



Appeal Decision

Site visit made on 17 December 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/M9496/W/24/3342623

Scaldersitch Farm, Redway, Sheen, Staffordshire SK17 0HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Catherine Hine (née Webster) against the Peak District National Park Authority.
 - The application Ref is NP/SM/0823/0895.
 - The development proposed is conversion of outbuildings for holiday accommodation, ancillary to Scaldersitch Farm (Change of Use).
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters and Background

2. I have used the appellant's name given on the appeal form as this reflects a change in circumstances.
3. The appeal was made against the failure of the Authority to reach a decision on the application within the relevant statutory timeframe. The Authority has explained at appeal that had it been in a position to do so it would have refused the application. I have been provided with what would have been their reasons for refusal as part of their statement of case and the appellant has had the opportunity to comment upon them. These reasons will therefore form the basis of the main issue.
4. The Government published a revised version of the National Planning Policy Framework (the Framework) on 12 December 2024. I have considered its amendments against the earlier version and against the parties' appeal evidence. I have also updated Framework paragraph numbers where necessary. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.
5. I have taken account of the amended plans submitted to the Authority (dated 17 October 2023) during the consideration of the application and prior to the appeal submission. The Authority was able to consider these revisions and I see no reason why any third-party interests would be prejudiced. I have therefore considered the amended plans in reaching my decision.
6. 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. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

7. Scaldersitch Farmhouse (Ref.1252618) is a Grade II listed building, listed in 1985. 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.
8. The Authority considers that the buildings on the appeal site, which are described by both parties as outbuildings, and proposed to be converted, form part of the listed building. This is disputed by the appellant.
9. The courts have stated that there are three key factors to be considered in assessing whether a structure or object is within the curtilage of a listed building. These are the physical layout of the listed building and the structure, their ownership both historically and at the date of listing and the use or function of the relevant buildings again both historically and at the date of listing. I have also had regard to Historic England Advice Note 10 'Listed Buildings and Curtilage' (2018) (HE Note 10) referred to by both parties.
10. Scaldersitch Farmhouse (the farmhouse) is located at the northern end of a farmstead with a predominantly u-shaped arrangement of agricultural buildings lying to the south, arranged around a central farmyard. The buildings on the appeal site enclose the western side of this yard area and are relatively close to the farmhouse. The front elevation of the farmhouse with its principal windows and entrance doors faces directly towards and addresses that enclosed farmyard. The appellant's historic mapping suggests that this physical arrangement has existed for a considerable amount of time.
11. Both the farmhouse and the farm buildings enclosing the farmyard share the same main access drive and it appeared to me during my visit that domestic vehicles would more than likely park in the farmyard. Although the farmhouse has a clearly defined front garden area between it and the farmyard, the relatively low garden boundary wall and the close proximity of the buildings do not sever the intimate visual connection between this grouping of buildings. Furthermore, the shared pedestrian and vehicular access reinforces this relationship. Therefore, given the physical layout of the appeal buildings, their position in relation to the farmhouse and the evidence presented, they appear to be part and parcel of the immediate grounds associated with the farmhouse. They could reasonably be considered as forming part of that listed building.
12. There appears to be no dispute between the parties that the buildings on the appeal site have remained in the same ownership both historically and at the date of listing the farmhouse.
13. In terms of function, it appears from the evidence, including the list description, and from the site layout, that the farmhouse is a dwelling and both parties agree that this use has not changed since its listing. The appellant suggests that the appeal buildings are currently redundant. However, there is

agreement that they historically served as a combination barn, including a stable, cart/implement barn with granary above, and an adjoining shippon/cow house. The appellant explains that the appeal buildings have maintained a functionally different use from the farmhouse.

14. With little additional information, I am not able to definitively conclude whether the appeal buildings had a separate use or function to the farmhouse either historically or at the date of listing. However, during my visit I saw that the outbuildings were being used for the storage of domestic items, including children's toys, and in my view this degree of functional overlap is not unexpected with farm outbuildings closely associated with their farmhouse. In my experience this is more likely to be the case with small, isolated upland farms such as this. Historic farmsteads also often have a tradition of storage and processing of agricultural produce in the farmhouse and other operations associated with the running of the farm. I therefore consider that there is no submitted, compelling evidence to confirm that the appeal buildings had a clearly separate use or function to the farmhouse historically or at the date of listing.
15. I have had regard to the caselaw cited by both parties and from the examples shown in HE Note 10. Of these examples, none appear to closely replicate the circumstances surrounding the appeal proposal before me where the farmhouse is close to and overlooks the appeal buildings, both buildings share the same main access and parking, and there is current evidence of a functional relationship. I am also mindful that curtilage in any given case is a question of fact and degree and will depend on the unique circumstances presented.
16. 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 appeal buildings are part of the listed building. As such they are curtilage listed buildings.

Main Issue

17. In the light of the above, the main issue is whether the proposal would preserve the special architectural or historic interest of the Grade II listed buildings, and whether their significance as designated heritage assets would be preserved.

Reasons

Special interest and significance

18. The list description for Scaldersitch Farmhouse explains that the building dates from the 17th century with early 19th century rebuilding. It is constructed in coursed stone with block dressings with a tiled roof, verge parapets and chimney stacks. It also describes the design and arrangement of windows, doors and other features. From the evidence before me, including the list description and the heritage statement, I consider that the significance of the farmhouse is largely derived from its age, form, architectural features, historic fabric, archaeological interest, and its use.
19. In my experience, the layout and character of the farmstead at the appeal site is typical of other historic, Moorland farmsteads, with the main outbuildings enclosing a farmyard with most openings facing into the yard and few openings

to the rear. The buildings are characteristically simple, functional structures in terms of their design. The appeal buildings reflect this typical arrangement and character and are an integral part of the farmstead.

20. The appeal buildings comprise a stone-built two storey building with quoins, verge parapets and a tiled roof. The attached single storey building is similarly faced in stone, but some internal blockwork suggests a more recent rebuild. The appeal building's active frontage addresses the farmyard, and the rear elevations are firmly grounded in the field with pasture extending right up to the building and characteristically blank walling with minimal openings. The buildings have a strong legibility of their historic agricultural function, and changes over time, and the design and arrangement of the doors and windows reflect that function.
21. From the evidence before me, including the heritage statement, I consider that the significance of the appeal buildings is largely derived from their age, form, historic fabric, features, archaeological interest, and their functional use. The special interest and significance of the farmhouse and appeal buildings are largely experienced and appreciated from the surrounding, largely open agricultural landscape, as well as from the farmyard. As stated above, there is clear intervisibility between the appeal buildings and the farmhouse and the siting, form and design of the appeal buildings illustrates their functional association with the farmhouse, wider farmstead and surrounding landscape. The setting of these buildings contributes to their special interest and significance.

The effect of the proposals

22. In assessing the proposal, I have taken account of the National Park Authority's Supplementary Planning Document 'Conversion of Historic Buildings' (2022) (SPD). In particular, para. 3.1 notes that: *The guiding principle behind the design of any conversion is that the new use should respond to the character, form and function of the building, rather than the building being made to fit the new use. After a conversion, the original character of the building and its story of development should remain "legible"*.
23. Whilst in many respects the proposal reflects the spirit of the SPD, several aspects are a cause of concern. In particular, the proposed changes to the rear, field-facing elevation would significantly erode the building's agricultural character. These works would involve the enlargement of two windows to form doorways which would disrupt the appearance of the largely blank walling and introduce activity which is currently contained within the building. The creation of a rear patio would more than likely result in garden furniture and other trappings of domestic life and activity spilling out onto the field-side. Furthermore, the installation of a metal estate style fence would do little to screen this domestic activity from the surrounding landscape. In addition, the proposed design of the double door appears to have no agricultural precedent. Therefore, in combination with the stove pipes and outdoor lights, all of these works of a domestic nature would irreversibly harm the agricultural character of the building and the wider farmstead set within its pastoral landscape. This would be readily seen from the nearby footpath.
24. Whilst I recognise that the rear elevation of the shippon has been largely rebuilt and incorporates relatively modern window openings, this does not justify introducing a doorway which disrupts the building's character.

Furthermore, the existing window in the two-storey part appears to be an historic opening. Its alteration to a doorway would therefore harm the historic fabric.

25. The appellant is concerned that the holiday accommodation would not be viable without outdoor space and that there are health and safety issues in providing this within a working farmyard. However, whilst I appreciate that future occupants would enjoy the more generous views out across the rear fields and private outdoor space, it has not been clearly explained to me why the use could not function without this space. Also, whilst domesticating features might be desirable for the occupants, I am not convinced that they are essential.
26. I also recognise that Building Regulations may influence certain changes, including achieving an acceptable means of escape in response to given room arrangements. However, in the appeal before me, the need for additional or enlarged openings appears to arise due to the chosen layout rather than working with the existing arrangement of the openings.
27. On the front elevation, the proposed scheme is reasonably successful in working with the agricultural character of the building and draws on guidance in the SPD. The retention of the sliding doors and the installation of clear-glazed pitching holes are particularly successful. The proposed stable door could also be appropriate subject to correct proportion and detailing. The hit and miss glazing to the doors is a modern detail but introduces a strong vertical emphasis, and the submitted evidence shows that this has been used on other barn conversions nearby. Given the lack of evidence of historic joinery, the proposed changes to the front elevation, subject to careful detailing, appear appropriate to introduce more natural light into the building.
28. Whilst the appeal submission contains details of proposed works to the building interior, these are matters which reasonably go beyond the remit of a planning application. These and other more detailed works should form part of a listed building consent. In the absence of such a consent, it is not for this appeal to consider these matters. Furthermore, the absence of a listed building consent is problematical to this appeal as I do not have all details before me to consider fully the impact of the proposal on the building's special interest and significance. In this regard, a favourable decision on a planning appeal could be deemed prejudicial to the consideration of any future listed building consent application. Therefore, even had I found all elements of the planning appeal to be acceptable, given the specifics of this case, I would more than likely not have been able to allow it in the absence of a listed building consent.
29. To conclude, the cumulative impact of the proposed changes, particularly those relating to the rear elevation, would disrupt the legibility of the buildings and their agricultural character. The proposal also lacks the support of a listed building consent. It would therefore be harmful to the special interest and significance of the buildings. Insofar as the appeal buildings form an intrinsic component of the farmstead, the development affecting them may also be held to affect the special interest of the group as a whole. This includes that of the principal component, Scaldersitch Farmhouse, the Grade II listed building.

Other Matters

30. Whilst the appellant has not made an application to recover appeal costs, concern is expressed that the Authority has charged the incorrect planning

application fee. However, this is an administrative matter for the Authority in relation to the application and does not relate to costs incurred during the appeal process. It is therefore not a matter before me.

Public Benefits and Conclusion

31. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
32. Given the moderate scale of the proposed development and its identified consequent effects, I find the harm to be less than substantial. Nevertheless, this is still a matter of considerable importance and weight. Less than substantial harm does not necessarily equate with a less than substantial planning objection, especially where the statutory and national policy tests have not been met.
33. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
34. The proposal has the potential to secure the long-term future of underused listed buildings and would secure their repair. This may also be of benefit to the integrity of the principal listed building and wider farmstead. However, whilst I saw on site that in places roofing tiles were slipping and some of the first floors needed repair, there is little to suggest that the future of the buildings is at risk. It has also not been demonstrated that the building's long-term use or its conservation is dependent on this proposal, or that it represents the building's optimal viable use. Furthermore, there may be alternative ways of achieving the proposed use without the harm identified. As such, although repairs to the building are worthwhile, I give only moderate weight to these public benefits.
35. There would be some economic benefits arising from the construction works, supporting jobs and businesses, as well as spending in the area by future occupants thereby helping the local tourist economy. However, these benefits would be limited given the scale of the proposal.
36. The proposal has the potential to benefit the appellant's business, providing additional units of holiday accommodation, contributing to their year-round business and maximising the building's potential. However, these are largely private benefits and carry little weight as public benefits.
37. Overall, having considered all the public benefits and the weight attributed to them, I conclude that they would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. The proposal would therefore not preserve the special architectural or historic interest of the Grade II listed buildings, and their significance as designated heritage assets would not be preserved. 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 assets. Consequently, the proposal would not comply with Policies DMC5, DMC7 and DMC 10 of the Peak District National Park Development Management Plan

(2019) and the SPD. These policies and guidance, amongst other things, seek to protect and enhance the significance of heritage assets. The proposal would also conflict with the statutory purposes of the National Park, expressed in Policy GSP1 of the Core Strategy Development Plan Document (2011), which include the conservation and enhancement of its cultural heritage. As a result, the proposal would not be in accordance with the development plan as a whole.

38. For the reasons above and having regard to all other matters raised, I conclude that the appeal should be dismissed, and planning permission be refused.

G Bayliss

INSPECTOR