



Appeal Decisions

Site visit made on 20 August 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal A Ref: APP/F1610/W/24/3343700

Bibury Farm Barns, Bibury, Gloucestershire GL7 5PB

- 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 Saltway Properties Ltd (Mr George Phillips) against the decision of Cotswold District Council.
 - The application Ref is 23/01738/FUL.
The development proposed is Change of use of existing farmhouse to holiday let and erection of a single storey extension (C3 Use Class).
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Appeal B Ref: APP/F1610/Y/24/3343701

Bibury Farm Barns, Bibury, Gloucestershire, GL7 5PB

- 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 Saltway Properties Ltd (Mr George Phillips) against the decision of Cotswold District Council.
 - The application Ref is 23/01739/LBC.
 - The works proposed are Change of use of existing farmhouse to holiday let and erection of a single storey extension (C3 Use Class).
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Decisions

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

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning to avoid unnecessary duplication.
4. I have used the site address taken from the application forms but omitted the lengthy description of the road – the Council has done this on the decision notices, as has the appellant on their appeal forms. However, in the various documentation the site address interchanges between Bibury Farm Barns and Bibury Farm House. The proposal itself relates to the change of use of the listed building known as Bibury Farmhouse¹ (hereafter the Farmhouse), which is one of a number of buildings at Bibury Farm Barns. The proposed single storey extension would be to the Farmhouse. Despite the variations, there is no misunderstanding that the proposed extension to the listed Farmhouse is the subject of these appeals.

¹ National Heritage List for England: list entry number 1088421

5. As part of the statutory duties in considering whether to grant listed building consent and planning permission which affects a listed building I am required, as decision maker, to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses under sections 16(2) and 66(1) respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. The Council considers the extension is enabling development. The appellant confirms that "it has never been the case that the appellant has sought to demonstrate an enabling argument". With reference to Historic England's advice on the matter², in my judgement it does not constitute enabling development. Additionally, there is nothing before me in the appellant's evidence which advances a case for the proposal being enabling development; rather there is a focus on the public benefits balance as required under Paragraph 208 of the National Planning Policy Framework (the Framework), particularly in terms of it securing the optimum viable use of the asset. Therefore, for the avoidance of doubt, I have not assessed the proposal in terms of it being enabling development.
7. The list of submitted plans includes a number of 'informal submission' plans showing the link without a fully glazed south elevation. It is not clear if the appellant wants these considered. These plans do not feature on the list of plans the Council made its decision on and the drawing images in the Heritage Statement do not use them. For the avoidance of doubt I have assessed the appeal proposal on the list of plans the Council considered, and not the informal submission plans.

Background and Main Issue

8. The Farmhouse was subdivided into two dwellings in the 1950s. From 2016, planning and listed building consents have been granted to convert the complex of surrounding farm buildings into 5 luxury holiday lets that can sleep a total of 43 people (1 unit sleeps 10, 2 units sleep 8 and 2 units sleep 6). The holiday let business was launched in 2019. There have also been other implemented consents to erect new agricultural buildings and extend others on other parts of the wider farm complex.
9. More recently, planning permission and listed building consent³ were granted in April 2023 (hereafter referred to as the '2023 Scheme') to reinstate the listed Farmhouse back into its historic use as a single dwelling, with associated internal works. The '2023 Scheme' initially included a single-storey extension and a swimming pool, but both were withdrawn from the scheme before it was approved. The extant '2023 Scheme' could still be implemented regardless of the outcome of the appeals before me.
10. The current proposal is effectively two-fold. It involves i) the change of use of the listed Farmhouse from 2 dwellings into a single 4-bedroom dwelling for use as a holiday let with associated alterations, and ii) the erection of a single storey extension in association with the change of use. The submitted plans also show the extent of the 2023 Scheme.

² Historic England - Enabling Development and Heritage Assets: Historic Environment Good Practice Advice in Planning Note 4 (2020) (HE GPA Note 4).

