



Appeal Decisions

Site visit made on 11 March 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal A Ref: APP/T3725/W/24/3348356

Whitley Elm Cottages, Case Lane, Rowington, Warwickshire CV35 7JE

- 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 David Russell against the decision of Warwick District Council.
 - The application Ref is W/23/1564.
 - The development proposed is single storey extension to form ancillary accommodation for the existing business, internal alterations and changes to fenestration to Viola Cottage, conversion of the utility and storage area into additional habitable space for the studio.
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Appeal B Ref: APP/T3725/Y/24/3348358

Whitley Elm Cottages, Case Lane, Rowington, Warwickshire CV35 7JE

- 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 Mr David Russell against the decision of Warwick District Council.
 - The application Ref is W/23/1565/LB.
 - The works proposed are single storey extension to form ancillary accommodation for the existing business, internal alterations and changes to fenestration to Viola Cottage, conversion of the utility and storage area into additional habitable space for the studio.
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Decisions

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

Preliminary Matters

3. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated.
4. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2024. I have considered its amendments against the earlier version and against the 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 a statutory duty under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

6. Although the Council's reason for refusal in relation to the listed building only references the projection from the linear plan form, the Officer Delegated Report also considers other issues of concern arising from the proposal. Reference is also made to Whitley End, a separate listed building. Bearing in mind my statutory duty above I shall also address these matters in my decision.

Main Issue

7. The main issue in both appeals is the effect of the proposal on the special interest and significance of designated heritage assets, and on the character and appearance of the surrounding area.

Reasons

8. The appeal site is a range of former agricultural buildings which have been converted to residential units. It is a Grade II listed building which is referred to in the listing as 'Three cottages and cartshed approximately 7 metres north-west of Whitley Elm, Case Lane' (Ref. 1035088) (the appeal building). The list description mentions, amongst other things, that the buildings were formerly a barn and cartshed, dating from the 18th century and are mainly constructed in red brick with a stone plinth and tile roof. From the information before me, including the list description, and my visit, I consider that the special interest and significance of the building, insofar as it relates to these appeals, is largely derived from its age, form, function, historic fabric, and architectural features.
9. I saw on site that despite the residential conversion, the agricultural character of the building range has been retained. This is expressed in the building's long, mainly linear form, and the design and arrangement of the openings and other detailing which enables the historic function and the legibility of the range to be appreciated and understood. These are key elements of the building's special interest and significance.
10. Nearby is Whitley End, a separate Grade II listed building (Ref. 1184396) which the list description mentions is a farmhouse, formerly divided into cottages, dating from the mid-16th century with an 18th century front and later alterations. It is of two storeys, constructed mainly in brick with some stone and timber framing, and a tiled roof. It describes the form of the building and other details. The building's special interest and significance insofar as it relates to these appeals, is largely derived from its age, form, function, historic fabric and architectural features.
11. The heritage statement advises that these buildings were formerly associated with Mousley House Farm across the road. Collectively, these buildings form a rural, historic farmstead and both the appeal building and Whitley End contribute to the significance of the other and are identified in the list description as having Group Value. Their frontages are viewed prominently from Case Lane with the rear elevations of the appeal building also visible from Haywood Lane. The surrounding agricultural landscape reinforces the function and origins of the farmstead and contributes positively to the environment in which it is appreciated and experienced.
12. Policy BE4 of the Warwick District Local Plan (2017) (WDLP) relates to the conversion of rural buildings and requires, amongst other things, that proposals avoid extensive alteration to the external appearance of the building, respect the special qualities of listed, rural buildings, externally and internally, and the

conversion protects the character and appearance of the countryside. The supporting text further advises that extensions as part of their conversion will not be approved unless essential for the retention of the building. Although this policy relates to a building conversion, it appears to me that the policy intent remains applicable to the future adaptation of these buildings. This would protect the integrity of the building and the character and appearance of the surrounding area in the long term. To do otherwise would mean that a sensitive building conversion may be quickly unravelled by future building works.

13. However, in any event, and for the avoidance of doubt, WDLP Policy H14 relates to the extension of dwellings in the open countryside and advises that disproportionate additions will be resisted which (amongst other things) do not respect the character of the original dwelling or substantially alter its scale and design. Furthermore, the supporting text explains that the Council is extremely unlikely to grant approval for the extension of a barn conversion and the disruption to the integrity of the building must be considered. The appellant suggests that these policies should be interpreted flexibly, based on the merits of the case, and has provided an appeal decision at Fernwood Barn¹ where a link extension was allowed by the Council.
14. Aside from the Council's policies, I have a statutory duty described above, to have special regard to the desirability of preserving a listed building or its setting. Therefore, whether the appeal proposal is acceptable is ultimately a matter of judgement for me based on the building's special interest and significance, its context and the impact of the proposal.
15. The proposed single storey, rear extension would be of simple, rectangular form with a pitched roof and would be attached by a frameless glass link. It would be clad in metal sheet with a tiled roof covering and would incorporate rooflights and have a large, glazed window to the rear. The extension would considerably disrupt the distinctive, historic linear form of the building range, stepping back abruptly from the rear building line in a conspicuous and unexpected position. Furthermore, the ridge would be higher than the building to which it would attach, and it would have a significantly greater form and massing. Therefore, although the proposed extension would be subordinate in terms of the building range as a whole, it would be disproportionately larger than the immediately adjoining building. Its presence and scale would be more pronounced by using metal cladding and its different design, contrasting with the building's vernacular character. Whilst this would make the extension appear distinct and of design interest, and there may well be precedents for modern metal barns associated with traditional farmsteads, in the case before me this extension would be visually jarring. It would detract and draw the eye, and the extension would be complimentary or appropriate in this context.
16. The historic mapping may well indicate other farm buildings which are no longer present, but I have few details to indicate what they looked like or anything to suggest that the proposal would attempt to re-create them. Even if this were the case, it would not justify something which has been long-since removed. Therefore, the building's special interest and significance derives mainly from its current appearance and context, and the proposed siting of an extension to the rear would be harmful. It would also obscure an elevation of the building which is largely without openings. The glazed link may assist with maintaining the visual

¹ Appeal Ref. APP/T3725/D/15/3078145

integrity of the original building and touching the existing fabric lightly. However, it would do very little to counteract the harm I have identified, particularly the visual dominance of the extension and disruption to the building form.

17. Although the extension may be sited to the rear of the building and not viewed in association with Whitley End, it would be clearly visible in an open, agricultural context and the harm would be readily seen. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of public views and the assessment is not just focussed on frontages. Even though the extension might not be directly viewed in association with Whitley End, due to the prominence of the extension and its inappropriateness, it would harm the collective significance of the farmstead as a whole and the way it is appreciated and experienced in its agricultural setting.
18. Whilst the proposed front extension would be a more modest addition, it appears to me that this gable has been extended relatively recently. A further extension would bring this narrow limb of the building out well beyond the historic frontage, increasing the prominence of this modern addition and detracting from the historic range. Alongside, internal changes are proposed. Whilst many of the partitions appear relatively modern, it has not been clearly explained what effect these changes would have on the historic fabric, such as whether historic timbers would be concealed or need adapting. These alterations require more explanation and justification to understand their impact.
19. The proposed conversion of the ancillary outbuilding to enlarge a residential unit would replace the traditional side-hung doors on the frontage with glazing and would further domesticate the building. This building range has already been subject to numerous changes which have diluted the agricultural character and identity of the building. The loss of yet more agricultural features and increasing visible domestication would further erode the legibility and integrity of the building, and thereby its significance.
20. Considering the above, the proposal would have a harmful effect on the special interest and significance of designated heritage assets. That harm would be very significant and permanent. Therefore, the expectations of the Act are not met. Paragraph 212 of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the asset, or from development within its setting, 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 as a whole, 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.
21. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The appellant advises that the current form and layout of the building is inefficient, preventing modernisation, keeping up with market demands and providing suitable facilities and welfare arrangements for guests and employees. It is also suggested that the proposal would allow the existing business to thrive, supporting rural business generally,

tourism development and local employment which are supported by other local and national planning policies. The proposal would also have some economic benefits during construction. However, it has not been demonstrated that these public benefits could not be achieved through an alternative scheme, thereby avoiding the harm identified to the heritage assets. Also, there is little to suggest that the continued viable use of the appeal property or its maintenance is dependent on the proposal as the building has an ongoing use that would not cease in its absence. Therefore, considering the size and nature of the proposal, these public benefits would attract limited weight.

22. Given the above, I conclude that the public benefits of limited weight would be insufficient to outweigh the great weight to be given to the harm to the designated heritage assets. 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 heritage assets. The harm to the agricultural character of the building would also be widely viewed in the surrounding landscape, thereby causing harm to the character and appearance of the surrounding area. It would, therefore, fail to satisfy the requirements of the Act and the Framework and would conflict with WDLP Policies HE1 which, amongst other things, seeks to protect heritage assets, as well as WDLP Policies BE4 and H14, explained above. Because of the conflict with these policies, the proposal would therefore not accord with the development plan as a whole.

Other Matters

23. The Council has concluded that the proposal would not be inappropriate development in the Green Belt and in this regard complies with its development plan policies. I have no reason to disagree with this assessment and have not pursued this matter any further. However, finding no harm to the Green Belt is a neutral matter in the planning balance and has little bearing on heritage matters. Therefore, concluding that the proposal would not amount to a disproportionate addition over and above the size of the original building in relation to the Green Belt is a separate exercise to the heritage assessment. In the case of the Threshing Barn, Rowington, advanced by the appellant as an example of a similar proposal approved by the Council, based on the limited submitted evidence, the details suggest compliance with a Green Belt assessment rather than design and heritage matters. Also, there is no indication that this was a listed building. This case, therefore, does not appear comparable.

Conclusion

24. **Appeal A:** The proposed development would conflict with the development plan when considered as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.
25. **Appeal B:** For the reasons given, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR