
Appeal Decisions

Site visit made on 20 January 2015

by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDipLP(Bar) IHBC MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 April 2015

Appeal A: APP/Y2810/A/14/2228194

The Manor, Stanford Road, Clay Coton, Northampton NN6 6JU

- 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 I Ralston against the decision of Daventry District Council.
 - The application Ref: DA/2014/0341, dated 15 April 2014, was refused by notice dated 8 August 2014.
 - The development proposed is described as "the conversion of former agricultural building to a new residential dwelling".
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Appeal B: APP/Y2810/E/14/2228199

The Manor, Stanford Road, Clay Coton, Northampton NN6 6JU

- 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 I Ralston against the decision of Daventry District Council.
 - The application Ref: DA/2014/0394, dated 24 April 2014, was refused by notice dated 7 August 2014.
 - The works proposed are described as "conversion of former agricultural building to a new residential dwelling".
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Although the originating planning application excludes the full address details of the appeal site, I have included the address, Stanford Road, in the banner heading above, as taken from the decision notice.

Background and Main Issues

4. The appeal property is a listed building (Grade II) (GV)¹. In considering whether to grant permission for development/works, which affects listed buildings or their settings, I have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of

¹ Group Value

preserving the building or its setting and any features of special architectural or historic interest that it possesses.

5. On this basis the main issues are:

- 1) the effect of the proposed development/works on the special architectural and historic interest of the listed building, or in the parlance of the *National Planning Policy Framework* (the Framework), the significance of the designated heritage asset, in respect of both appeals; and,
- 2) the effect of the proposed development/works on the setting of the adjacent listed building in respect of Appeal A only; and
- 3) whether the proposed development is acceptable, having regard to local and national policy in respect of the protection of the countryside, in respect of Appeal A only; and
- 4) whether the proposed development/works would offer sufficient benefit to outweigh any harm that might be caused to the significance of the heritage assets.

Reasons

First issue – the effect on the listed building

6. The appeal building is constructed in red brick and squared, coursed stone with a straw, thatched roof and it dates from the early 18th century. It is described as a good example of a threshing barn that would have been used to store crops within the large open interior. It has a wide entrance opening and has only a few window openings. It has a simple plan form with a steeply pitched roof. It would have been double height but a stepped floor has been inserted at first floor level with a simple small staircase. Thus, the appeal building is a good example of a vernacular threshing barn exhibiting the use of traditional materials and construction methods. These features contribute to the architectural, archaeological and historic significance of the listed building.
7. The appellants state that the appeal building is in need of some repairs to the structure. From the submitted evidence, I have no reason to disagree that it requires some structural repairs but it appeared wind and weather tight at the site visit. It is currently used for domestic storage associated with the adjacent manor house.
8. The proposal comprises the conversion of the appeal building to a dwelling. The Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework defines conservation as the process of maintaining and managing change to a heritage asset in a way that sustains, and where appropriate, enhances its significance.
9. The alterations to provide the proposed accommodation would include the reopening of existing but blocked windows on the north, south and east elevations, the demolition of a timber store attached to the north elevation and the reuse of the existing door and window openings. Although details of the type of fenestration, joinery and glazing have not been provided and these could affect the character and appearance of the building, I am satisfied that these elements could be controlled by the imposition of a condition to secure their details, materials and style if I was minded to allow the appeals. To my

mind, these alterations would have a neutral impact on the significance of the appeal building.

10. It would also include the replacement of the existing thatched roof using reclaimed clay tiles to match the adjacent buildings and several roof lights would be inserted into the rear roof plane. I note the fact that the thatch was installed after the building was listed and that the listed building description refers to a corrugated metal roof only. However, the pitch of the roof and the pointed gables indicates that it was thatched in the past and I agree with English Heritage and the Council in this respect. I consider that the use of thatch, a local traditional material that is evident in the locality, makes a positive contribution to the character and significance of the building and to the vernacular palette of materials in this group of buildings. I acknowledge that no evidence has been presented, by the appellants, to suggest otherwise. I consider that the use of thatch on this building is an important part of the vernacular character of the building.
11. Although the proposal to use matching clay tiles on the appeal building would reflect the roof materials on the adjacent dwelling and other outbuildings, the use of clay tiles on this large expanse of steeply pitched roof would create an overly dominant feature which would alter the character and appearance of the appeal building and would have a negative impact on its significance as a heritage asset.
12. I note the structural engineer's report, which states that the weight of the thatch has caused the ridge to drop and the eaves to spread as the existing roof timbers are unable to carry its load. However, most of the roof timbers, including many oak purlins and all the rafters have been replaced and a poor quality roof construction has been installed using softwood. No evidence has been provided to indicate whether the existing roof structure could be improved by strengthening and/or repairing the existing timbers so that thatch, as a material, could continue to be used.
13. With regard to the proposed rooflights, guidance in the English Heritage Document entitled: *The Conversion of Traditional Farm Buildings - A Guide to Good Practice* (CTFB) dated 2006 states, amongst other things, that rooflights are one of the most sensitive issues and can be intrusive on the character of a building especially where the character of the roof is dominant and is steeply pitched. It goes on to say that, the need for large numbers of rooflights indicates an over pressurised use of the space available. Although conservation rooflights would be used and the rooflights would be positioned on a less prominent roof slope, the insertion of five rooflights of the size and position proposed would create an overly domestic appearance when viewed from the north and would undermine the agrarian character of the building. To my mind, this is a clear indicator that the building is incapable of accommodating the amount of living space proposed without a negative impact on the building's character and appearance and its significance.
14. In addition, the proposed change of use would require the replacement of the basic floor at first floor level, which is currently on two levels. It is not clear from the submitted evidence whether the new floor would be in the same position. It appears to have a consistent floor level with steps over the trusses to access the bedrooms and gallery/study. On this basis, it would make the interpretation of the original historic use of the building difficult. Moreover,

from the evidence submitted it is unclear how the building would be serviced and whether such services would puncture the external elevations. Thus, the subdivision of the internal space and the implications on the external appearance would be a negative impact on the significance of the heritage asset.

15. I note that the appellants have referred to the listed building description. However, entries into the list of buildings of special architectural and historic interest are not exhaustive and the building, as a building of special architectural or historic interest is listed in its' entirety.
16. Although I have concluded that several of the alterations would have a neutral impact on the significance of the heritage asset, the listed building, I consider that the other proposed changes to accommodate residential use would significantly harm the architectural, historical and archaeological integrity of the listed building. This would amount to a significant negative impact. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.

Second issue – the effect on the setting

17. The appeal building forms part of a tight-knit group of buildings, including a converted small agricultural building and 'The Manor' a Grade II listed building. The historical and functional associations of the buildings and their relationship are architecturally and archaeologically significant as they reflect the traditional form of farmsteads in the locality and the historic development of Clay Coton, as an agricultural settlement. This spatial and functional relationship in its context is part of the setting of 'The Manor'.
18. I agree with the appellants that the appeal building was built to fulfil specific needs as part of an economic and social agricultural complex. However, it was constructed using local materials in a basic and humble form allowing 'The Manor' to dominate in terms of its architectural style, detail and size as well as its function. The current use and appearance allows the building to appear subservient and remain ancillary to 'The Manor'.
19. However, the proposed development/works, especially the use of clay tiles, would change the character and appearance of the existing structure. It would create a building, which is more prominent and dominant when viewed as part of the complex. In addition, although the appellant states that the proposed rear garden to the appeal proposal would be to the rear, the division of the existing curtilage of the Manor to create a separate garden would detrimentally erode the historic and spatial character of this group of buildings. It would remove the ancillary status of the barn and would undermine the importance of 'The Manor' as the main dwelling on the site. In my view, it would harm the setting of the 'The Manor'. This would amount to a significant negative impact. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.
20. I note that the appeal building is listed in its own right, with group value, as described by the appellants. However, the criteria for listing are different for each type of building and the building's listed status reflects not only its value in the group but also its value by type and age.

21. I note the presence of another former agricultural building on the complex that has been converted to residential use. However, I am unaware of the background of this scheme. This converted barn is positioned to the rear of and immediately adjacent to 'The Manor'. I understand that it is used as a granny annexe. Therefore, it is subservient and ancillary to 'The Manor' in its current use and does not detrimentally affect the setting of 'The Manor'. This building is not included on the list of buildings of special architectural and historic buildings but is within curtilage of 'The Manor'.
22. It would also conflict with DDLP Policies GN1, a policy referred to by the appellants, which requires, amongst other things, that development should protect and enhance the environment.

Third issue – countryside matters

23. The appeal building is located within the hamlet of Clay Coton, which is identified as a restraint settlement and, on this basis, proposals for development in hamlets will be judged against the open countryside DDLP Policy HS24. DDLP Policy HS24 seeks to restrain development in the countryside and sets out the specific circumstances when new residential development in the open countryside is acceptable. This includes development for the re-use or conversion of existing buildings essential for the purposes of agriculture or forestry or the replacement of an existing dwelling. However, the appeal proposal would not meet the criteria in DDLP Policy HS24 and as such would conflict with it.
24. The appellants maintain that the Council cannot demonstrate a five year supply of deliverable housing sites and states that the Council failed to return a 5 year supply of housing in the period 2008 -2012 and he refers to a recent appeal decision (Ref: APP/Y2810/A/14/2216520). However, I am not aware of the full background of this appeal case or the evidence before that Inspector and I am required to determine each appeal on its own merits in the light of current planning policy.
25. Paragraph 215 the Framework explains that weight shall be given to relevant policies in existing plans according to their degree of consistency with the Framework. One of the core planning principles of the Framework is to proactively drive and support sustainable development so as to deliver, amongst other things, the supply of housing. Paragraph 49 of the Framework specifies that housing applications should be considered in the context of the presumption in favour of sustainable development.
26. Relevant policies for the supply of housing should not be considered up to date if a five-year supply of housing cannot be demonstrated. The Council indicates that, as of April 2014, it was able to demonstrate that it had a 5.2-year housing land supply. However, the appellants dispute the assertion and state that these figures are incorrect. I note that the submitted Council's housing land supply evidence is almost a year old and it pre-dates the Inspector's decision on the abovementioned appeal, which refers to a shortfall in housing land supply. In any event DDLP HS24 is a policy which is relevant to new housing development but is not a policy that deals with the supply of housing. Therefore, it is not considered to be out of date in terms of paragraph 49. In any case if the mechanism of paragraph 14 of the Framework is applied, the adverse impacts of the development, set out above, significantly and

- demonstrably outweigh the benefits that would flow from the provision of one new dwelling, when assessed against the Framework when taken as a whole.
27. I note the reference to paragraph 55 of the Framework, which sets out the special circumstances for new isolated homes in the Countryside. For the reasons given above, I do not consider that the appeal proposal would fulfil any of these special circumstances and would, therefore, conflict with paragraph 55.
28. In relation to the conversion of rural buildings, the Council considers that the appeal proposal would be contrary to DDLP Policy EN19, which requires, amongst other things, that residential conversion should be capable of conversion without major alterations. In my view, the replacement of the roof in a different material would amount to major alterations. This would detrimentally affect the character and appearance and linked to that the design of the building. I note that the appellants consider that the appeal building is not isolated. In my view, the appeal building is located adjacent to other buildings so is not isolated in that respect. However, the hamlet is in the open countryside, as defined by the DDLP. Therefore, I consider the appeal proposal would conflict with the objectives of DDLP Policy ENV19.
29. The appellants consider that DDLP Policy EN21, which relates to the conversion of traditional buildings, is a relevant policy and that the appeal proposal would accord with that policy. This Policy relates to the conversion of traditional buildings. However, DDLP Policy ENV21 requires, amongst other things, that the essential character of the original building is retained. Given my conclusions that the agrarian character of the building would be significantly harmed by the proposed development, I consider that it would not fully comply with the objectives of that policy.
30. Moreover, I do not consider the appeal proposal would accord with the Framework. It would not accord with the environmental dimension to sustainable development as it would not contribute to protecting and enhancing our historic environment²; it would not respond to local character and history³ and would not seek to promote or reinforce local distinctiveness⁴.

Fourth issue – benefits of the appeal scheme

31. Any harm to the special architectural and historic interest of a listed building or its setting must be attributed considerable importance and weight in accordance with sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, respectively.
32. In the language of the Framework, the harm the proposal would cause to the significance of the heritage asset and its setting would be less than substantial on the basis that the listed building, as a whole, would be largely preserved. Paragraph 134 of The Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Framework⁵ also states that as heritage

² Paragraph 7

³ Paragraph 58

⁴ Paragraph 60

⁵ Paragraph 132

assets are irreplaceable, any harm should require clear and convincing justification

33. The appellants suggest that the building is underused and is not in a viable use. They state that the conversion of the building to a dwelling would also be the optimal use of the heritage asset. Financial evidence was not provided to support that the building was not viable. I am not persuaded, on the evidence submitted, that the appeal scheme would achieve optimal viability as other options have not been put forward. The appellants state that the overall structure of the barn is in good condition⁶. I note the barn has undergone some changes to adapt to its changing uses but I do not consider that it has been substantially changed as described by the appellants. In my view, the building is both in a good condition and is in a viable use as a storage facility for the adjacent dwelling.
34. General repairs to the walls and roof, as identified in the structural report, would amount to a public benefit. However, the appeal proposal would go beyond repair so as to harm the significance of the listed building and its setting and, as such, it would not amount to a public benefit.
35. The appellants state that the proposal would contribute to the supply of housing within the district and to the viability and vitality of the local communities. However, for the reasons given above, the adverse impacts of the development/works on the heritage assets would significantly outweigh the public benefits that would flow from the provision of one new dwelling.
36. Therefore, in respect of the fourth issue, I consider that the case put forward by the appellants would not amount to a public benefit that would outweigh the less than substantial harm that would be caused to the significance of the heritage assets.

Other Matters

37. Whilst concerns have been raised in relation to matters of highway safety, the Highway Authority has raised no objection. On the evidence before me, I see no reason not to concur with their view.
38. Local residents have raised concerns in relation to drainage and communications infrastructure. However, these are dealt with under different legislation and procedures and as such are not material to the planning merits of the appeal before me. With regards to their concerns relating to precedent and the potential for more development in the paddock to the rear of the appeal building and the references to other new buildings in the locality, each scheme is determined on its own merits in the light of current planning policy. I have done so in this case.

Conclusions

39. I conclude that the proposed development/works would not preserve the listed building or the setting of 'The Manor'. It would also conflict with Policy GN2 of the *Daventry District Local Plan* (DDLPL) adopted 1997, which requires amongst other things, that the proposed development/works should be in keeping with its locality and should not adversely affect a listed building. It would be contrary the Framework as it would not protect and enhance our historic

⁶ Paragraph 7.10 of the appellant's |Planning Design and Access and Heritage Statement dated March 2014 p10.

environment⁷ nor would it conserve heritage assets in a manner appropriate to their significance⁸ and would conflict with CTFB. As such it would have a significantly harmful effect on the on the special architectural and historic interest of the listed building and on the setting of the adjacent listed building, 'The Manor'. In addition, have identified above that the scheme presents no public benefits that would outweigh the harm to the heritage assets.

40. It would also amount to an unacceptable form of development in the countryside, which would be contrary to the abovementioned relevant policies and the Framework.

41. For the reasons given above, both appeals should be dismissed.

Mrs A Fairclough

INSPECTOR

⁷ Paragraph 7

⁸ Paragraph 17