³LPA Refs: 22/03124/FUL & 22/03125/LBC granted 20 April 2023

11. The Council raises no objection to the internal works to the Farmhouse, which have already been approved in the '2023 Scheme', nor does it raise an objection in principle of the conversion of the Farmhouse back to a single property for use as a holiday let. From the evidence before me and my observations on site I have no reason to disagree and find that these elements of the development and works proposed would preserve the special interest of the listed building and not harm its significance. In these regards they would comply with the relevant statutory presumptions in the Act, provisions in the Framework and Policies EN1, EN2 and EN10 of the Cotswold District Local Plan 2011-2031⁴ (the Local Plan) as set out below.
12. However, the Council's concern focuses on the effects of the proposed single storey extension on the listed Farmhouse and its setting. Therefore, in determining the appeals I have focussed my considerations on this element of the proposal.
13. In light of this and the extant '2023 Scheme' the main issue for both appeals is whether the proposal would preserve the Grade II listed Farmhouse or its setting or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

14. The Farmhouse is Grade II listed. Dating from about the mid-19th century it is a detached two storey, double pile farmhouse with attic. It is stone with some roughcast render and a slate roof and mullioned windows. It is described as being a 'very tall design in Cotswold style, standing prominently on the flat upland landscape'.
15. From the evidence before me and what I observed on site, the special interest and significance of the listed building, insofar as it relates to these appeals, are largely derived from a combination of its historic and architectural interests as an example of a mid-19th century Cotswold vernacular farmhouse set within a complex and courtyard of associated farm buildings and barns, which the Council describes as being a "model" farm. Of these, the asset's surviving historic fabric and the legibility of its plan form are positive contributors.
16. As defined in the Framework⁵ the significance of a heritage asset derives not only from the asset's physical presence but also from its setting. The Framework goes on to define the setting of a heritage asset as the surroundings in which the asset is experienced, which may not remain fixed and may change as the asset and its surroundings evolve.
17. The Farmhouse sits within a courtyard of other farm buildings, most of which have now been converted to holiday lets and have lost some of their agricultural appearance due to their conversions. The Farmhouse is taller and reads as the most dominant building in the courtyard. It has a domestic appearance and higher status compared to the surrounding buildings. The Farmhouse and surrounding buildings still have group value that contribute to

⁴ Adopted 3 August 2018

⁵ Annex 2 : Glossary

the understanding of the Farmhouse and its physical and functional relationship with the other buildings as part of the former farmstead.

18. Immediately to the south west side of the Farmhouse is an area of land laid to gravel and used for car parking for the property. This land sits on the corner of the courtyard and the lane that approaches the farm complex from the road. It is enclosed behind a 5-bar gate and stone boundary wall that continues around the site and along the lane to the road. This land is clearly part of the curtilage of the farmhouse, separate from the rest of the farm courtyard, and leads to a garden area fronting the road.
19. The appellant's heritage submission includes map regressions of the site. From the 1st edition Ordnance Survey maps dating from 1844–1888 this space existed from about the time the Farmhouse was built and was not infilled with buildings to 'complete' a fully enclosed courtyard of buildings. Even regression maps up until about 1939 show the space remained open with no buildings on it, as is still the case today. The immediate surroundings of the Farmhouse, which include the historically undeveloped land to the side, have to varying degrees historic, functional, physical and visual links with the asset. As such these surroundings allow the Farmhouse and its status within the farmyard complex to be experienced and contribute considerably to both its significance as an asset, as well as the ability to appreciate that significance. Hence the appeal site contributes in a positive and tangible way to the building's heritage interests.

Appeal proposal and effects

20. The proposed single storey extension would occupy the gravelled open space to the south west side of the Farmhouse. The extension would be attached to the side of the existing single storey outhouse type extension of the Farmhouse and would then extend across the entire space to meet the boundary wall with the lane.
21. The size and scale of the extension has taken its cues from the other surrounding farm buildings in length, depth and appearance. There would be elements of subservience in that the roof height of the link and the main extension would be lower than the roof of the existing side extension and Farmhouse and it would be set back from the front building line of the Farmhouse. The simple linear form of the extension and use of traditional wall and roof materials and traditional agricultural appearance from the courtyard is intended to respond to the other nearby former farm buildings. The extension would read more as a farm building than as a domestic extension to the Farmhouse.
22. It is the appellant's intention that the extension would complete and provide symmetry to the courtyard and its sense of enclosure. However, there is no historic precedent for a symmetrical courtyard here or for a building on the land to the side of the Farmhouse, as the map regressions show. The proposed extension would therefore erode the legibility of the farmstead and weaken the authenticity of how the Farmhouse is experienced and lessen the ability to appreciate its significance.
23. Facing into the 'front' garden the extension would have a partially glazed link. Glazing can often be used to create light-weight structures and indicate junctions between older and new building fabric and aide the legibility of

modern phases of intervention. However, in this instance the link is not fully glazed as it would have a tiled roof. As a result the legibility between old and new is lessened, especially as the link element on the courtyard elevation is designed to look like a traditional timber cart door.

24. Furthermore, the elevation facing into the garden would have cart-shed type arched openings with double width glazed doors, taking design cues from existing architectural features from other barn buildings around the wider farm complex. However, this design would introduce a reversal of the hierarchy of buildings. The openings of other barn buildings face into the courtyard as a practical and functional response to the arrangement of the former farmyard. The building attached to the other side of the Farmhouse (eastern side) does this and its rear side presents a blank elevation to the garden, reinforcing the difference between the domestic curtilage of the Farmhouse and the farm yard.
25. The proposed extension does the opposite by presenting a blank elevation to the courtyard and an array of glazed openings to the garden elevation. By trying to reflect a domestic use but at the same time respecting the former agrarian function of the complex, the link and extension would impart an uncomfortable form and design which would not fully assimilate well in this context. Moreover, whilst trying to reflect the informal symmetry of the structures either side, the lower level link would disrupt this. I appreciate there are functional reasons for having the openings so that occupiers of the extension could have direct access into the garden. However, this arrangement serves to further reduce the authenticity and legibility of how the building would be read in conjunction with the design and functionality of the historic farmyard.
26. The extension would be connected to the Farmhouse through one modest door-sized opening which would involve a limited loss of historic fabric, although I have not been provided with any details or sections showing the junction of the link with the Farmhouse. Nonetheless the extension would obscure some historic fabric from view as the extension is a largely solid structure.
27. The extension may well be smaller and of a different design to the one that featured in, but was withdrawn from, the 2023 Scheme, but that bears little relevance as I must consider the proposal before me now. From what I saw on my site visit I have no reason to doubt the extension would be built to a high quality.
28. The appellant also draws my attention to a number of contemporary extensions that have been allowed on other listed buildings in different parts of the country and determined by different local authorities. They serve to demonstrate that alterations and changes can be managed to heritage assets when appropriately designed and detailed. However, even if some comparisons can be drawn the examples are of buildings with different forms and contexts. In any event, I must consider the appeals on their own merits.
29. Drawing all of the above points together, the size, siting and design of the proposed extension would represent an inappropriate addition to the listed Farmhouse as it would fail to preserve the building or its setting and cause harm to its significance as a designated heritage asset.

Public benefits and heritage balance

30. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraphs 207 and 208 then go on to set out that, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed.
31. Given the nature and extent of the proposal I find the harm to the significance of the listed building would be 'less than substantial'. A finding of less than substantial harm does not amount to a less than substantial planning objection and carries considerable importance and weight. Under such circumstances, paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
32. Whilst I note the appellant's reference to the Planning Practice Guidance (the PPG) it is held in settled caselaw that decision makers are not obliged to place the harm that would be caused to the significance of a heritage asset, or its setting, somewhere on a scale or spectrum in order to give the necessary great weight to the asset's conservation. The Framework's division of harm into categories of 'substantial' or 'less than substantial' is adequate to carry out the weighted balancing exercise to determine whether a proposal is acceptable.
33. There would be some economic benefits to the wider local economy from jobs and spend during the construction phase and kitting out the holiday let and extension, as well as additional spend from future users exploring the area and local tourist attractions. An extra holiday let would also help support local suppliers and businesses with the increased servicing of the extra unit.
34. The appellant has noticed that following the Covid-19 pandemic holidaying in the UK has become more popular. The current holiday let business is particularly popular during school holidays and weekends, but the appellant needs to diversify as the business has been in decline since 2022/23, with a 13% reduction in bookings. The appellant has allegedly turned away some 15-20 bookings a year due to the cost of living crisis, the number and size of units and lack of on-site facilities, although it is not clear exactly what facilities are lacking and why people have declined to book. The proposed 4-bedroom holiday let (that could sleep 8 adults and 4 children) would increase the number of holiday lets available for use which, according to the appellant's submitted Business Case, would help increase profits by some 56%. Without the proposal the business would apparently lose in the order of £47,000, as there are increasing costs associated with the existing business such as increased bills and interest rates. The Council has no objection in principle to the creation of an additional holiday let unit in the Farmhouse, and I have no reason to take a different view.
35. The holiday lets can be block booked by groups. The proposal could allegedly accommodate up to 50 people at any one time which the appellant suggests could be used as a central meeting point for guests to congregate and dine. Thus the extension would be the diversification opportunity as it could offer dining experiences, including summer BBQs and outdoor dining experiences, business conferences, larger group bookings for parties and family gatherings. The appellant considers the extension could also be used for meetings or

community events, cooking classes, pop-up events such as art exhibitions, cocktail classes, painting workshops and yoga, some of which could occur during the day and provide an income during the low season.

