



Appeal Decision

Hearing Held on 15 August 2017

Site visit made on 15 August 2017

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

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

Decision date: 3rd October 2017

Appeal Ref: APP/C3430/W/17/3169548 Heath Farm, Vicarage Road, Gailey ST19 5PU

- 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 Inglewood Investment Company Limited against the decision of South Staffordshire Council.
 - The application Ref 16/00720/FUL, dated 10 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is the demolition of an existing farmhouse and the erection of a replacement farmhouse with associated landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing farmhouse and the erection of a replacement farmhouse with associated landscaping and parking at Heath Farm, Vicarage Road, Gailey ST19 5PU in accordance with the terms of the application, Ref 16/00720/FUL, dated 10 August 2016, subject to the conditions set out in the Annex to this decision.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the significance of Heath Farmhouse as a non-designated heritage asset, and
 - ii) whether any harm is outweighed by other planning benefits.

Reasons

3. The appeal building is a large, two and single storey detached farm house, which, until recently, was occupied by the tenant of Heath Farm on an agricultural tenancy. The house appears to have been constructed in two stages, with the lower part being erected in the early part of the 19th century and the higher, main part towards the middle of the century.
4. The building is locally listed, and is therefore a non-designated heritage asset. Policy EQ3 of the South Staffordshire Core Strategy (CS) deals with the conservation, preservation and protection of heritage assets, and provides that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. I consider that this is broadly consistent with the National Planning Policy Framework (the Framework).

5. The building was included in the Council's local list in 2014, and was classified as Category B, the listing criteria for which include buildings which have a particular local significance from events or periods of history. They will be largely unaltered examples of their kind that fall outside of the national periods for listing but make a contribution to South Staffordshire's character either in rural areas or in villages where they are important elements in street scenes.
6. The criteria classification for a Category B building says that there should be a presumption in favour of its retention. Such a criterion has no local or national policy basis, and carries little weight.
7. The Council acknowledges that the local listing is likely to have been prompted by pre-application enquiries about re-developing the site, rather than by any comprehensive exercise aimed at identifying buildings of heritage significance. Thus, the Council does not know whether there are many other buildings of similar heritage interest. The appellants referred to others nearby, but did not provide details before the Hearing, and thus such anecdotal evidence can carry limited weight.
8. In terms of heritage value of the building, the historic interest is limited, being associated with the enclosure of farmland following the passing of the Enclosure Acts. Many farmhouses share this historic association, and therefore its historic value is low. There is no known archaeology significance in the site.
9. The Council refers to the vernacular features used in the construction of the building, and I saw on my visit that the front, south facing elevation in particular contains a number of architectural features which, whilst not examples of high Victorian design, are nevertheless representative of the period. These include a symmetrical front elevation, the use of stone and brick window heads, stone cills, brick cornicing, double hung sash windows, tall chimney stacks with decorative brick banding, a porch with an arched head with decorative brick detailing and dentils.
10. Whilst these details are characteristic of the era in which the house was built, they are found in many surviving buildings and the Council accepts that the dwelling is typical of its type, rather than being an especially good example of a Victorian farmhouse, and I agree. The significance of such features is therefore low.
11. The Council takes the view that internal features should not be taken into account in assessing heritage significance as they could be removed or altered, beyond the control of the Council. Whilst this is so, and the criteria for selecting buildings of local interest do not refer to internal features, they may nevertheless contribute to heritage significance and should not be ignored.
12. The appellants' assessment is that there are several internal features of value, which include internal doors and balustrade, but it is clear that the building has been much altered over the years, and its internal interest is not of great significance.
13. The setting of the building has also changed over the years. The wider setting has been changed through the construction of the nearby M6 motorway and A5 to the north-west of the site, although these roads are some way from the site, and have only a minor impact on the building's setting. The side elevation is close to the busy Vicarage Road, which has recently been widened to

accommodate additional heavy traffic associated with the Veolia Energy Recovery plant to the south-west of the site. The appellants contend that the additional noise and vibration caused by the heavy traffic would necessitate a new wall being erected along the boundary between the rear garden and the road to provide better living conditions for occupiers, and I agree that this would be a likely response to the changed living conditions resulting from the increased traffic. This would affect the extent to which the front of the house, the most interesting part, could be seen from the road, and would reduce its significance.

14. The setting has also changed as a result of the planning permission being granted for the conversion of adjacent outbuildings to two dwellings. As well as introducing a functionally unrelated residential element next to the house, it has also reduced the curtilage, with boundary fences (to be replaced by walls) dividing the respective curtilages close to the building. This has some small impact on the significance of the building.
15. Looked at in the round, although the proposal would result in a complete loss of heritage significance, I consider that the value of that significance is low.

Planning balance

16. The building is in very poor physical condition both internally and externally. There is a significant hole in part of the roof of the rearmost annex and there is evidence of damp throughout the building. There is standing water in the cellar. The appellants have submitted uncontested evidence that in order to repair the building and bring it up to modern standards, the cost would exceed £350,000. Undisputed evidence indicates that the cost of repairing and renovating the farmhouse to enable it to be used as a dwelling could not be recouped through additional rent, partly because of the restrictions which apply to rent increases on tied farmhouses subject to agricultural tenancies, and partly because of the unattractive position of the dwelling.
17. I recognise that it would be physically possible to repair the building and to bring it up to modern standards. Other steps could also be taken to provide noise insulation to ameliorate the impact of heavy traffic. However, the cost of doing so is unwarranted in relation to the likely returns on investment and the low heritage significance.
18. The Council has referred to paragraph 130 of the Framework which says that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision. Having regard to the definition of a heritage asset provided in the Framework, it is clear that a building only becomes a heritage asset once it is identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest.
19. In this case, that identification came only when the building was locally listed in 2014. Much of the deterioration had taken place prior to that time; some repair work was instituted in 2008, but after this time no further repairs were undertaken when it became clear that it was unviable to do so.
20. The hole in the roof remains uncovered. The appellants explained that a tarpaulin had been placed over the hole, but it blew off during high winds. The hole is above an annex to the main building, and I was told that no further

deterioration had resulted to the main part of the building as a result of the hole. In my view, the appellants' conduct does not constitute deliberate neglect in the hope of obtaining planning permission, and therefore the condition of the building is something that it is appropriate to take into account, and to which I afford significant weight. The commercial reality is that if the cost of repairing and upgrading the property is uneconomic, it is likely that it would remain unoccupied and would continue to deteriorate, devaluing its limited heritage significance.

21. The relocation of the farmhouse to the north of the converted barns would improve the living conditions and the safety of their occupiers by separating farm traffic from residential areas. It would also benefit the farm business in terms of security and efficiency, by having a modern, purpose-built farmhouse, located next to the farm buildings. This would support a rural enterprise, and contribute to the economic dimension of sustainable development. Highway safety would also benefit by diverting farmhouse traffic to the new access which connects to Stable Lane, where there is better visibility out onto Vicarage Road.
22. Paragraph 135 of the Framework requires that when weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Non-designated heritage assets are on the lowest rung of the hierarchy of heritage assets, and I find that whilst the proposal would involve a complete loss of significance, that significance is itself low. The weight to be afforded to the harm arising from the complete loss of the asset is therefore modest. The benefits, although nearly all private ones accruing to the owner, the tenant farmer and the occupiers of the adjacent barn conversions, are more substantial, and would be likely to contribute to the wider economy, as would benefits arising from the construction of the dwelling itself. Taking a balanced view, I find that the benefits of the proposal clearly outweigh the limited harm, and that there would be no conflict with CS Policy EQ3.

Other matters

23. The site lies within the Green Belt, but there is no dispute that the proposal would not amount to inappropriate development, or otherwise conflict with policies aimed at protecting the Green Belt. Subject to the imposition of conditions, I agree.

Conditions

24. A number of conditions were suggested in the Statement of Common Ground, which I have considered in the light of national guidance and the discussion which took place during the Hearing. A condition to require the development to be carried out in accordance with the approved plans is needed to ensure certainty. Conditions relating to materials, landscaping and boundary enclosures are needed in the interests of appearance. Details of the means of disposal of foul and surface water are required to ensure that the site is satisfactorily drained. Conditions relating to access and parking are needed for reasons of highway safety. A condition relating to ecological measures is needed to promote biodiversity.

25. A condition requiring the demolition of the existing farmhouse prior to occupation of the replacement is needed to protect the Green Belt and the character and appearance of the countryside. Measures to record the historic interest of the building to be demolished are needed to advance understanding of heritage interest.
26. The Framework says that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The proposed building would have a smaller footprint and volume than that of the existing dwelling, which benefits from permitted development rights to carry out extensions and alterations. Those rights are not precluded or restricted in the Green Belt.
27. However, because of the shape of the curtilage of the existing dwelling, there would be few opportunities to carry out significant extensions, whereas the proposed replacement could utilise permitted development rights to carry out substantial extensions. I therefore consider that in order to protect the openness of the Green Belt, a restriction on enlargements and outbuildings is justified. A restriction on alterations under Class A however, would be unduly onerous, and I shall not require such a restriction.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

APPEARANCES

FOR THE APPELLANT:	
Niall Blackie, LARTPI, Solicitor David Burton-Pye, MBE, DipTP, MRTPI, IHBC Richard Vincent, MRICS, TechIoSH Paul Hutchinson MRICS Rebecca McAllistair Tom Follows	FBC Manby Bowdler Heritage Consulting Savills Savills Savills Inglewood Investments Co Ltd
FOR THE LOCAL PLANNING AUTHORITY:	
Debbie Hall Claire Hines	South Staffordshire Council South Staffordshire Council

ANNEX

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved drawings numbered 306 and 200 received on 10th August 2016.
- 3) Before the development commences details of the facing materials to be used for the external elevations shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in the approved materials.
- 4) The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other subsequent equivalent order, no development (other than alterations to the dwelling not comprising an enlargement of the dwelling within the scope of Class A) within Classes A, B, C, D and E of Schedule 2, Part 1 of the Order shall be carried out within the garden area hereby approved.
- 6) Before the development commences a landscape scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The local planning authority shall be notified when the scheme has been completed. Any trees, shrubs or hedges which are removed, die or become severely damaged or seriously diseased within five years from the occupation of the dwelling shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.
- 7) Before the development commences details of all boundary treatment around and within the site shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be built/erected concurrently with the development and shall thereafter be retained in the approved form and position throughout the life of the development.
- 8) The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.
- 9) The only vehicular access to the new farmhouse shall be via the recently constructed access drive from Stable Lane.
- 10) Before the development hereby approved is occupied/brought into use, the existing Heath Farm farmhouse shall be demolished and the resultant materials shall be permanently removed from the site.

- 11) No development shall commence until a scheme (including a timetable for implementation) has been submitted to and approved in writing by the local planning authority to give effect to the recommendations contained within the Ecological Appraisal of Buildings and Land July 2016. The scheme shall be implemented as approved.
- 12) No works to the existing farmhouse shall be commenced until the implementation of an appropriate programme of building recording and analysis has been agreed in writing with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification. The programme shall be carried out as approved.