



Appeal Decision

Site visit made on 25 November 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2024

Appeal Ref: APP/C3810/W/24/3347280

Paddock adjoining Stakers Farm, North End Road, Yapton BN18 0DU

- 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 Julia Southward of Southward-Knightly Property Ltd against the decision of Arun District Council.
 - The application Ref is Y/1/24/PL.
 - The development proposed is erection of 4 dwellings comprising 2 x 3-bed semi-detached houses, and 1 x 4-bed and 1 x 5-bed detached houses, with associated car ports, cycle and bin storage, parking, landscaping and internal access road.
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Decision

1. The appeal is dismissed.

Preliminary matters and main issue

2. The appeal site is situated within the Main Road/Church Road Conservation Area. Stakers Farmhouse (the listed building), which is listed in Grade II, lies roughly north east. The main parties agree that the former farm buildings, which lie roughly west and north west of the listed building, and the roadside wall bounding part of the site, are to be treated as part of the listed building. The other nearby listed buildings were not concerns of the Council in its reasons for refusal. I see no reason to disagree.
3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Conservation Area, having regard to whether the proposal would preserve the setting of the listed building.

Reasons

4. The appeal site is situated on the roughly north west side of North End Road within the built up area of Yapton. The site includes an area of mainly grassed land, which is referred to by the appellant as the paddock, and part of the drive to the listed building and the former farm buildings at Stakers Farm. Most of the land in the paddock is well above the level of the nearby pavement in North End Road. The dwelling and its grounds at Raynham lie roughly south west. The nearby development on the opposite side of North End Road is set well back, and includes the spaciouly sited Grade II listed buildings at Yew Tree House and Berricourt, a dwelling and a surgery. Most of the site's surroundings are within the Conservation Area, but the recent development on the former farmland to roughly north west of the site and beyond the former farm buildings lies outside. Some of the trees within the site include defects, but

those by its north west boundary form a significant sylvan backdrop, which partly screens that recent development.

5. The proposal includes 2 detached 2 storey plus attic dwellings and a pair of 2 storey semidetached dwellings facing North End Road. The dwellings would be reached by a new road between their fronts and the roadside wall from the drive, and they would be separated by car ports and parking spaces.
6. The Conservation Area, which is one of the 2 conservation areas in Yapton, is mainly characterised by the historic development of the village along Main Road and the nearby parts of North End Road and Church Road, the diversity in the age and styles of its listed and historic buildings, and the contrast between the larger dwellings set in spacious grounds and the tighter knit road facing development. The historic and traditional forms and features, use of local and traditional materials, historic boundary features including flint walls, and mature landscaping, are important to its appearance. Together, the character and the appearance of the Conservation Area contribute positively to its significance as an important part of a historic rural settlement.
7. The appellant's heritage statement explains that Stakers Farm was established in 1699 and that by roughly 1840 it was one of the 5 main farms in the parish. The mostly 2 storey plus attic listed building is mainly characterised by the side gabled form of its main range, which is set back in its front garden roughly parallel to the road, its historic features, including multipaned sash windows, simple main porch, modest dormers and gable end stacks, and its low-key hipped roofed back range. The broadly symmetrical composition of its restrained but handsome roughly early C19 front, and its historic form and features, along with its relationships with the roughly mid C19 former farm buildings and the paddock and its boundary features, contribute positively to its special architectural interest and to its significance as the notable historic farmstead's principal dwelling.
8. Due to their age and association with the listed building, the roadside wall and the farmyard group, which includes the U-plan farmyard buildings and the south west range that adjoins the site, are to be treated as part of the listed building, which it is desirable to preserve. From the historic maps, the paddock has been undeveloped for a considerable time. The paddock's estate railings enable the openness and greenery within the paddock to be seen from the listed building's nearby grounds and the windows in the listed building's south west side, despite the partial screening effect of the present vegetation in its garden. The listed building, its farmyard group and the roadside wall, can also be seen from within the paddock. So, the paddock is important to the setting of the listed building.
9. Together, the substantial former farmhouse, the farmyard group, and the paddock and its roadside wall, form the historic farmstead group, which can be seen from North End Road. The paddock separates the larger listed building, from the tighter knit development further south west in North End Road, and its tall and lengthy roadside wall is an important locally distinctive feature. Moreover, the paddock forms a significant undeveloped street scene gap, which provides a valuable reminder of the listed building's historic rural setting, especially so in the lengthy roughly northward views from North End Road. So, the rural character and historic appearance of the farmstead group are important to the significance of the Conservation Area.

10. As the openness in the paddock enables the listed building and the farmstead group to be seen from the road and from the nearby buildings and their grounds, it allows the significance of the listed building to be understood. For the same reasons, the openness in the paddock enables the village's historic rural setting, which is important to the significance of the Conservation Area, to be appreciated. As the nearby farmland within the settings of the listed building and the Conservation Area has since been developed, it makes it all the more important to preserve the contribution that the paddock makes to the significance of the heritage assets.
11. The proposal's built forms and hard surfaces would take up most of the width and much of the depth of the paddock, and the sylvan backdrop by the north west boundary would be materially reduced. So, the important openness and greenery within the paddock would be diminished. The dwellings' fronts would be set back from those of the listed building and the dwelling at Raynham, but due to the lie of the land, the proposal would dominate the street scene in North End Road. As the proposed planting could not reasonably be controlled by condition for more than a few years, it could not be relied upon to partly screen the proposal. Moreover, due to its scale, form and siting, the proposal would be incongruous in the south westward views from the listed building and its grounds, and it would intrude into the important views of the listed building and the farmstead group from North End Road. So, due to the proposal's built-up character and urban appearance, the proposal would unacceptably erode the significance of the listed building.
12. For the same reasons, the proposal would damage the rural character of the farmstead group, to the detriment of the significance of the Conservation Area. Moreover, as the proposal would intrude into the important open space between the listed building and the dwelling at Raynham, it would erode the contrast between the larger dwellings in spacious grounds and the tighter knit development, so it would unacceptably diminish the character of the Conservation Area. Some of the former farm buildings would be glimpsed in the narrow views between the Plot 1 dwelling and the listed building but the southernmost former farm building would barely be seen. As the Plot 1 and 2 dwellings would be at odds with the sense of place, they would detract from the character and the appearance of the Conservation Area.
13. Part of the historic roadside wall has been damaged and part is considered to be unstable. Whilst most of the wall would be taken down and rebuilt reusing its existing fabric where possible, its authenticity would be eroded. As the appellant's engineer's report explains that the proposal would require a new retaining structure within or by the rebuilt wall to accommodate additional loadings during and after construction, it has not been shown that the loss of so much of the historic wall would otherwise be necessary.
14. The appellant's suggested conditions to control boundary treatments including the wall would not overcome the harm that the proposal would cause to the significance of the heritage assets. As the conversion of the former farm buildings to dwellings was found acceptable by the Council, it provides little support for the proposal. Moreover, it is a well-established principle that the advice of its officers cannot bind the decision of the Council.
15. In the terms of the National Planning Policy Framework (Framework) the proposal would cause less than substantial harm to the significance of the

Conservation Area. As the heritage asset is the Conservation Area as a whole, its optimum viable use is not an appropriate consideration. So, the use of the site attracts little weight, and all of the public benefits, including 4 new homes within a reasonably accessible location, and jobs during construction, would not outweigh that less than substantial harm. Furthermore, insufficient clear and convincing justification has been put to me to explain why the proposal would be necessary to conserve or enhance the significance of the Conservation Area.

16. Due to the damaging effect of the proposal within its setting, the proposal would, in the terms of the Framework, cause less than substantial harm to the significance of the listed building. The listed building is not within the control of the appellant, so it is not appropriate to consider its optimum viable use, and all of the proposal's public benefits would not be sufficient to outweigh that less than substantial harm. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to conserve the significance of the listed building.
17. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area, and that it would fail to preserve the setting of the listed building. It would be contrary to Policies HER SP1, HER DM1 and HER DM3 of the Arun Local Plan 2011-2031 and Policy E8 of the Yapton Neighbourhood Plan, which reflect the thrust of my statutory duties regarding listed buildings and conservation areas, and the Framework, which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Other matter

18. The Council cannot demonstrate a 5 year supply of deliverable land for housing. Even so, as the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed, planning permission should not be granted.

Conclusion

19. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
20. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR