (Appeal A)

10. The appeal site is located on the edge of the settlement and both parties are in agreement that it is part within and part outside the defined village envelope. The evidence before me indicates that the existing annex building lies within the village envelope with the site of the proposed extension adjoining but

¹ 22/01738/HHFUL, 23/00286/LBC

outside the boundary. On this basis, the proposed extension would be located in the countryside for the purposes of applying the policies in the development plan.

11. In the countryside, residential development is restricted by Policy LP2 of the Peterborough Local Plan (2019) (LP). The supporting text of this policy explains that village envelopes, and the policies which apply to them, are to prevent the spread of development into the countryside; to maintain the essential character of each settlement; and to control the growth within and outside each settlement in accordance with the settlement hierarchy in policy LP2. It follows, therefore, that the village envelope has an important role in maintaining and reinforcing the distinction between built-up areas and countryside.
12. The policy states that planning permission for development in the countryside will be restricted to four categories. These include development that is essential for agriculture, rural exceptions sites as defined in Policy LP8, and several other exceptions identified in Policy LP11. It has not been adequately demonstrated to me that the appeal proposal, which would be an extension of the existing residential annex beyond the settlement envelope, would meet any of the categories listed in Policy LP2. Furthermore, in relation to this appeal, the policy goes on to state (in summary) that all other residential development outside village envelopes should be refused.
13. Policy LP2 is broadly consistent with the Framework with its overarching sustainability aims by considering where new development should and should not be located and preventing uncontrolled growth in the countryside. In this regard, The Framework requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, and both the Framework and the development plan are clear that the above policy offers no support for this appeal proposal.
14. The appellant states that the land on which the extension would be sited is already in use as a domestic garden, lying within the red edge of the recent planning approval to convert the existing building into the residential annex. The appellant has also included photographs of a glazed timber structure and a boundary fence near to the site of the proposed extension, now removed, which they suggest demonstrates a long-standing domestic use of the land. The Council has not disputed these matters and based on the evidence before me, I have no reason to disagree. However, whilst it may be the case that the land is used as a domestic garden it does not automatically follow that that land is acceptable for development and to set aside the policies in the development plan.
15. The appellant also refers to a planning decision in Wothorpe² stating that this represents similar circumstances with the property part inside and part outside a settlement boundary. The Council confirms that the location of the Wothorpe proposal was contrary to the development plan but was allowed at appeal due to the absence of harm to the character and appearance of the countryside and the social and economic benefits. As I have not been provided with adequate details of this decision and its context it is not possible to examine any similarities or differences with the appeal proposal before me and therefore it has not been demonstrated that it is comparable.

² 16/00556/OUT

16. Therefore, the appeal site would not be an appropriate location for the proposed development having regard to the spatial strategy and the effect on the countryside and it would conflict with LP Policy LP2 and the Framework.

Heritage assets (Both appeals)

17. Southorpe is a small, linear settlement focussed on several, dispersed historic farmsteads set within a largely open, rural context. The appeal site relates to the farmstead associated with Middle Farm. Middle Farm is a Grade II listed building (listed as Middle Farmhouse Ref.1127511). The list description mentions that the building is an 18th century stone house, with later raised eaves, with a slate roof, and of two storeys and an attic. It also describes the external architectural detailing. It should be noted that list descriptions are predominantly for identification purposes only and are not intended to provide a full explanation of the significance of a building or the extent of listing.
18. From the evidence before me, including the list description, and my own observations, I consider that the significance of Middle Farmhouse, insofar as it relates to these appeals, is largely derived from the age of the building, the plan form and function, historic fabric and architectural features. Its historic farm buildings, now mostly converted into residential use, are grouped mainly to the side and rear of the farmhouse. Collectively, they reinforce that agricultural context and are a key part of the building's special interest and significance, as well as the farm buildings having a degree of significance in their own right. These farm buildings are predominantly arranged as a relatively compact cluster around a central yard and the site access and are set within a relatively open agricultural landscape. This is the environment in which the principal listed building is experienced and appreciated and each of the associated historic buildings reinforces the special interest and significance of the group as a whole.
19. The appeal site also lies within the Southorpe Conservation Area. From my observations and the details available to me, I consider that the significance of the CA is mainly drawn from the predominantly rural character and range of traditional buildings that it contains, together with its use of materials, pattern of development and the relationship of the buildings to the spaces around them. In this regard, the historic farmsteads and the arrangement of their agricultural outbuildings contribute to the character and appearance of the CA. So too does the open land between the buildings, as well as the expansive agricultural landscape which forms an attractive rural setting to it.
20. The building which is the subject of this appeal is located on the southern side of the farm grouping, partly facing the central yard but separated from it by a track. Both parties acknowledge that the building is a curtilage listed structure associated with Middle Farmhouse. Therefore, for planning purposes, it is regarded as a listed building. It is a single storey linear building constructed in mainly coursed stone with some timber cladding and a tile roof. It has minimal openings and overall, despite its recent conversion to residential use, has retained its agricultural character and significance. For these reasons, it also contributes to the character and appearance of the CA and as it lies on the outer edge of the farm building grouping with open fields lying beyond, changes to it have the potential to affect both the significance of the listed buildings associated with Middle Farmhouse and the character and appearance of the CA.

