

Appeal Decision

Site visit made on 10 September 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30th October 2024

Appeal Ref: APP/H1705/W/23/3335594

Darley Mead, Bramley Road, Little London, Hampshire RG26 5EY

- 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 JTL Rawlings against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 22/02298/FUL.
 - The development proposed is the erection of 2no. dwellings and associated parking and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters and background

2. On 30 July 2024, the Government published a consultation on 'Proposed reforms to the Framework and other changes to the planning system'. A Written Ministerial Statement (WMS) entitled 'Building the homes we need' was also published at the same time. The main parties were given the opportunity to comment on these publications, and I have considered their comments raised in my decision.
3. Section 66(1) of the Act 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.
4. Martingales Farmhouse (Ref.1092838) is a Grade II listed building, listed in 1984. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) defines a listed building and states that any object or structure fixed to the building and any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, shall be treated as part of the building.
5. The Council considers that the building on the appeal site, which is described by both parties as a barn, and proposed to be demolished, forms part of the listed building. This is disputed by the appellant.

6. Historic England¹ advises that the curtilage of the principal building is in general terms any area of land and other buildings that is around and associated with that principal building. It goes on to state that the courts have said that there are 3 key factors to be taken into account in assessing whether a structure is within the curtilage of a listed building: (1) The physical layout of the listed building and the structure, (2) their ownership, both historically and at the date of listing, and (3) the use or function of the relevant buildings both historically and at the date of listing.
7. The barn on the appeal site is an appreciable distance from the principal part of the listed building and is located on an adjoining plot. The barn is sited along the line of an existing, well-defined boundary between the two structures and the evidence on site suggests to me that the section of hedged boundary alongside the barn has only recently been removed. I also saw that the barn effectively faces away from the listed building; its main openings relating to the adjoining plot. It therefore does not serve to frame or enclose a courtyard around the listed building. The appeal site also has a separate access onto Bramley Road. As such, the barn on the appeal site is physically separate from the principal part of the listed building and it is not within an area that could reasonably be treated to form part of that listed building.
8. The appellant's historic mapping suggests that the barn was erected sometime after the listed building. There appears to be no dispute between the parties that the barn was present by 1948, and that a similar structure is shown on the maps at the date of listing. In terms of ownership, the appellant suggests that the barn, and the wider appeal site, has been in separate ownership to the listed building for some time. However, looking at the submitted documentation showing extracts of planning history and Land Registry documents, this does not adequately clarify for me the historic ownership of the land or ownership at the date of listing.
9. The listed building is a dwelling and both parties agree that this use has not changed since its listing. The building is described in the list description as a 'farmhouse' and, in my experience, they are often associated with ancillary and agricultural buildings. The appellant explains that the barn has maintained a functionally different use from the listed building. The submitted evidence refers to the barn being a redundant farm building last used as a piggery and poultry building in 1991 when permission was sought to demolish it². Later, a Certificate of Lawfulness for the storage and maintenance of classic cars, granted permission in 2003³, indicates a period in a different use. Based on this limited evidence, I am not able to definitively conclude whether the building had a separate use or function to the listed building either historically or at the date of listing. However, given the reference to the barn as a redundant farm building in 1991, it is more than likely that it did have an agricultural purpose functionally related to the listed building, which historically served as a farmhouse at the date of listing.
10. Despite the uncertainty regarding ownership and use or function, it is very clear to me that the barn was constructed much later than the listed building.

¹ Historic England Advice Note 10: Listed Buildings and Curtilage

² BDB/32166 Demolition of redundant farm buildings and erection of one dwelling and granny Annexe (1991) (refused)

³ BDB/55349 (2003) Certificate of Lawfulness for use of building as storage and maintenance of classic cars.

The barn also appears to have always stood within its own grounds, facing away from the listed building, and has effectively been physically separated from it by a clear and well-defined boundary. This plot appears distinct from the immediate, associated grounds of the listed building. Furthermore, despite numerous planning applications over the years, the Council does not appear to have previously considered the barn to be a curtilage listed structure until the determination of this application. Overall, therefore, I conclude based on the evidence before me, taking account of the Historic England guidance, and as a matter of fact and degree, that the barn within the appeal site cannot be treated as part of the listed building.

Main Issue

11. In the light of the above, the main issue is the effect of the proposed development on the character and appearance of the surrounding area including the setting and significance of a Grade II listed building.

Reasons

12. The appeal site is a parcel of land to the north of Bramley Road, which is set in a rural area characterised by agricultural land and scattered, sporadic development within mainly large plots. The adjoining dwelling to the west is Martingales Farmhouse (the farmhouse). The barn on the appeal site is a large, T-shaped, single storey building located with its long side adjoining the boundary with the farmhouse and set back from the road slightly. The barn is mainly of timber construction with a corrugated roof and is dilapidated and largely un-used. Surrounding the barn, the land is generally unkempt with some hardstanding, stored materials and a mobile caravan, with mainly hedged boundaries. Despite the condition of the barn and the site it does not readily detract from the open, rural character and appearance of the area due to the siting and alignment of the barn and the mature hedge to the road frontage.
13. Although there are clusters of dwellings sited to the west around the junction with Silchester Road and further along Bramley Road to the east, the area immediately surrounding the appeal site has an attractive rural, pastoral character. It is a visually open landscape interspersed by mainly individual buildings in large grounds.
14. It is proposed to demolish the barn and erect two, two-storey dwellings, each with single garages and would use the existing site access. The buildings would share a similar overall form and massing and would be set back behind a drive with parking to their frontage and an additional planted area alongside the road.
15. The list description for Martingales Farmhouse mentions that the building is 19th century, of two storeys and of painted brick with a tiled roof. It also describes the arrangement of openings and the building detailing. From the details available to me, including the list description, and my own observation, I consider that the special interest and significance of the listed building, insofar as it relates to this appeal, is predominantly derived from its age, form, its historic fabric and architectural detailing.

16. The farmhouse is well set back from the road behind a boundary hedge and an area of hardstanding, and its relatively open position makes it clearly viewed from the roadside. It is set within an agricultural landscape with mature hedged boundaries and trees to its sides and rear which emphasise and reinforce the building's rural setting. The barn alongside, located on the appeal site, is a typical agricultural feature associated with a farmhouse. Although dilapidated and has clearly been subject to numerous alterations, elements of it are of traditional construction and its agricultural form and function reinforce the special interest and significance of the farmhouse.
17. Both the surrounding agricultural land and the adjoining barn reflect the historic function of the farmhouse and are an intrinsic part of the environment in which the listed building is experienced and appreciated, and they add to the significance of the listed building. I saw on site evidence of recent changes including the removal of a section of hedgerow, a gravel parking area and modern fencing and gates. Whilst these have had some effect on the setting of the listed building, they do not demonstrably erode the wider setting.
18. The proposed dwellings would result in only a slight increase in the built footprint on the site. However, the dwellings would be of two storeys and their built form would extend practically across the full width of the site. The result would be a significant visual increase in built form when viewed from the road. This would be exacerbated by the proposed widening of the site access which would allow clearer views of the buildings together with the trappings of domestic life. The siting, massing and density of the buildings would make them appear squeezed onto the site, at odds with the more open character of the existing site and the wider rural character of the area. It would also not reflect the more sporadic distribution of existing built development that I have already described. Therefore, despite the setting back of the buildings and enhanced planting to the site frontage, the development would appear more akin to a suburban street scene, and incongruous and unexpected in this rural, more open context.
19. Whilst the design of the proposed dwellings would be of a rural farmhouse-style which would not be out of keeping with other dwellings in the surrounding area, they would be near the listed farmhouse. In place of the existing barn, the replacement dwellings with their domestic design would confuse the legibility of the listed building's setting. It would read as a row of three dwellings rather than a farmhouse viewed in the context of farm buildings. The proposed extent of built form would also significantly erode and detract from the open, rural agricultural setting of the farmhouse. Furthermore, the proposed scale and massing of the new dwellings would be likely to give them a dominating presence in relation to the listed farmhouse. Therefore, the proposed development would harm the way that the listed building would be seen in the landscape, eroding its agricultural setting and sense of openness.
20. The appellant has referred to two recently built dwellings nearby. Based on the submitted evidence, it is apparent to me that both Shepherd's Farm to the east and The Barn to the west are substantial, single dwellings located in spacious plots. Furthermore, I have little evidence to indicate that either dwelling is in such proximity to a listed building. Therefore, these

developments do not appear to reflect the specific circumstances of the appeal before me.

21. The proposed development would therefore be at odds with the rural character of the area and would have a significantly harmful effect on the contribution that the setting makes to the significance of the listed building. It would not therefore meet the expectations of the Act. Paragraph 205 of the Framework advises that when considering the impact of proposals 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 alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset, 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 207 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
22. The development would provide two dwellings which would add to the overall stock and choice of residential dwellings and support the supply of homes. A boost to housing supply is an important Framework consideration in favour of the development. It is suggested that the scheme would also tidy up an unsightly site which is underused, making efficient use of brownfield land. Furthermore, the development would also support the vitality of the community, including supporting local services and facilities, and would provide some construction jobs. Future occupants would also help sustain local businesses. However, given the size of the development proposed, these public benefits would be modest, and I attribute them limited weight.
23. The appellant also mentions that there would be environmental benefits derived from new planting and biodiversity enhancements and that the buildings would incorporate energy efficiency measures. These aspects of the proposal generally represent good planning expected in all cases, and therefore as positive features of the development I attribute them limited weight.
24. Given the above, I conclude that the overall limited weight that I attribute to the public benefits would be insufficient to outweigh the level of harm to the designated heritage asset, to which I attach great weight. 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 asset. The development would also harm the character and appearance of the surrounding rural area. Consequently, the proposal would not comply with Policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan (2016) (BDLP) which seek to conserve or enhance the significance of heritage assets, and respect and enhanced landscape character.

