
Appeal Decision

Site visit made on 2 February 2016

by Declan Beggan BSc Hons Dip TP Dip Man MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 February 2016

Appeal Ref: APP/L3245/W/15/3136134

Coach House Barn, Allscott Farm, Allscott, Bridgnorth, Shropshire, WV15 5JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Lettie Moore of Apley Estate against the decision of Shropshire Council.
 - The application Ref 14/02859/PMBPA, dated 30 June 2015, was refused by notice dated 24 September 2015.
 - The development proposed is described as a 'change of use from agricultural to residential use'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the development as it appears on the Council's decision notice which I consider more concisely describes the proposal.
3. The appellant's evidence refers to the listed status of Allscott Farmhouse and states that a number of buildings, including the building which is the subject of this appeal, are not listed, whilst other adjacent structures have not been subject to listed building consent by the Council. My decision only considers the status of the agricultural building which is the subject of this appeal.
4. The appellant has drawn attention to the fact that the Council's decision notice incorrectly refers to 'Allscott Farm' as the listed building relevant to the appeal building. It is clear from the Council's statement that the relevant listed building is in fact Allscott Farmhouse. I do not consider this error in the drafting of the notice has prejudiced the appellant. Consequently I have proceeded to determine the appeal on the basis that the relevant listed building is Allscott Farmhouse.

Main issues

5. The main issues in this appeal are;
 - Whether the development would be permitted development under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). In particular, whether the
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building would be within the curtilage of a listed building and thereby be excluded by Schedule 2, Part 3, Class Q.1 (m); and,

- If the proposal is permitted development under the provisions of Class Q of the GPDO, whether the development would be acceptable in terms of the design or external appearance of the building.

Reasons

6. The appeal relates to an existing building known as the Coach House Barn, which is located adjacent to Allscott Lane, near to the village of Worfield. The building comprises of two floors with brick walls and a tiled roof. The elevation facing onto Allscott Lane contains three cart style openings at ground floor with window openings above. The building is located adjacent to a number of other agricultural buildings which have a similar appearance. The appellant maintains the building has historically been used for agricultural purposes, forms part of an agricultural holding, and upto recently was used for the storage of machinery. The Council has not disputed this assessment of its use; I have no reason to take a different view.
7. On the opposite side of the Allscott Lane lies Allscott House, a grade II listed building and formally known as Nos. 1 & 2 Allscott Cottages, whilst approximately 100 metres to the west is Allscott Farmhouse which is also grade II listed.

Is the building within the curtilage of a listed structure?

8. The Council maintain the appeal building is a curtilage listed structure due to its association as an ancillary building related to Allscott Farmhouse which dates from the early part of the 19th century, and was listed in 1970. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that any object or structure within the curtilage of a listed 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. The Council state the building predates 1948, and forms part of the farmstead for Allscott Farmhouse, and have submitted a plan dating from 1900 that shows the appeal building, in addition to the adjacent listed buildings, and a number of the nearby buildings that still exist. The Council maintain that the appeal building and Allscott Farmhouse, are all within the ownership of the appellant; this was confirmed by the appellant during the site visit.
9. In determining the extent of the curtilage of the listed building I am required to consider the circumstances pertaining at the time of listing, which for Allscott Farmhouse was 1970. Case law has determined that the appropriate tests relate to the physical layout and relationship between the structures on the land within the surroundings, the function past and present, and the ownership past and present. The functional relationship of the curtilage building must be that it is ancillary to the main listed building.
10. The appellant contends the physical separation of the appeal building to Allscott Farmhouse at 100 metres, in addition to the intervening lane and the presence of another barn, indicate that the structure is not close enough to be deemed a listed structure; however distance is not determinative. It would not be unreasonable that the Coach House Barn and other adjacent outbuildings such

- as the adjacent barn were separated from the property to deliberately create a degree of visual separation but not a functional separation.
11. Whilst the Coach House is closer to Allscott House and another dwelling to the north, which it might be suggested they serve, nonetheless these other buildings are not significantly closer than Allscott Farmhouse. The map from 1900 confirms the physical association between Allscott Farmhouse and the Coach House has existed for a long period of time. In addition, the brickwork to both buildings, their use of tiles, and use of decorative dentil courses below the eaves indicates an association in design terms. Whilst the Allscott House is slightly closer to the Coach House, nonetheless its appearance and period of construction does not identify it with the appeal building; in addition the appellant has confirmed this building is not a farmhouse, and does not appear to have been one since it was rebuilt after the 'Civil War'.
 12. The appeal building to my mind forms part of a collection of agricultural buildings that are dispersed along the roadside opposite Allscott Farmhouse, and which share a common theme in terms of materials used and architectural features. I observed during my site visit there was nothing to suggest the appeal building had its own defined curtilage. Bearing in mind that Allscott House does not appear to have been used as farmhouse since the 17th century, and predates Allscott Farmhouse by a considerable period, it is difficult to envisage that the appeal building would not have been used in conjunction with the nearby farmhouse.
 13. As regards use and function, I saw nothing to suggest that the now vacant agricultural building has been used for anything other than agricultural purposes. The appeal building's relatively simple design and modest size are an indication of its ancillary role relative to Allscott Farmhouse.
 14. Neither party have confirmed that at the time of listing that Allscott Farmhouse and the Coach House Barn were in the same ownership, however, it is notable that the appellant has not argued this is not the case. What is known is that both buildings are currently in the same ownership, as are a number of other buildings in close proximity, in addition to some 8500 acres of land.
 15. Pulling the threads of the above together, the concept of curtilage is not totally geographical. A physical dislocation, as is the case here, does not remove a building from being a curtilage building. Given the nature of the original purpose of the appeal building, the group of buildings within which it is located, its proximity to Allscott Farmhouse, and the position regarding present ownership, I am not persuaded by the appellant's evidence that the Council's decision that the appeal building lies within the curtilage of the listed building, was incorrect. Given this conclusion, Class Q.1 (m) would preclude the building from benefiting from permitted development under Class Q.

Prior approval

16. Given that I have concluded that the building cannot benefit from permitted development rights then there is no necessity for me to consider the issue of prior approval, or the appellant's claim that the Council issued the decision after the statutory period for determination.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Declan Beggan

INSPECTOR