



Appeal Decisions

Site visit made on 24 June 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal A Ref: APP/M1710/W/24/3338402

Burgates Lodge, Farnham Road, Liss, Hampshire GU33 6JZ

- 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 Mrs Kirsti Pretty against the decision of South Downs National Park.
 - The application Ref is SDNP/23/03480/HOUS.
 - The development proposed is the proposed introduction of a hand-built oak front porch and the replacement of dilapidated and mismatched boundary treatment fencing while retaining the existing height.
-

Appeal B Ref: APP/M1710/Y/24/3338403

Burgates Lodge, Farnham Road, Liss, Hampshire GU33 6JZ

- 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 Mrs Kirsti Pretty against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/03481/LIS.
 - The works proposed are the proposed introduction of a hand-built oak front porch and the replacement of dilapidated and mismatched boundary treatment fencing while retaining the existing height.
-

Decision

Appeal A Ref: APP/M1710/W/24/3338402

1. The appeal is dismissed.

Appeal B Ref: APP/M1710/Y/24/3338403

2. The appeal is dismissed.

Procedural Matters

3. The description of the proposed development in Appeal A and the proposed works in Appeal B has been taken from the application form but simplified to remove wording which related to the reasoning for the proposal.
4. The South Downs National Park Authority is responsible for all planning related matters within the National Park. However, in some geographical areas within the park other local planning authorities deal with planning matters on the Authority's behalf. In this instance East Hampshire District Council has taken on that role.
5. The submitted plans do not show the location of the replacement fence. However, during the site visit the appellant identified the singular boundary of

fencing which would be replaced. It is also noted that 2 separate locations for the porch have been proposed. Although it is irregular for options to be given within a planning application, as the Authority have considered both, I am bound to do the same.

Background and Main Issues

6. The Grade II listed building known as "Barn 40 metres South of Burgates Farmhouse" (Ref: 1351204) (the LB), is described as a late 17th century timber barn. The appeal site forms the final portion of an 'L' shaped, single storey iron stone and brick building (the LB range) which is attached to this barn. Therefore, in accordance with section 1(5) of The Act the LB range forms part of the LB.
7. The LB is listed in part due to its group value with the Grade II 'Small Barn 30 metres West of Burgates Farmhouse' (Ref: 12474910) (the LB2) and in my mind, due to their proximity to each other they are interchangeable within each other's setting.
8. The main issues are, therefore, whether the proposal would:
 - preserve the Grade II LB and any of the features of special architectural or historic interest that it possesses;
 - preserve the setting of the Grade II LB2;
 - preserve or enhance the character or appearance of the West Liss Conservation Area (the CA); and
 - comply with the purposes of the South Downs National Park (the NP).

Reasons

Heritage assets

9. As the proposal is in a conservation area and relates to listed buildings, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
10. The significance of the LB, including the LB range, and the LB2 is informed by the fact they are a good example of a traditional farmyard without substantial intrusion of modern buildings¹. It is noteworthy that even though all the buildings in question have been converted into residential uses and the farmyard has been subdivided into various parking and garden areas, their original agricultural design and use, and the farmyard's form can still be clearly identified².
11. The CA's significance stems from the area having been settled from the Bronze Age, and how that settlement progressed until the arrival of the railway in the 1850s, when the village centre moved towards the station. It is formed by 2 defined clusters of buildings. One is centred around the 17th century Spread Eagle Pub and a small green. Whilst the other is around the Church Street / Farnham Road junction with St Peters Church as the backdrop. The appeal site is within this second cluster and due to the orientation of the farmyard it is

¹ As described in the 'Conservation Area: West Liss' leaflet written by East Hampshire District Council Partners

² illustrated by the aerial photo submitted by the appellant on page 7 of their Design and Access Statement.

visually obvious within the Farnham Road street-scene. The farmyard's position at the edge of West Liss clearly shows the link between the agricultural nature of the area and the historic settlement, thereby informing the character of the CA.

12. The proposal seeks to install an oak framed gabled porch on the elevation facing Farnham Road either in replacement of an existing buttress, or a high-level window. It also seeks to replace the existing boundary fence between the appeal site's private space and access into the farmyard.
13. It is evident that the road facing elevations of the LB range have had several high-level windows punched through to facilitate the conversion to residential. Nevertheless, the original functional construction and simplistic design of this part of the building is still clearly legible, as well as the range's purposeful inward facing orientation toward the farmyard. The proposed porch would be located on this traditionally rear elevation.
14. This visually obvious location along with the domestic nature and design of the porch would aggrandise the appeal building within the LB range in relation to the barn element. It would harm the overall legibility of the LB whilst raise the appeal site's status within the farmyard beyond its original functional use and subservient nature. This loss of clarity in relation to the farmyard's layout would also harm the setting of the LB2.
15. Although not forming part of the Authority's reason for refusal, the proposed porch would also require the loss of historic fabric. Which in the case of the buttress replacement option would result in the loss of a significant feature showing the construction of the LB. The proposed porch would therefore fail to preserve the significance of the LB.
16. Due to the proposed location of the porch on the Farnham Road facing elevation of the appeal site, it would be very obvious within the CA. Its domesticating impact on the LB and the raising of the appeal site's status within the farmyard would blur the clearly subservient and historically agricultural nature of the building in relation to the surrounding, higher status domestic and village buildings, including the Church. It would therefore erode the sequential link the farmyard plays between the village and its agricultural setting. Consequently, it would fail to preserve or enhance the character or appearance of the CA.
17. It is acknowledged that the proposed porch would not be visible from the Barn element of the LB, that buildings along this part of Farnham Road are largely residential, and that other development has taken place nearby. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views of the building can be gained, or there has been new development in their locality since their listing.
18. That the Authority consider the proposed porch to be small in scale and the proposed materials sympathetic is also noted. Nevertheless, this does not overcome the identified harm to the LB, the setting of the LB2 and the CA. Nor does the fact other alterations have occurred on the elevations of the LB facing into the farmyard, and that the appellant considers the proposed porch would provide a focal point for the appeal site.

19. The appellant's knowledge of the appeal site as the owner for a significant period is acknowledged, and that the assessment of heritage can be subjective. However, without professional justification, their assertion that the site is of low historic significance due to the residential nature of the buildings and farmyard, and the lack of continued association with Burgates Farm does not outweigh the evidence to the contrary before me.
20. That the Historical Events Record (HER ID 50642) for the appeal site considers it an unlisted barn converted to domestic use is also noted. However, this does not overcome the requirements of The Act, nor is the record evidenced or dated, therefore it is unclear whether it was made before or after the LB was listed.
21. 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 heritage asset's conservation. In this instance I find the proposed porch would fail to preserve the LB, the setting of the LB2, and fail to preserve or enhance the character or appearance of the CA.
22. However, given the scope of the works I find this harm to be less than substantial of a moderate order, and therefore paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposed porch, including, where appropriate, securing the LB's optimal viable use.
23. As the appeal site has been in use as a residential dwelling for several years in its current form, I am satisfied the optimal viable use has already been secured and is not dependent on the proposed porch. Nevertheless, the appellant considers the porch would improve accessibility of the property for those with mobility issues, and improve the security of the rear garden, which currently is the only access into the dwelling. However, as it has not been shown how these would constitute public benefits, I find them to be private benefits only and so beyond the scope of the Framework's paragraph 208 test. Where I to consider these to be public benefits, they would not be sufficient to outweigh the harm caused, harm that must attract considerable weight.
24. The porch in either proposed location would, therefore, fail to comply with the Act and the Framework. It would also conflict with LP Policies SD12, SD13 and SD15, insofar as they seek to protect the historic environment, and with LP Policy SD31 insofar as it seeks to protect the established character of the local area, in this case that of the CA.
25. Although there is nothing on the plans to specify the location of the proposed replacement fence, where I to find the porch acceptable I am satisfied the proposed replacement would be unlikely to cause harm the significance of the LB, the setting of LB2 and would likely preserve the CA.

South Downs National Park

26. National Parks are designated for the purposes of a) conserving and enhancing natural beauty, wildlife and cultural heritage, and b) promoting opportunities for the understanding and enjoyment of their special qualities by the public, and Section 11A(2) of the National Parks and Access to the Countryside Act 1949 places a duty upon me to have regard to these purposes in this decision.

27. As it has been identified within the first main issue, the proposed porch would fail to conserve or enhance the LB, the setting of the LB2, or the CA. Therefore, it would fail to conserve and enhance the cultural heritage of the NP and so would not accord with purpose a) of the NP's designation.

Other Matters

28. It is noted that the appellant infers that listed building consent (LBC) should not be required due to the findings of the Inspector in a previous appeal on the same site, APP/M1710/E/05/1182457. That appeal was for gates and fencing and the Inspector found they would not affect any historic fabric nor were so substantial to constitute works which would require LBC. Therefore, in their mind it was not necessary to consider the impact on the setting of a listed building or the character and appearance of the CA. In this case, the porch does not fall within those parameters and so LBC would be necessary.
29. The appeal site is within a National Landscape (NL)³. NLs are designated for the purposes of conserving and enhancing natural beauty. Due to Section 85(1) of the Countryside and Rights of Way Act 2000, I am duty bound to have regard to these purposes in this decision. The Authority did not object regarding the NL, and I agree that due to the small scale and siting of the proposed development within an existing village, the special qualities of the NL would not be adversely affected.
30. A lack of harm in relation to living conditions, highways and access is noted. However, a lack of harm is a neutral factor and so does not weigh for or against the proposal.
31. It is acknowledged that there is public support for the proposal. However, for the reasons set out in the main issues, this does not overcome the harm identified.
32. The appellant considers the Authority has unfairly represented the proposed scheme in relation to a window and failed to properly communicate or engage with them. However unfortunate this is, it does not impact the planning merits of the case. Also, in terms of the accuracy of the listing description, these are written to assist with identification and not as a definitive catalogue of a heritage asset's significance.

Conclusion

33. It is recognised that the replacement fence element of the proposal could, in theory, be installed without causing any harm to the various designated heritage assets referred to, or anything else. However, in the absence of a plan showing the location of the proposed fence there is now mechanism to precisely secure this element of the proposal. I am not, therefore, in a position to allow this element of the scheme.
34. Therefore, given the above and considering all other matters raised, Appeal A and Appeal B should be dismissed.

RJ Redford

INSPECTOR

³ Previous called an Area of Outstanding Natural Beauty