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## Appeal Decisions

Site visit made on 10 May 2016

**by Sarah Colebourne MA, MRTPI**

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

**Decision date: 08 June 2016**

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### **Appeal Ref: APP/L3245/W/15/3138095**

#### **Barn at Hen Hafod, Berghill Lane, Whittington, Shropshire, SY11 4NT**

- 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 and Mrs Jamie and Joan Harvey against the decision of Shropshire Council.
  - The application Ref 14/04038/FUL, dated 1 September 2014, was refused by notice dated 6 May 2015.
  - The development proposed is the repair, reinstatement and conversion of a listed barn to form a dwelling, including the construction of an extension on the site of a dilapidated cattle shed and yard and the historical footprint of three cottages to include integral garage and landscaping.
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### **Appeal Ref: APP/L3245/Y/15/3138104**

#### **Barn at Hen Hafod, Berghill Lane, Whittington, Shropshire, SY11 4NT**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Jamie and Joan Harvey against the decision of Shropshire Council.
- The application Ref 14/04039/LBC, dated 1 September 2014, was refused by notice dated 6 May 2015.
- The works proposed are the repair, reinstatement and conversion of a listed barn to form a dwelling, including the construction of an extension on the site of a dilapidated cattle shed and yard and the historical footprint of three cottages to include integral garage and landscaping.

### **Decisions**

1. Both appeals are dismissed.

### **Procedural matter**

2. The Council's policy H23 in the Oswestry Borough Local Plan no longer applies because the Council has now adopted the SAMDev Plan 2015. It has referred to a number of policies in that document in its appeal statement and the appellants have had the opportunity to comment on those.
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## **Main Issues**

3. The main issues are:-

- the effect of the proposed development and/or works on the setting and the special architectural and historic interest of the listed building at Hen Hafod and the character and appearance of the area;
- whether the proposed dwelling is in a sustainable location, having regard to national and local policy.

## **Reasons**

### *Listed building and character and appearance*

4. Hen Hafod is a grade II listed building. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any harm should require clear and convincing justification.
5. The Council's policies CS6 and CS17 in the Shropshire Core Strategy and policies MD7a and MD13 in the SAMDev Plan are broadly compatible with the Framework in seeking to ensure that proposals enhance and conserve listed buildings and the area. In particular, policy MD7a seeks to enable the conversion of buildings where the building is of heritage or landscape value, minimal alteration or rebuilding is required and the significance of the heritage asset, its setting and the local landscape character is respected. Whilst the policy applies to open market housing and I have noted that the appellants have said that the new dwelling is intended for themselves, their family or their employees, the Council did not determine the proposal as a rural worker's dwelling and as I have not been provided with any sufficiently compelling supporting evidence regarding the need for a rural worker's dwelling in this location the policy is, therefore, relevant.
6. The historic and architectural significance of Hen Hafod lies in its age, dating from the late C16th/early C17th and its former function as a timber framed former threshing barn. Although the appellant's heritage statement indicates that it formed part of a cluster of farm buildings including a further farm building and three cottages, little remains of those other than a very dilapidated cattle shed and yard which were later additions. The barn itself retains part of its original form and timber frame, including three cross frames and box framing with some remaining features of interest but is in very poor condition, supported by scaffolding and timber braces. Most of the original weather board cladding has gone. Only two of the original four bays remain with later brick plinths and collapsed timbers in a poor state of repair as the only remaining parts of the previous bays. The roof is mostly intact with a slate covering which was probably a later addition. The barn has not been in use for some 20 years and has clearly lost its historic function as a farm

building but the remaining structure retains some architectural and historic interest. Moreover, the surrounding, largely unchanged arable landscape of rolling fields from which very few dwellings can be seen retains its role in the setting of the building which is seen clearly across fields from the lane outside Evenall Farm and in glimpses through the hedge and field openings further south along that lane. It therefore clearly has some heritage and landscape value and in this respect would fulfil that requirement of policy MD7a.

7. In addition to the repair and reinstatement of the existing structure, the proposed development includes a full height extension to create a third bay at one end of the existing structure and a long single storey extension joined at an angle at the other end by a smaller link extension. These extensions would cover the footprint of the original farm cluster. The single storey and link extension would provide an entrance hall, utility room, cloakroom and four bedrooms with two en-suites, a further bathroom and a garage. This would enable a void over the two interlinked living rooms in the main building with a mezzanine floor for a study above the kitchen. Whilst the scheme would permit the retention of the existing plan and form of the building and, importantly, would allow the timber frame to remain evident, the length of the single storey and link extension would appear excessive at some 38m compared to the length of the extended main building at around 21m. Although it would cover the footprint of the original farm cluster and the appellants consider that it would reinstate the lost historic foldyard, those buildings have not existed since the mid C20th and are no longer clearly evident, particularly when seen from the wider landscape. Although the design follows acceptable conservation principles of making an architectural distinction between the new single storey extension and the original building and retaining the form of the original building, it would not read as a smaller, subservient extension and would dominate the listed building when seen in both short range views from within the site and in long range views from the lane. The regular pattern and of number of openings, particularly in the front elevation would not reflect the generally more random pattern of limited openings and void to wall ratios found in traditional agricultural buildings and yet, with the exception of the link extension, it would not appear sufficiently contemporary in its design to create a strong contrast to the existing building.
8. I have similar concerns regarding the openings in the main building, with the exception of the large glazed screens in bay three, the ventilation panels and the mezzanine window. Whilst I note that the openings have been designed to allow as much retention of the timber frame as possible and to avoid the need for rooflights, the regular spacing and small size of the openings has a somewhat domestic scale and effect at odds with the agricultural character of the building.
9. I am less concerned about the external changes proposed, a grassed parking area and gravelled drive which together with any boundary treatment could be controlled by condition if other matters were acceptable. However, for the reasons given, the proposed scheme would not meet the minimal alteration or rebuilding requirement of policy MD7a and would therefore result in substantial harm to the setting and the architectural and historic interest of the building and significant harm to the character and appearance of the surrounding landscape.

10. This gives rise to a statutory presumption against permission and I must give it considerable importance and weight. I must now weigh this harm against the public benefits of the proposal and the requirements of paragraphs 132 and 133 of the Framework.
11. It is clear that the appellants and their architects have given much time and thought to this proposal and it seems likely that the repairs would be carried out sensitively in accordance with established conservation principles and to a high standard. The poor state of the building means that it is currently at risk and I have attached great weight to the benefit of conserving the building by bringing it back into use. I have noted that the proposed design was supported by the Council's Conservation Officer. I also understand the need to create a building of sufficient financial value to allow for the significant cost of repairs. However, I have not been provided with any financial details that would support the need for such a large extension or that any financial contributions from other sources would only be available for the proposed scheme.
12. There is insufficient evidence to enable me to agree that the dwelling would make a significant and sustainable contribution to the maintenance of the farm and the productivity of the farming enterprise at Evenall Farm where the appellants currently live, some of which would, in any case, be private rather than public benefits.
13. The nature conservation benefits that would arise, a barn owl nesting box, bat access tiles and additional native planting are mitigation measures or small benefits at best. Nor would the connection of the site to the highway have a significant public benefit given that the access would be via an existing private farm track.
14. The resultant public benefits do not, therefore, sufficiently outweigh the substantial harm that would be caused to the listed building and the significant harm that would be caused to the character and appearance of the area, contrary to the Council's policies referred to earlier and to the Framework.

*Sustainable location?*

15. The Framework seeks to ensure that development is sustainable. It seeks to avoid isolated new homes in the countryside but lists a number of exceptions to this, including where the development would re-use redundant buildings and lead to an enhancement of the setting. It also says that in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. In seeking to permit residential conversions only where high standards of sustainability are achieved, the Council's policy CS5 in its Core Strategy is broadly consistent in this respect with the Framework's objectives.
16. The barn is some 0.4 mile from the nearest dwelling at Evenall Farm which itself is an isolated dwelling on a narrow country lane and some 2 miles from Whittington where the nearest services and facilities are located. The lane is narrow and has no footways or lighting. It is highly likely that most journeys would be made by car.
17. Although this may be the case for many people living in both rural and urban areas and the Framework acknowledges the difference between urban and rural areas and does not explicitly require reliance on cars to be reduced in every instance, it seeks to encourage a sustainable pattern of development and

reduce car journeys where possible. I have not been told that the dwelling is necessary for the viability of this rural community and in any case, the provision of one dwelling would not make a significant contribution. Given my earlier conclusion that the proposal would harm the listed building and the character and appearance of the area, it would not lead to an enhancement of the setting.

18. Whilst the conservation benefits to the building and its setting that could arise from a more acceptable scheme in terms of size and design may outweigh the unsustainable location, in this case there are insufficient benefits to outweigh this and the proposal is contrary to policy CS5 and the Framework.

### **Conclusion**

19. As I have concluded that the proposed scheme would cause harm to the listed building and to the character and appearance of the area and is not in a sustainable location, it would not fulfil the environmental dimension of the Framework. This harm is significant and demonstrable and therefore outweighs the benefits in this case. This leads me to conclude that the proposals are not sustainable development and would be contrary to the Council's development plan and the Framework as a whole. I have taken into account all other matters raised but none is sufficient to alter the outcome of my findings. Both appeals should be dismissed.

*Sarah Colebourne*

Inspector