



Appeal Decisions

Site visit made on 20 January 2015

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 4 February 2015

Appeal A: Ref: APP/Y2736/A/14/2215549

Brignam Park Farm, Tofts Lane, Malton Road, Pickering, North Yorkshire, YO18 8EA

- 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 Brown against the decision of Ryedale District Council.
 - The application Ref: 13/00766/FUL dated 28 June 2013, was refused by notice dated 7 November 2013.
 - The development proposed is "conversion and alterations of agricultural outbuildings and land to form a four bedroom dwelling to include erection of a single-storey extension to west elevation and glazed lean-to extension to south elevation following demolition of pole barns. Formation of additional window openings and installation of solar pv panels to south courtyard elevation".
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Appeal B: Ref: APP/Y2736/E/14/2215546

Brignam Park Farm, Tofts Lane, Malton Road, Pickering, North Yorkshire, YO18 8EA

- 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 Brown against the decision of Ryedale District Council.
 - The application Ref: 13/00800/LBC dated 28 June 2013, was refused by notice dated 7 November 2013.
 - The works proposed are "conversion and alterations of agricultural outbuildings and land to form a four bedroom dwelling to include erection of a single-storey extension to west elevation and glazed lean-to extension to south elevation following demolition of pole barns. Formation of additional window openings and installation of solar pv panels to south courtyard elevation".
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Decisions

1. I dismiss both appeals.

Main Issues

2. I consider the main issues in this case are:
 - Whether the proposed development and works would preserve the special architectural or historic interest of this Grade II listed building. (Appeals A and B)

- The effect of the proposed development on the character and appearance of the surrounding countryside, having regard to local and national policies relating to the conversion of rural buildings in the countryside. (Appeal A only)

Procedural Matters

3. Although different from that stated on the application, forms I have taken the description of the proposed development and works from the Council's decision notices. These changes were agreed by the parties, and I consider they more accurately describe the proposal.
4. Although slightly different from that stated on the application form, the address shown above has been confirmed by the appellants as being the correct one.

Reasons

Whether the proposal would preserve the special architectural or historic interest of the listed building

5. Brignam Park Farm lies in open countryside about 2 miles south of Pickering. The appeal concerns one of three largely redundant agricultural barns grouped around a courtyard on the north side of the farmhouse. Both farmhouse and the barns are Grade II listed. The proposal is for the change of use and extension of the appeal building to form a four-bedroom dwelling.
6. A large part of the appeal building's significance as a heritage asset derives from its origins as a modest farm outbuilding redolent of the local vernacular style and its group setting within the former farmstead. However, whilst the rear and east elevations are little altered and still display features reflecting the historic character of the building, the front and (west) side elevations are mostly obscured by the modern pole barns. Given the dominance of these features, they inevitably reduce the contribution that these parts of the building make to the significance of the asset when seen from the farm courtyard and open land beyond.
7. Policy SP12 of the *Ryedale Plan: Local Plan Strategy September 2013* (LP) encourages the sensitive re-use and adaptation of historic buildings and supports, where appropriate, flexible solutions to those historic buildings identified as being at risk. LP Policies SP16 and SP20 seek to achieve good design, and require new development to respect the character and context of the immediate locality.
8. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard 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) sets out that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation, adding that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
9. I accept that the scale of the extensions is dictated to a large degree by the amount of accommodation required, and the narrow plan form of the original

buildings which makes practical conversion within the available space difficult. Nonetheless, and despite a pre-application reduction in both height and width of the side extension, the proposed extensions together would represent an increase in footprint of about 75% compared with the original buildings (excluding the pole barns). These substantial extensions would alter the layout and plan form of the listed building, and detract from those elements that make an important contribution to its special architectural and historic interest.

10. I consider that the extensions would overwhelm the original U shaped building, and detract from its simple form and appearance. They would dilute and confuse the listed building's agricultural origins which I consider to be an important part of its special interest.
11. I have no overriding objections *per se* to the modern style and choice of materials for the proposed extensions. Indeed, the use of contemporary architectural design is a principle supported by English Heritage, evident from advice in the publication: *Building in Context – New Development in Historic Areas*¹ which advocates buildings that are recognisable as being 'of our age', whilst still understanding and respecting historic context. However, in this case, whilst the overall height of the side extension broadly corresponds with the existing building, the uncharacteristically shallow roof pitch and wide span would be at odds with the scale and proportions of the original, resulting in a somewhat awkward juxtaposition. Furthermore, the many new window openings proposed (particularly in the north elevation and south-facing gable ends), together with the glazed corridor link and solar panels on the south (courtyard) side, would further harm the significance of the building.
12. The appellants suggest that demolition of the pole barns would better reveal the significance of the heritage asset, and in this regard paragraph 137 of the Framework says that local planning authorities should look for opportunities in new developments to enhance or better reveal their significance. I have some sympathy with this argument. However, in this case I consider that any potential gain in the visibility and appreciation of the building arising from the demolition of the pole barns would be slight, and more than off-set by the proposed substantial alterations to the surviving fabric of the original building.
13. The Framework makes it clear that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider the proposal would result in harm being caused to the significance of this Grade II listed building. However, I am satisfied in this case that the degree of harm caused would be less than substantial.
14. In such situations this harm should be weighed against the public benefits of a proposal. These benefits should flow from the development and be of a nature or scale to benefit the public at large, and not just a private benefit. They may include heritage benefits such as sustaining or enhancing the significance of a heritage asset or securing its optimum viable use in support of long term conservation. However, as I have concluded that the proposals would not sustain or enhance the significance of the building, no such public benefit

¹ Published by English Heritage and CBE (Commission for Architecture and the Built Environment) 2001

applies. As a consequence, what public benefits there might be are not sufficient to outweigh the harm that they would cause.

Effect on the character and appearance of the countryside

15. LP Policy SP2 sets out the exceptions where new housing may be permitted in the countryside, one of these being the conversion of redundant or traditional rural buildings where they would be for local needs occupancy and would lead to enhancement of the immediate setting. This policy complies with Paragraph 55 of the Framework which says local planning authorities should avoid isolated houses in the countryside, but which allows exceptions to be made where the development would involve re-using an existing building and would lead to an enhancement to the immediate setting.
16. I agree with the Council that the scale of proposed extensions are so extensive as to go beyond what might reasonably be considered to be a conversion for the purposes of LP Policy SP2, or for the re-use of an existing building as required by Paragraph 55. Nor, for the reasons explained above concerning the harmful effect of the proposal on the significance of the listed building, do I accept that the proposal would lead to an enhancement of the immediate setting. I therefore conclude on this issue that by reason of the substantial extent of extension and alteration involved, the proposal would harm the character and appearance of the surrounding countryside and thus conflict with the aims of LP Policy SP2 and the Framework in relation to the delivery and distribution of new housing in the open countryside.

Other matters- protected species

17. LP Policy SP14 states that proposals which would have an adverse effect on any species protected under international or national legislation will be considered in the context to the statutory protection offered to them.
18. Both bats and great crested newts are protected principally under the *Conservation of Habitats and Species Regulations (2010)*. It is not in dispute that bats are present in the building. These were identified in a survey undertaken on behalf of the appellants, and a method statement and mitigation plan to reduce the impact on bats would be required. This could be dealt with by means of a planning condition.
19. The Council's third reason for refusal states that insufficient information was provided to demonstrate that the proposed development would not have an adverse effect on the protected great crested newt species, which it considers may be present in the various ponds within the vicinity of the site. Although English Nature was not consulted, the Council's (Countryside) Conservation Officer considers that the pond closet to the site and the ponds further ways may provide a breeding habitat for the protected species. However, it would appear that the Council's Conservation Officer considered that the risk was likely to be low and did not necessarily require a full newt survey at this stage, only further information from the appellants' consultant ecologist to indicate his findings as regards the ponds' suitability for great crested newts and the potential impact of the development on any great crested newt in the locality.
20. Therefore, I consider that this matter could be dealt with by means of a condition requiring a full survey to be undertaken at the appropriate time of year to ensure that the European Habitats Regulations are not breached.

However, given my decision to dismiss the appeals on the main issues, I need not consider this matter further.

Conclusion

21. To summarise, I consider that the proposed development and works would cause less than substantial harm to the Grade II listed building and would not preserve its special architectural or historic interest. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with LP Policies SP12, SP16, SP20 and the provisions of the Framework. (Appeals A and B)
22. I consider that that the proposal would harm the character and appearance of the surrounding countryside and conflict with the aims of LP Policy SP2 and the Framework in relation to the delivery and distribution of new housing in the open countryside. (Appeal A)
23. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeals be dismissed.

Nigel Harrison

INSPECTOR