Other Matters

25. Although, I have found that the barn cannot be treated as part of the listed building, I saw on site elements of traditional construction, including some timber framing. As such, it appears to have a degree of historic and evidential value due to its age, fabric, form and association with the listed

building. However, I have little information before me to fully understand the historic significance of the structure as required under paragraph 200 of the Framework. This would be necessary to assess any intrinsic value of the building and to be confident that there is enough information to justify demolition. However, as I have found the proposal to be unacceptable for other reasons, it has not been necessary for me to pursue this.

Planning balance

26. At the time of making its decision the Council advised that it could not demonstrate a 5-year housing land supply position and considered the proposal accordingly. The Council modified this position in its appeal statement following the revisions to the Framework in December 2023 to state that it had a Framework compliant supply of housing land. Therefore, the Council believes that its planning policies for new housing should be considered up-to-date and that Paragraph 11d) of the Framework is not engaged.
27. The appellant does not contest the Council's supply of housing land, although noting that the housing supply is only marginally over the requirement. However, the appellant has cited a recent planning appeal at Watermill Bridge, Addover⁴, which took account of the revisions to the Framework in December 2023, and suggest that the policies for the delivery of housing are still out of date.
28. If I was to be persuaded that the housing delivery policies are out of date, that could trigger the presumption in favour of development as set out in paragraph 11d) of the Framework. This indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for the development proposed or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
29. Footnote 7 of the Framework identifies designated heritage assets as assets of particular importance. I have found that the harm to the designated heritage asset would not be outweighed by the public benefits, and this provides a clear reason for refusing the development. Consequently, this disengages the presumption in favour of sustainable development as set out in paragraph 11d and the scheme should be determined under a normal planning balance.
30. I have already noted that the proposal would result in two new dwellings, which is an important consideration. The scheme would also support the vitality of the community, including supporting local services and facilities, and would provide some construction jobs. Future occupants would also help sustain local businesses. I have also noted that the scheme would tidy up and make use of brownfield land. Environmental improvements could be secured by condition to achieve planting for biodiversity gains and energy efficiency. However, given the size of the development proposed, these benefits would be modest in scale, and I attribute them limited weight in support of the proposal.

⁴ Appeal Ref. APP/H1705/W/23/3326191

31. I have also noted the appellant's comments regarding a high-quality design, provide satisfactory amenity levels for occupiers, cause no adverse harm to neighbouring amenities, and parking and access would be acceptable. These are matters to be expected of any development proposal.
32. Given the proximity of the appeal site to the ribbon of scattered development along the road and its relationship to Little London, the site does not appear isolated in the context of paragraph 84 of the Framework and is relatively close to larger centres nearby. The evidence indicates that the proposal also has the potential to contribute to the enhancement or maintenance of a viable rural community in accordance with paragraph 83 of the Framework.
33. I have also taken account of the appellant's comments regarding the location of the appeal site and policies for the location of development as set out in the development plan, including an assessment against BDLP SS6. In this case this did not form one of the reasons for refusal and therefore I have not needed to consider it as a determinative matter in my considerations. However, even if I were to be satisfied by these comments, then this would attract limited weight as an objection given the clear heritage harm.
34. I have also taken account of the Government's WMS and consultation on the Framework seeking to deliver more homes, and the comments made in relation to them. In particular, I have carefully considered the WMS and noted the changes to support more brownfield development. This latter document is an expression of Government policy and is, therefore, an important material consideration in this appeal. However, for the above reasons, I conclude that the proposal would have a significantly harmful effect on a designated heritage asset which should be attributed great weight. I have also found harm to the character and appearance of the surrounding rural area. These are matters that weigh heavily against the scheme.
35. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed development, which include the matters I have highlighted above, are clearly worthwhile but nevertheless overall carry limited weight in favour of the scheme. However, these benefits taken alongside the WMS would not be of sufficient magnitude to outweigh the harm and related policy conflicts that I have identified. That harm would be very significant and permanent and such that the scheme would not be in accordance with the development plan when considered as a whole.

Conclusion

36. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR