



Appeal Decision

Site visit made on 3 October 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2023

Appeal Ref: APP/L3245/W/23/3315623

Barns at Peplow Grange, Peplow, Market Drayton TF9 3JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Howell against the decision of Shropshire Council.
 - The application Ref 22/04230/FUL, dated 14 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is conversion of agricultural barns to 6 dwellings, demolition of agricultural buildings, erection of garaging, creation of residential curtilage space, and formation of a new farm access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an additional plan with the appeal. The plan ref SA40653-BRY-XX-PL-A-08 provides the floor plan and elevational details of the proposed garaging and parking for barns 02 and 03, a bin store and borehole filtration room. The plan does not alter the proposal and the Council, and third parties, have had the opportunity to comment upon it. I am satisfied that no prejudice would occur to any party as a result of my consideration of its content and have determined the appeal on that basis.
3. My attention has been drawn by the appellant to a proposed policy in the emerging Shropshire Local Plan 2016-2038 (ELP). The National Planning Policy Framework (the Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. I have not been provided with the wording of the policy, the stage of the ELP, or whether, and if so to what extent, there are any unresolved objections to the policy. Consequently, I cannot give weight to it in my decision.
4. Following the Council's decision, a signed and dated Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 was submitted during the appeal. The UU contains an obligation to pay the Council an affordable housing contribution. I comment upon the UU later in my decision.
5. The Council's second reason for refusal related to a lack of information submitted with the application to demonstrate that the proposed means of access to and from the site would be of an appropriate standard. Following the appellant's submission of a Highways Appeal Statement (Ref SA46494) with

the appeal, the Council have confirmed that this has satisfied their concerns on this matter.

Main Issues

6. Therefore, the remaining main issues are:
- The effect of the proposal on the character and setting of the non-designated heritage asset and its significance; and,
 - Whether the proposal would provide acceptable living conditions for future occupiers of barn 06, with particular regard to private amenity space.

Reasons

Non-designated heritage asset

7. The appeal site comprises a traditional red brick part single and part two storey agricultural building in an 'E' plan layout, surrounded by several metal clad agricultural buildings. The main farmhouse is located to the west of the agricultural buildings and shares the same access. The farmstead is located in relatively flat open countryside, defined primarily by agricultural land, interspersed with woodland, hedgerows, scattered farmsteads and localised clusters of buildings. Both parties agree that the farmhouse and the traditional brick barns are non-designated heritage assets (NDHA).
8. Paragraph 189 of the Framework sets out that heritage assets are an irreplaceable resource and should 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. Paragraph 203 of the Framework goes on to indicate that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in the determination of development proposals.
9. The significance of the heritage asset relates, in part, to the quality of the brick farm buildings, and their layout representing those found in a model farm layout of the 18th and 19th centuries, with regular courtyard patterns. Historic map analysis indicates that the buildings were originally built in the 19th century and were linked with the Peplow Estate. The detailing of the E-plan brick building and the associated farmhouse is believed by the Council's Conservation Officer to show great status within the estate and as such elevates the significance of the farmstead.
10. The appellant's Heritage Impact Assessment and Historic Environment Appeal Statement confirm that the site contributes to the historic landscape character and that the farmstead has historic interest as it provides evidence of the farm's evolution. There is a high survival rate of historic fabric which increases the legibility of the farm building, and many vernacular architectural details are preserved such as pointed arches, stone and brick sills, red painted timber joinery, decorative arrow slits and some timber shutters.
11. I observed at my site visit the two storey barn B is an attractive and well-preserved example of a 19th century shippon with hay loft above, decorative ventilation holes and dovecote. Indeed, the layout, materials and vernacular details of the whole E-plan building viewed in its agricultural setting are key to

- the appreciation of its merits and an understanding of its significance as a NDHA.
12. It is proposed to remove the portal frame buildings and Dutch barn on the site and convert the traditional brick building to 6 dwellings. Three garage blocks would be constructed, and gardens created in courtyards and to the east and south of the building. A new access would be formed to the south of the site which would provide access to surrounding agricultural land. The existing access would be used for residential access to the farmhouse and the proposed dwellings.
 13. The appellant argues that the significance of the site has already been diminished by previous alterations, including unsympathetic insertions of openings into historic openings, the later addition of barn F and catslide extension to the courtyard elevation of the two storey barn B. As such, several large glazed openings are proposed to facilitate the proposed conversion, predominantly on elevations facing the courtyard.
 14. From observations at my site visit and the information submitted, it is clear that there have been alterations to the building over time. The Planning Practice Guidance (PPG)¹ advocates that understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance.
 15. While the appellant has indicated that the proposal would not result in harm to the significance of the NDHA, there is insufficient evidence to support this claim. Having regard to the age of the brick, use of stone in some elevations and the painted red timber, some of the previous alterations provide evidence of the evolution of farming methods, particularly the transitions in farming which occurred in the 19th century to accommodate dairying and are part and parcel of the heritage interest of the buildings and speak to its layout and function.
 16. Although only one new opening on each elevation is proposed, several existing bricked up openings would be 're-opened' and other existing openings would be widened to form large, glazed openings, particularly on the courtyard elevations of barns 01, 02, 03 and 05 and the outward facing elevations of barns 01 and 04. These would significantly alter the composition of the building. The cumulative proportions and appearance of several large, glazed openings so close together would be incongruous and starkly at odds with the traditional modest existing window openings. Moreover, the conspicuous three panel horizontal glazing detail proposed on the courtyard elevations of barns 02, 03 and 05, and to the garden elevation of barn 01, would introduce modern features that, even if were originally openings, would be alien to the character and appearance of the building and detract from appreciation of its form and significance.
 17. I am mindful that the Framework advises against discouraging appropriate innovation and change. However, the Framework also sets out that it is proper

¹ Paragraph 008 reference ID: 18a-008-20190723

to seek development that is sympathetic to local character and history, and that maintains a strong sense of place.

18. In my view, irrespective of the number of proposed residential units, the proposed fenestration alterations would interfere with the ability to understand the historic use of the individual parts of the farmstead. The evidence suggests that each of the barns forming the E-plan building and highlighted in the appellant's submission as A to E, had a specific use and the form and number of openings was attributable to that use. Whilst I understand the desire to provide natural light for future occupiers of the proposed dwellings, the uniformity and number of glazed openings and loss of arched timber doors in existing openings would harm the individual character and historic use of each barn which is fundamental to its significance.
19. Much of the interest of the building remains in the subtle detailing that is not accounted for in the appellant's submissions, such as the curved brick piers on some courtyard elevations, blue brick cills and timber louvres. Moreover, no details of window materials or sections have been provided to demonstrate the depth of window and door reveals or that the subdivision of the first floor in relation to the roof structure would not be harmful.
20. In terms of setting, there would be some merit in the removal of the open fronted barn F which would better reveal the significance of the E plan form of the building. However, the replacement garage and store building would be separated from barn 01. As there is already a building in this location enclosed by a brick wall facing the farmhouse, it would not result in any loss of significance of the NDHA.
21. The same cannot be said of the proposed garage block to the south. Even though this would be located on part of an existing modern portal frame agricultural building that would be removed, and would be single storey, it would be of substantial length and height and would be an incursion of residential development into agricultural land. The proposed garage block for barn 01 would result in a similar form of urban encroachment onto an agricultural track, albeit to a lesser degree. These detached garage blocks would introduce a more urban form of development to the countryside setting of the NDHA which would undermine its heritage significance.
22. In addition, due to the considerable size of the proposed outdoor private amenity space for each dwelling, with the exception of barn 06, there would be pressure for occupiers of the dwellings to erect outbuildings in order to accommodate such things as cycles, garden equipment and other domestic items. Whilst permitted development rights could be controlled or removed in relation to ancillary outbuildings were the appeal to be allowed, due to the limited space within each proposed dwelling, the pressure would be great and not unreasonable. The resultant spread of such outbuildings, even if they were small, would introduce urban forms of development into the open countryside which would harm the agricultural setting of the NDHA and erode its significance.
23. Furthermore, in seeking to provide individual areas of amenity space for future occupiers of barns 4, 5 and 6, the central courtyard would be enclosed by a low wall and sub-divided by a central path and box hedging. Even though the existing unattractive low concrete wall would be removed, the proposed wall would be positioned further into the courtyard. These formal enclosures would

- harm the open courtyard layout of the E-plan and would diminish the significance of the original model farm layout.
24. For the reasons given above, I conclude that the proposal would harm the character and setting of the NDHA and cause moderate harm to its significance.
 25. Policy MD13 of the Shropshire Site Allocations and Management of Development Plan 2015 (DP) seeks that, amongst other things, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring proposals avoid harm or loss of significance to designated or non-designated heritage assets. In weighing proposals that directly or indirectly affect non-designated heritage assets, paragraph 203 of the Framework states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
 26. I recognise that the appellant has sought to address the reasons for refusal for a previous application on the site². Even if several recent crudely altered openings do not constitute development under the Act³, the proposed infilling of these openings and the removal of the modern portal frame agricultural buildings would be of some benefit to the character, appearance and setting of the NDHA. However, these adjacent buildings are generally representative of rural farmsteads and as such are not unexpected features in the surrounding rural landscape. I therefore afford these matters limited weight.
 27. That the proposed internal subdivisions and the introduction of rooflights have been found to be acceptable is a neutral consideration.
 28. There would be benefits with regard to a contribution to the supply and variety of housing in the borough, including an affordable housing contribution. There would be potential economic benefits including through employment opportunities created during the conversion. I also recognise the importance of re-using materials. However, given the modest scale of the development, I afford these benefits limited weight. In addition, no evidence has been submitted to me to demonstrate that the proposal is the only viable way to secure similar benefits or the future of the NDHA.
 29. Drawing these factors together, I attach limited weight to the benefits and find on balance that they do not outweigh the moderate harmful effect of the proposal on the character and setting of the NDHA and therefore its significance.
 30. Consequently, the proposal conflicts with Policy MD13 of the DP which, as well as the aims I have identified above, also states that proposals that are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. It would also conflict with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS). The aims of this policy are, amongst other things, to ensure that conversion schemes contribute positively to the area and protect, restore, conserve and enhance the building's historic character. The proposal would also conflict with the heritage protection aims of the Framework.

² LPA Ref:22/00862/FUL

³ Section 55 of the Town and Country Planning Act 1990

Living conditions for future occupiers of Unit 6

31. The outdoor amenity space for future occupiers of proposed barn 06 would be located within the courtyard fronted by barns 04 and 05 and bound by a low box hedge and wall. Occupiers of, and visitors to, the neighbouring units would have clear views of this amenity space, which would lack privacy.
32. Paragraphs 2.16 and 2.17 of the SPD⁴ advocates the importance of maintaining acceptable living standards for the occupants of dwellings, including conversions, in terms of, amongst other things, external private amenity space. While I am satisfied that the amount of amenity space for future occupiers of barn 06 would comply with the requirements of Policy MD2 of the DP (which requires a minimum of 30sqm), the space would not be private. As such, the provision of outdoor space for barn 06 would be below the reasonable expectations for a dwelling in the area and would conflict with guidance in the SPD.
33. Although SPDs are not part of the development plan, the glossary to the Framework states that they can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Such documents are capable of being a material consideration in planning decisions.
34. I have had regard to the use of a condition which could secure a tall enclosure around the amenity space for barn 06 and provide privacy. However, as I have found the subdivision of the courtyard would harm the significance of the NDHA, a condition would not meet the tests set out in paragraph 55 of the Framework.
35. That private amenity space is not available for other households in Great Britain is not a reason in itself to justify development that is unacceptable. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
36. For the reasons given, the proposed development would not provide acceptable living conditions for future occupiers of barn 06, with particular regard to private amenity space. The proposal would therefore conflict with Policy MD2 of the DP which requires that the design of landscaping and open space should be considered holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces. It would also conflict with Policy CS6 of the CS which requires that all development contributes to the health and wellbeing of communities, including safeguarding residential amenity and the achievement of local standards for the provision and quality of open space. Policies in the development plan for South Gloucestershire are not relevant to this appeal.

Other Matters

37. I note that, although raised as a concern in the Council's officer report, affordable housing provision was not a reason for refusal in the decision. Nevertheless, the appellant has submitted a completed UU signed and dated 21 August 2023 that includes a sum of £81,000 to be provided as an off-site contribution towards affordable housing elsewhere in the borough in accordance with the SPD. However, as I am dismissing the appeal for the reasons given, I have not pursued this matter further.

⁴ Shropshire Type and Affordability of Housing Supplementary Planning Document 2012

38. The Framework requires that plans and decisions should apply a presumption in favour of sustainable development⁵. Nonetheless, I find the proposed development would have an unacceptably harmful effect on the significance of the NDHA; and is harmful to the living conditions for future occupiers of Unit 6, with particular regard to private amenity space. As a result, it is contrary to the development plan and to the Framework, as described above. I consider that such an adverse impact would significantly and demonstrably outweigh the benefits of this scheme, as assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply.
39. There is support for the proposal from the Parish Council. Nevertheless, this is not a reason in itself to allow development that is unacceptable.

Conclusion

40. For the reasons given, the proposed development would conflict with the development plan taken as a whole. There are no other material considerations of sufficient weight which indicate that a decision should be made other than in accordance with the development plan.
41. The appeal is therefore dismissed.

A Veevers

INSPECTOR

⁵ Paragraph 11