

Appeal Decision

Site visit made on 19 September 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/F1610/W/23/3331701

Naunton Inn Barn, Aylworth Road, Naunton, Gloucestershire GL54 3AJ

- 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 N Hayward against the decision of Cotswold District Council.
 - The application Ref is 23/01371/FUL.
 - The development proposed is change of use of barn with single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have been made aware of the planning history for the site which includes planning permission for the change of use of the barn to a dwelling approved under application Ref 19/03261/FUL. There is some debate as to whether this permission has been implemented and therefore is extant. Whilst I have had regard to this application my determination is focused upon the merits of the development proposals before me.

Main Issues

3. The main issues are:
 - Whether the development would be consistent with local and national policies relating to the location of new housing;
 - The effect of the proposed development upon the host property as a non-designated heritage asset and the character and appearance of the area;
 - The effect of the proposal upon the setting of a nearby listed building; and
 - The effect upon protected species.

Reasons

Location of site

4. The appeal site is formed of a disused barn in a state of some disrepair located within an undulating agrarian landscape. Policy DS4 of the Cotswold District Local Plan (2018) (LP) does not permit market housing outside Principal and Non-Principal Settlements in open countryside unless specifically permitted by other LP Policies.
5. One such policy is LP Policy EC6 and which relates to the conversion of rural buildings and sets out a number of criteria for assessing the suitability for the use and re-use of rural buildings. The policy makes clear at criterion a. that the building should be structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or rebuilding.
6. The policy does not define what constitutes a substantial extension or rebuilding therefore it is a matter of planning judgement for the decision maker. The barn has a simple linear form with minimal openings. The appellant's structural survey indicates that the barn would require minimal structural alterations to bring the building into use.
7. That said, the proposal is reliant on a single storey extension that would span almost the entire western elevation of the barn and that would almost double its size. Taking into account the size of the proposed extension the alterations, in my judgement, would be substantial. It would be tantamount to a new dwelling in the countryside and going beyond what one could reasonably call a conversion. As such, the proposal would be contrary to LP Policies DS4 and EC6 in relation to the re-use of rural buildings and the location of new housing.

Effect on the host property and the character and appearance of the area

8. The host barn is single storey, modest in size with minimal openings. It is constructed from Cotswold stone with ashlar quoins with a slate roof with stone tabling at the gable ends. It is located within the north-east corner of an agricultural field on the junction of the B4068 and Aylworth Road. The barn dates back to the nineteenth century and despite its poor condition its simple linear and functional agrarian form and appearance is clearly evident. On this basis the Council consider the barn to be a non-designated heritage asset. Based on the available information, its traditional rural appearance and historical association with the surrounding landscape I have no reason to reach a different conclusion.
9. The National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. The proposed extension would almost double the size of the existing barn. Its dimensions would result in a disproportionate and incongruous addition that would obscure almost the entire western elevation dominating the host

building and fundamentally and unacceptably altering its shape and unbalancing its form. The mono pitch roof terminating part way up the roof slope and the floor to ceiling glazing would result in an awkward and visually confused design. Overall, the proposal would adversely affect the simple agrarian form and appearance of the barn undermining its character and appearance and its historical and architectural significance as a non-designated heritage asset.

11. The resultant adverse effect would be significant visible in views from neighbouring roads and the surrounding landscape harming the character and appearance of the area. Whilst the extension would be constructed from local materials, this would not overcome the harm that I have identified.
12. I note the appellant's comments in relation to the grant of planning permission for a domestic extension to a non-designated heritage asset. However, based on the limited information before me there is nothing substantive to suggest that it is comparable to the appeal scheme before me. In any event every appeal must be considered on its own merits. The granting of other permissions in the area does not justify the harm that I have identified.
13. As such, the proposed development would adversely affect the character and appearance of the host property, as a non-designated heritage asset, and the area contrary to paragraph D.67 of the Cotswold Design Code and LP Policies EN2, EN4, EN12 and EN13 which, amongst other things, seek high quality design that respects the character and distinctive appearance of the locality. Developments not to have a significant detrimental impact on the natural and historic landscape, visual quality and local distinctiveness and that enhance the character of non-designated heritage assets.