36. According to the submitted plans the proposed extension would have a kitchen with central island, a log burner and space for seating. However, this appears to be the only kitchen facility for the Farmhouse holiday let. Therefore some of the suggested events could only happen when the Farmhouse holiday let was not occupied by a separate party who wanted to self-cater in the kitchen in the extension.
37. The holiday let business currently employs 3 full time staff, 5 part-time cleaners and 1 part-time gardener. Due to the nature of bookings these jobs are not predictable. The appellant suggests the proposal would provide a more secure occupation rate and hence more job security and see a 44% increase in staff employment. However, some of the additional jobs are described as being waiters/waitresses and chefs, which would not be needed if the holiday let was occupied by a family who self-catered in the extension. Therefore it is unclear how the number of jobs has been arrived at. That said, I am satisfied there would likely be some increase in job creation and security, which would be a public benefit.
38. There would be some potential social benefits from the use of the extension for wellness activities such as yoga and for community use. This may be the case if such events occur, but there is nothing to ensure that the extension would be used for wellness or community activities, so this cannot be relied upon as a public benefit.
39. There would be some wider environmental public benefits arising from the proposed installation of a heat source pump instead of the existing oil tank and there would be some increased thermal efficiencies from the window works in the Farmhouse. However, listed building consent has already been granted for the window works, and a heat source pump could be installed for the listed Farmhouse without the extension. There would also likely be some wider environmental benefits to local biodiversity from landscaping works to the grounds, but this could be undertaken any time without the need to erect an extension.
40. Public benefits can also include works to a designated heritage asset to help secure its future. Part of the appellant's case is that the extension would help secure the optimum viable use of the heritage asset. The PPG is clear that the optimum viable use may not necessarily be the most economically viable one. The submitted information focuses on a particular 'viable use', but there is no substantive evidence before me, such as an options appraisal, to demonstrate that the appeal proposal, as presented, offers the only viable use of the Farmhouse and/or that it is the one likely to cause the least harm to the significance of the asset. The approved '2023 Scheme' would secure the Farmhouse as a single dwelling without the extension and the Farmhouse is already in use as two dwellings without the extension. Hence the listed Farmhouse would not be at risk, or its residential use would cease, if the appeals were to fail.
41. The public benefits identified above weigh in favour of the appeals. However, the weight I ascribe to them is not sufficient to outweigh the considerable importance and weight I attach to the harm that would occur to the

significance of the listed building and I therefore find that clear and convincing justification for the harm to the asset's significance has not been provided.

42. Accordingly, the proposal would fail to preserve the Grade II listed building known as Bibury Farmhouse and its setting. The proposal would thus fail to satisfy the requirements of the Act and the provisions of the Framework. The proposal would also conflict with Local Plan Policies EN1, EN2 and EN10. Collectively these seek, amongst other things, to ensure development is appropriately designed in a way that respects the character and distinctive appearance of the locality, ensures the protection and enhancement of historic assets and their settings, and development that harms the significance of a designated heritage asset or its setting is not permitted. It would also conflict with the Cotswold Design Code.

Other Matters

43. The appeal site is located within the Cotswolds National Landscape (formerly an Area of Outstanding Natural Beauty). Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of a nationally designated area as they have the highest status of protection in relation to those issues. The change of use and the extension lie within an enclosed curtilage and do not involve encroachment into the National Landscape. From the evidence before me and my site observations I am satisfied that the landscape and scenic beauty of this nationally designated area would not be adversely affected. The Council has raised no concerns in this regard either.

Conclusion

44. Appeal A: The proposed extension would conflict with the development plan when taken as a whole and there are no material considerations that outweigh this conflict. Therefore, for the reasons above the appeal should be dismissed.
45. Appeal B: For the reasons given, I conclude that the appeal should be dismissed.

K. Stephens
INSPECTOR