21. The proposed extension would represent a sizeable addition to the existing structure. Even though the scheme has been revised to create an L-shape plan to reflect a more typical agricultural building form and its size reduced, it would still be a sizeable and dominant addition. Whilst the Council has no guidance on the appropriate size of an extension, any enlargement of similar size to its host building, especially to an historic structure, is likely to visually compete with it. Therefore, owing to its size and scale it would not be viewed as a subordinate addition and its contrasting design would serve only to highlight its disproportionate size and detract attention away from the historic building. Furthermore, given the location of the proposed extension jutting away from the building out into the open landscape, its effect would be particularly noticeable in its countryside setting. Views towards the farmstead from the south and south east would be dominated by this large, modern addition. By virtue of its significant size, it would therefore cause harm to the significance of this listed building and the wider farmstead grouping, and harm the character and appearance of the CA.
22. Whilst the appeal building may not be listed in its own right or is mentioned in the list description, I have already explained that the building forms part of the wider farmstead which reinforces the significance of the principal listed building. Outbuildings may be more prone to extension and adaptation over time, but this does not justify inappropriate additions to historically significant buildings. Given the prominence of this building within its open landscape setting it is particularly sensitive to change. Furthermore, although the appellant indicates that there are limited public views, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views or access can be gained.
23. Considering all of the above, the proposal would have a harmful effect on the designated heritage assets. Therefore, the expectations of the Act are not met. Paragraph 205 of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the asset or from development within its setting and any harm should have a clear and convincing justification.
24. I find the harm in the context of the significance of the designated heritage assets as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. 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.
25. The proposal would clearly be beneficial to the appellant's living conditions, providing a more liveable and functioning dwelling split between the main house and the annex. However, I regard this as a private rather than public benefit. Moreover, the building's optimum viable use is likely to be the existing residential use associated with the main dwelling, and I have been given no adequate evidence that this use or its conservation is dependent on this proposal. The building has an ongoing residential use that would not cease in its absence.

26. It is suggested that the repair work to bring the barn into a viable use would be beneficial. However, this work already appears to have been carried out as part of the building's conversion and could not be regarded as a public benefit.
27. Given the above, I conclude that the public benefits would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. Consequently, the proposal would not comply with LP Policy LP19 and the Framework which seek to ensure that new development protects the significance of heritage assets including their setting.

Whether a dwelling (Appeal A)

28. LP Policy LP34 seeks to ensure that residential annex development is solely ancillary to the original dwelling and would not be a new dwelling. It lists several criteria, all of which should be met. Although the building has approval to function as a residential annex, it appears that these criteria are relevant to this proposal to ensure that it would remain ancillary to the main dwelling. In relation to this appeal, in summary, criteria b. states that the annex should not appear tantamount to the creation of a new dwelling, criteria d. states that the occupants of the annex should share the access, garden and parking areas of the original dwelling, and criteria f. that the annex is not capable of subdivision from the original dwelling.
29. The Council suggests that the proposed floorspace of the annex would almost double in size and be like that of a two-bed bungalow. A fact not disputed by the appellant. In this regard, I agree with the Council that the proposed floor area of the building would be of such magnitude that it could reasonably function as an independent dwelling. The interior could be readily changed to have all the facilities needed for independent day-to-day occupation.
30. The highway access into the site would be a shared physical feature. However, it is not uncommon for separate households to share a single access. In this instance, once in the site, the driveway would branch in different directions and access to the annex would be achieved without having to pass especially close to Middle Farmhouse or other residential properties nearby. In addition, the occupants of the two properties could park separately from one another and the annex has an area of land to its rear which would appear capable as acting as a separate garden. In this instance, the access, parking and garden arrangements would not make for a strong functional link and would make the annex appear capable of being severed from that dwelling. Therefore, all these factors would be contrary to criteria b, d and f. Furthermore, criteria h. states that the development should cause no other harm, including harm to the character of the locality and heritage. In this regard, I have concluded already that harm would be caused to designated heritage assets conflicting with criteria h.
31. It is suggested that the appellant has a large family and that the proposed building would provide the main daytime living space. However, I have limited information regarding the existing living arrangements. In any event, the extension would represent a permanent addition and the needs of the occupants would change over time. Although it would be possible to attach conditions to any approval to prevent occupation as a separate dwelling, as the

proposal fails to meet fundamental parts of Policy LP34, including harm to designated heritage assets, conditions would not override conflict with the development plan.

32. It is a matter of fact and degree as to whether the proposed extension would enable the existing residential annex to function as an independent dwelling. Whilst it does not necessarily follow that because the proposed extended building is capable of independent accommodation it would not, or could not, be occupied for purposes ancillary to Middle Farmhouse. However, that said, there should be functional linkages between the main dwelling and the annex to require the occupants to have regular contact and interdependence and make severability unlikely. The extension would be of such a considerable size that the resulting building would have all the attributes to potentially function as an independent dwelling.
33. Therefore, the proposed size and scale of the resulting annex would be tantamount to the creation of a separate dwelling which would conflict with LP Policy LP34. It would also conflict with the Framework which states that new isolated homes in the countryside should normally be avoided.

Conclusion

34. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that both appeals should be dismissed.

G Bayliss

INSPECTOR