



Appeal Decisions

Site visit made on 5 November 2019

by **H Porter BA(Hons) MScDip IHBC**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal A Ref: APP/R3325/W/19/3231903

Manor House, Manor Farm Road, Compton Pauncefoot, Yeovil BA22 7EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Hopkins Estates Ltd against the decision of South Somerset District Council.
 - The application Ref 18/04060/S73A, dated 21 December 2018, was refused by notice dated 3 May 2019.
 - The application sought planning permission for conversion of agricultural barn to residential dwelling, car port and ancillary works without complying with a condition attached to planning permission Ref 18/01835/S73, dated 4 October 2018.
 - The condition in dispute is No 2 which states that: the development hereby permitted shall be carried out in accordance with the following approved plans: PR01 Rev D, PR11 Rev E, PR20 Rev C and PR50 received 7th June 2018; PR02 Rev C, PR10 Rev F, PR12 Rev F, PR13 Rev B, PR14 Rev C and PR15 Rev G received 9th August 2018 and BLK01 Rev A received 25th September 2018.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Appeal B Ref: APP/R3325/W/19/3231910

Manor House, Manor Farm Road, Compton Pauncefoot, Yeovil BA22 7EE

- 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 Hopkins Estates Ltd against the decision of South Somerset District Council.
 - The application Ref 18/04056/LBC, dated 21 December 2018, was refused by notice dated 3 May 2019.
 - The works are conversion of agricultural barn to residential dwelling, car port and ancillary works (amendment to 16/02333/LBC to provide Photovoltaic Panels).
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for conversion of agricultural barn to residential dwelling, car port and ancillary works at Manor House, Manor Farm Road, Compton Pauncefoot, Yeovil BA22 7EE in accordance with the application Ref 18/04060/S73A, dated 21 December 2018, without compliance with condition No 2 previously imposed on planning permission Ref 18/01835/S73 dated 4 October 2018 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 802-001 Rev C, PR01 Rev D, PR11

Rev E, PR20 Rev C, PR50, PR02 Rev C, PR10 Rev F, PR12 Rev F, PR13 Rev B, PR14 Rev D, PR15 Rev H, BLK01 Rev B

- 2) Prior to the first occupation of the development hereby permitted, details of nest boxes and swift ledges and their locations shall be submitted to and agreed in writing by the Local Planning Authority, details of which shall be undertaken and provided as part of the approved development and thereafter retained.
- 3) External lighting shall be shielded and directed so as to prevent off-site light pollution.
- 4) All planting, seeding, turfing or earth moulding set out by plans FMH_113/L001 and FMH_113.L002 approved by the Local Planning Authority on 20 February 2018 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Authority gives written consent to any variation.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for conversion of agricultural barn to residential dwelling, car port and ancillary works (amendment to 16/02333/LBC to provide Photovoltaic Panels) in accordance with the terms of application Ref 18/04056/LBC dated 21 December 2018 and subject to the following condition:
 - 1) The works hereby permitted shall be carried out in accordance with the following approved plans: 802-001 Rev C, PR01 Rev D, PR11 Rev E, PR20 Rev C, PR50, PR02 Rev C, PR10 Rev F, PR12 Rev F, PR13 Rev B, PR14 Rev D, PR15 Rev H, BLK01 Rev B.

Application for costs

3. An application for costs was made by Hopkins Estates Limited against South Somerset District Council. This application will be the subject of a separate Decision.

Background and Main Issues

4. Permissions were granted in September 2016 to facilitate the conversion of the appeal building to a residential dwelling. Subsequently, a s73 Application (18/01835/S73) was approved by the Council and allowed for variation to the approved plans and landscaping conditions. The works and development at the appeal site are well underway, during the course of which a bank of photovoltaic panels (PVs) has been installed on both the front and rear roof slopes of the main barn building. These fall outside the scope of what has been allowed on the approved plans, which do not benefit from planning permission or listed building consent. The appeals are seeking to regularise this aspect of the works and development through varying the plans condition (condition 2) and gaining separate listed building consent.
5. The main issues common to both appeals are whether the PVs have preserved the listed building, its setting, or any features of special

architectural or historic interest it possesses; whether the character and appearance of the CA have been preserved; and, in respect of Appeal A only, whether the disputed condition is reasonable and necessary.

Reasons

2. The appeal building is a detached former barn and single-storey outbuilding historically associated with Manor Farm and ancillary to Manor House, a Grade II listed building. The appeal building is within the curtilage of the Farmhouse and is therefore covered by the same statutory protection. Both are situated in the Blackford Conservation Area (CA).
3. The main Farmhouse was first listed in 1986 (list entry number 1056518), which the statutory list description identifies as early 19th century, constructed of Cary stone ashlar under a hipped slate roof. From the evidence available to me, I consider that the significance of the listed Farmhouse is largely drawn from its historic age, use, form, fabric and architectural features. In addition, its former intrinsic relationship with ancillary outbuildings that denote its agricultural origins are elements that are important to its setting and overall significance.
4. The appeal site is situated immediately adjacent to the listed Farmhouse, which is now in separate ownership. Notwithstanding its residential conversion, the overall form and material treatment of the barn denote its agricultural origins and therefore its former functional relationship with the Farmhouse, which are features of its special architectural and historic interest.
5. The CA covers the core of the small rural village of Blackford and contains a range of different buildings of varying age and designs. The Farmhouse and appeal building are part of the historic built backcloth of the village and provide a link between the area's built development and the surrounding rural landscape and agriculture. As such, they contribute aesthetically and historically to the character and appearance of the CA as a whole and to its significance as a designated heritage asset.
6. At the time of my visit to the appeal site, the conversion of the barn was well underway, which has included the creation of a fully-glazed 'sun-room' on the front elevation, a single-storey flat-roof extension to the rear, and a glazed and tile-roofed link to the outbuilding, to form a bedroom suite. Additionally, a number of original openings have been glazed and new ones inserted, including at roof level. While it is certainly more residential in nature than its previous role as a functional agricultural barn, the appeal building appears as a sensitively converted former farm building that continues to reflect its agricultural origins and historic connection with the Grade II listed Farmhouse.
7. From the evidence submitted, it is apparent that the roof has been stripped and re-tiled, and so the impact on historic fabric has been minimal. The PVs are flush with the roof-slope and, with bands of historic tiles above and below and to either side, allow much of the historic material and form of the barn roof to be legible. Moreover, the PVs are read in the context of relatively extensive new glazing, and, all things considered, are a relatively unobtrusive alteration.
8. Even so, having seen the PVs installed, I cannot deny there has been some physical and visual effect on the listed barn. Portions of the barn's principal

roof have been materially altered, which has reduced the unbroken extent of its tiled roof-slopes with consequential impact on its tiles. Moreover, the PVs are a further incremental adaptation associated with a domestic use and away from the building's historic, agricultural origins. This very slight further dilution of the historic connection between the barn as an agricultural building associated with the Farmhouse has caused some harm to the significance of both.

9. That said, even with the PVs in place, the appeal barn is still distinctly recognisable as a former farm building and, overall, its agricultural character has been retained. Given this, and that there are no contextual views of the barn and PVs from the wider street scene, the character and appearance of the CA as a whole has been preserved. The degree of harm to these as heritage assets, given the scale and nature of the PVs, has therefore been less than substantial.
10. Paragraph 196 of the National Planning Policy Framework, revised February 2019 (the Framework), requires the less than substantial harm be weighed against the public benefits of the proposal. It has been projected that the PVs could achieve around 15% saving in CO₂ emissions, which would be of environmental and wider public benefit. Mindful that any harm to the listed building carries considerable importance and weight, I still consider that the less than substantial harm would be outweighed by the wider public benefits.
11. It has been suggested that the single-storey link could potentially offer a more appropriate location for the PVs. However, such a proposal is not before me to consider and I am satisfied that the extant location offers a sensitive way of realising a meaningful reduction in reliance on fossil fuels at the appeal site.
12. As the less than substantial harm to designated heritage assets has been outweighed by wider public benefits in this case, the works and development have not conflicted with the historic environment policies of the Framework; nor with Policy EQ1 and EQ3 of the South Somerset Local Plan (2006-28). The planning merits of the PVS justify allowing the development to continue without compliance with the disputed condition, which, without modification, is not reasonable and necessary.

Conditions

13. To assist with clarity, I have included the relevant conditions from the original planning permission in the list of conditions for Appeal A. The works and development have been carried out, and so standard time limit conditions are unnecessary, so too is one that clarifies that the development relates to the PVs only. I have included the revised plans list condition for both Appeal A and Appeal B as this provides certainty.

Conclusions

14. For the reasons given above, I conclude that both Appeal A and Appeal B should be allowed.

H Porter

INSPECTOR