Setting of a nearby listed building

14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
15. Positioned across the road from the barn is Grade II listed Church Farmhouse which forms part of a complex of farm buildings. The farmhouse dates back to the late eighteenth or early nineteenth century constructed from coursed and squared rubble with a Cotswold stone roof. The building, in part, derives its significance from its architecture and its historical association with the surrounding agrarian landscape.
16. The extent of the setting of a heritage asset is not fixed and may change and be experienced differently as the asset and its surroundings evolve. It is apparent that the barn and the listed building formerly had a functional relationship and whilst this appears to have ceased there is still a spatial and visual connection between the two buildings. As set out above the proposed development would unacceptably erode the barn's traditional and modest rural appearance and thereby diminishing the contribution it makes to surrounding agrarian landscape and setting of the farmhouse.

17. In accordance with Paragraph 208 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. In this case I conclude that the proposal would lead to less than substantial harm to the setting of the nearby listed building. This harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use, which I now turn to.
18. In this regard, the proposal would bring the building back into use and contribute to local housing supply and employment with the construction of the development. Future occupiers would help to maintain or enhance the vitality of services and facilities in Naunton and nearby villages. Although these benefits would be moderate. Taking into consideration the points above I find that the harm to the setting of Church Farmhouse would clearly outweigh the public benefits of the proposal and afford this considerable weight.
19. As such, in my judgement, the proposed development would fail to preserve the setting of Grade II listed Church Farmhouse, causing less than substantial harm to its significance. The public benefits would not outweigh this harm and therefore the proposal would be contrary to LP Policies EN1 and EN10 which, amongst other things, seek the protection, conservation and enhancement of the historic environment and landscape and for proposals to sustain and enhance the character, appearance and significance of designated heritage assets and their settings.

Effect on protected species

20. Bats are protected species under the Conservation of Habitat and Species Regulations 2017. The appellant's updated Bat Survey Report confirms the presence of Lesser Horseshoe bats emerging from the barn, observed during the initial dusk emergence survey. On this basis the appellant's Ecologist considers that it is an old day roost used occasionally. The proposed development would result in the loss of the roost and thereby potentially harming or disturbing protected species.
21. The appellant is proposing mitigation in the form of a bat loft that could be secured under Natural England's (NE) Bat Mitigation Class Licence (BCML) scheme. Based on the limited information before me and adopting a precautionary approach I am not satisfied that the mitigation measures outlined by the appellant would be adequate to remove or reduce the negative effects of the proposal. Furthermore, there is no mechanism to ensure that the mitigation measures are maintained in the long term.
22. One of the tests applied by NE when considering whether to grant a license is whether the development is necessary in the public interest. I acknowledge that the proposal would make a very modest contribution to the supply of housing. However, having regard to my conclusions in respect of the adverse effects of the proposal upon the host building as a non-designated heritage asset, the character and appearance of the area and the setting of a nearby listed building there would not be an overriding public benefit from the proposal.
23. As such, I consider it unlikely in principle that an BCML would be granted. In the absence of a licence, the high impact of the loss of the bat roost would

not be adequately mitigated. Consequently, the proposal would not accord with LP Policy EN8 which, amongst other things, seeks to avoid adverse impacts on protected species.

Other Matters

24. The appellant cites a need for housing in the Cotswolds, drawing my attention to a report by the 'Centre for Cities. Whilst the proposal would contribute to local housing supply as the local planning authority is meeting its responsibilities in terms of overall housing supply I afford this matter very limited weight in coming to my decision.
25. I note the appellant's desire to provide a dwelling that would accord with the Nationally described space standards and capable of being occupied by a small family, however, this is not justification for a development that I have found to be harmful.
26. I note the appellant is a long-standing local resident and that the proposed development would be for the appellant's child. Whilst I have given these matters consideration, I have not been presented with any specific need for the proposal beyond a desire to live close to one another. In any event I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I find that these factors are not sufficient to outweigh the harm that I have identified.

Conclusion

27. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR