

PLANNING APPLICATION REPORT

Case Officer: Graham Lawrence

Parish: Sampford Courtenay **Ward:** Exbourne

Application No: 3087/20/FUL

Agent/Applicant:

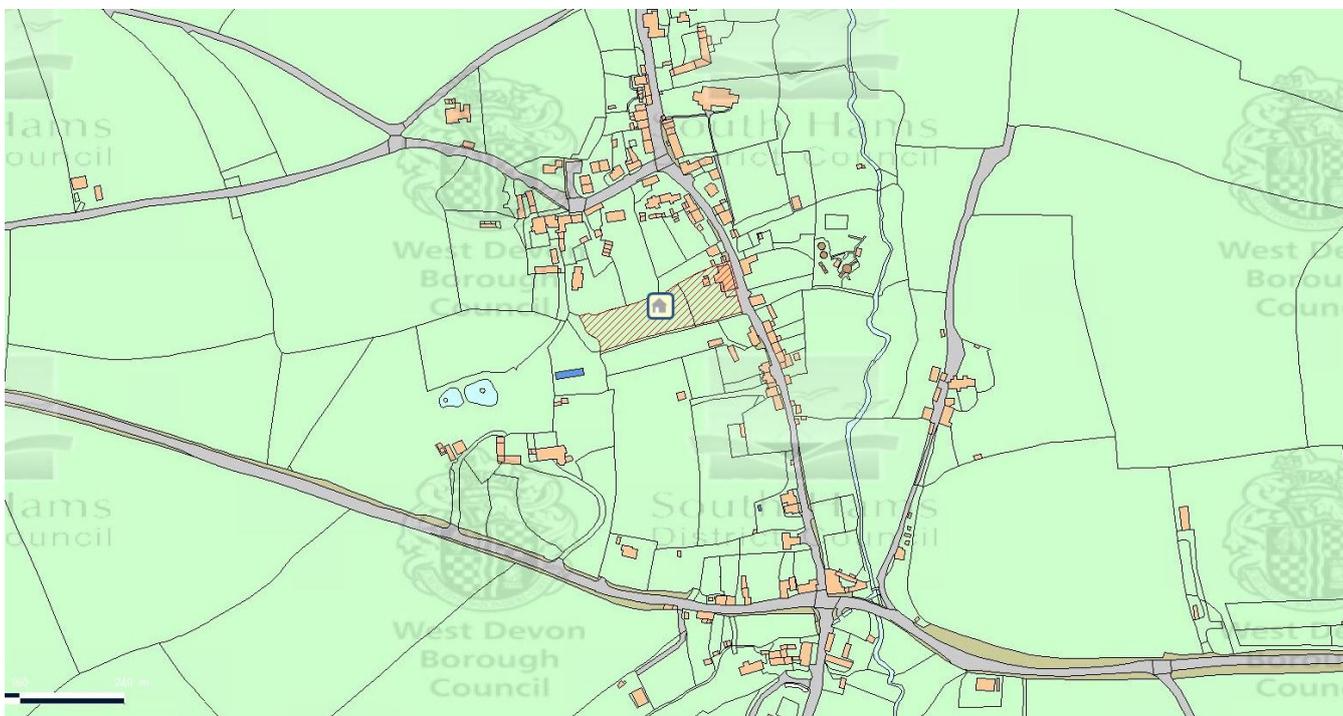
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Applicant:

MR & MRS COURAGE
Middletown Farmhouse
Sampford Courtenay
EX20 2SZ

Site Address: Middletown Farmhouse, Sampford Courtenay, EX20 2SZ

Development: Repair and alteration to existing farm buildings to form additional living accommodation



Reason item is being put before Committee:

At the request of Cllr Ratcliffe who states, 'I believe the urgent need to sympathetically restore this building, outweigh your planning concerns and the comments of the Society for the protection of Ancient Buildings, who do not "object in principle". The approval of materials and further detailed design can be a condition of consent, thus allowing urgent structural remedial work and waterproofing to commence promptly. Therefore, for the above reasons I feel unable to grant delegated power to refuse the applications, and formally request they are called before D,M and L committee allowing further consideration.'

Recommendation: Refusal

Reasons for refusal:

1 The alterations and extensions proposed will harm the historic character of the curtilage listed outbuilding and so are contrary to DEV21.2 of the Joint Local Plan, paragraph 200 of the National Planning Policy Framework and the guidance in the 'Barn Guide' that forms part of the adopted Supplementary Planning Document.

2 The design and materials of the proposed development and the form of the extensions proposed will harm the setting of the grade II listed farmhouse and the character of the conservation area. This is contrary to policies DEV21.1, DEV21.2 and DEV21.6 of the Joint Local Plan and paragraph 200 of the National Planning Policy Framework.

3 The design and materials proposed do not reflect the character of the existing buildings or the local vernacular traditions and so are contrary to DEV20.2 and paragraph 130 of the National Planning Policy Framework.

Key issues for consideration:

- Suitability of the proposed use
 - Quantity of development / extensions
 - Design and materials
 - Effect on the curtilage listed outbuilding
 - Effect on the setting of the main listed building
 - Effect on the character and appearance of the conservation area
 - Archaeology – see DCC Historic Environment comment
 - Ecology
 - Landscape design
 - Accessibility
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Site Description:

The site is a small curtilage listed outbuilding approximately 5m to the west of Middletown farmhouse (grade II). The estimated age of the structure is 18th century and its most likely purpose was for a single domestic milking cow or possibly a donkey shed. The building has a modern roof structure and a decaying thatched roof that is judged to date from the 1980's. It is presently covered in plastic sheeting.

There are the remnants of a pigsty to the south and a 20th century structure of uncertain purpose to the north.

The site is integral to the setting of the listed building and makes a positive contribution to the character and appearance of the conservation area.

The applicants operate a bed and breakfast business in the farmhouse.

The Proposal:

The development is described in the application and Design and Access Statement as alteration and extension to existing farm buildings to form additional living accommodation for the use of family members or holiday guests.

On the latest revised plans an annotation has been added saying, 'the use will initially be as visitor self-catering holiday unit'. This later description is more accurate as the proposal involves the addition of extensions to accommodate a kitchen and a bathroom

Consultations:

- County Highways Authority – No comment.
- Parish Council –
‘SCPC are pleased to support this application to preserve a dilapidated outbuilding and turn it into accommodation for family use, or as additional accommodation for their successful B & B business in the parish.’
- SPAB (Society for the Protection of Ancient Buildings) – (In summary)
An initial detailed comment was received which included the observation, *‘We do not object to the principle of conversion, but we feel that there is scope for a more sympathetic and less harmful scheme to be implemented here. This would use more appropriate materials which will be better for the structure, and would allow the converted outbuilding to sit more comfortably in the setting of the listed building.’*

Comments received on the final revised scheme state in summary, *‘While we do not object to the principle of conversion, there is scope for a far more sympathetic and less harmful scheme to be implemented here which will retain the buildings character and charm. This should include the use of more appropriate materials which would not only be better for the physical fabric of the barn, but which will reflect the adjacent thatched farmhouse allowing the converted barn to sit more comfortably within its setting. At this stage we are **unable to support this application** due to the level of un-necessary and unjustified harm it would cause (NPPF, July 2021, 200). We therefore recommend that this application is **refused**.’*

- Devon County Historic Environment Team –
The proposal is in the historic core of Sampford Courtenay, a settlement of medieval origin. Middletown Farm is also a listed building of late medieval date. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the medieval and post-medieval settlement. The proposal will also alter the historic outbuilding. I recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work and historic building recording to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

A pre-commencement archaeological recording condition is requested on any approval.

Representations:

None

Relevant Planning History:

None but there is an associated LBC ref: 3088/20/LBC

ANALYSIS:

Principle of Development:

The conversion to ancillary accommodation can be supported in principle under JLP policy TTV29.5 if designed in accordance with advice contained in the ‘Barn Guide’ that forms part of the adopted Supplementary Planning Document and the aims of the NPPF.

NPPF200 states, 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.....' and NPPF 202 continues, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' Whilst the proposed development can be considered an 'Optimum Viable Use' it needs to be designed with appropriate sensitivity to the heritage assets in order to be acceptable.

With regard to the present condition of the building as referred to in Cllr Ratcliffe's reasons for requesting consideration by this Committee, the guidance in NPPF 196 is quite clear when it states, 'Where there is evidence of deliberate neglect of.... a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'

Officer judgement has, therefore, been based on the information supplied in relation to the detail and design of the development, not the principle of the proposed use.

Quantity of development / amount of extension

Some element of sensitive extension could be accepted to facilitate a suitable sustainable 'Optimum Viable Use' of the building if the need is justified, but as proposed it is judged to be excessive and unwarranted.

The scale of development as proposed is considered unsympathetic to the character of the listed outbuilding, the setting of the listed farmhouse and the conservation area.

Sustainability / Low Carbon development:

Sensitive reuse of existing buildings is actively encouraged by DEV32 of the Joint Local Plan.

Design:

The 'Barn Guide' which is part of the adopted Supplementary Planning Document says at the outset (p8), 'Acceptable schemes are only likely to be achieved through the adoption of a flexible and imaginative approach to their design; not one that relies on conventional solutions to creating an acceptable place in which to live or work, but one that's inspired as well as disciplined by a building's existing characteristics. Every change being proposed, whatever its size or purpose, needs to be examined in terms of the necessity for it, the impact it will have, and whether alternatives exist (including alternatives to the way the building is being occupied or serviced, as these can sometimes obviate the need for a change altogether)..... This is because the design approach most suited to the conversion of traditional farm buildings is not one that simply aims to suit a building to its new use. Rather its one that seeks to suit the new use to the building, maybe in an out-of-the-ordinary way, and not always in a way the user might prefer.'

Despite several attempts by the Case Officer to negotiate a more sensitive scheme based on this long established guidance the final version is little changed from the initial submission and most of the issues identified at the outset remain. The concerns can be summarised as follows:-

Main outbuilding:

The barn has an asymmetrical and now decaying thatched roof with half hipped ends that are characteristic of the local vernacular. The proposal is to replace the roof with gabled ends and a 'Kingspan' metal roof.

The least altered elements of the building are the front (east) and north walls. The proposed extension to the north requires unnecessary partial demolition of the stone and cob north wall resulting in loss of primary historic fabric – the actual extent is in no way indicated.

Excavation will be needed but there has been inadequate assessment of the ground conditions or the footings of the historic structure to inform such works. The proposal involves a significant raising of the front wall which has not been justified and would result in a change of built form.

Despite the suggestion that the historic upper floor is being 'reinstated' the section drawings do not identify the position of it relative to the existing joist holes which clearly indicate the position of the historic loft or tallet. How the ground floor level proposed relates to the surrounding levels is unclear but there are currently 3 steps up to the entrance. The imposition of 2.2m ceiling heights does not allow for a sensitive conversion of the building and makes fundamental changes to its form and character.

Little information has been provided regarding the repair and restoration of historic fabric, the extent of re-construction needed or planned.

The provision of links through mostly modern concrete block to the rear (west) and south sides will be accepted if the overall design is sympathetic. It is noted that the floor plans contradict the rear elevation as there is a large opening shown on both levels. The proposal to install a lean-to roof over part of the former pigsty is inappropriate as it introduces a built form that was never there.

The inclusion of a fixed, dummy door to the east elevation is questionable when the stated use is that of ancillary accommodation to the main house and that has forever been the principal doorway.

Northern extension:

The existing structure is assessed by the Case Officer as being neither capable nor worthy of conversion and the proposal is for a much larger replacement. Visual observation and mapping evidence suggests the existing is a 20th century addition, possibly dating from the time the roof structure was replaced. Much of the fabric is corrugated plastic sheet – suggesting it was used as a garden store and possibly a potting shed. Replacement of this structure with a larger version having a lean-to roof is judged to be a clumsy addition that would harm both the outbuilding and the setting of the main listed farmhouse.

There is no explanation why ancillary accommodation for either family members, visitors or guests requires a separate kitchen.

Southern extension:

The possibility of a sensitive extension in this location could be supported. It is, however, on the site of the c19th century pigsty and the choice of a lean-to roof disregards the likely form that the pigsty roof would've had – ie a pitched roof with the ridge running north-south. As with the other lean-to the adoption of timber cladding also introduces a material and form for which there is no justification. For this reason it is considered to cause harm to the character of the outbuilding and the setting of the listed farmhouse.

The use of a modern profiled roof material is unjustified when traditional corrugated iron is a significant feature of the Conservation Area and the wider rural setting.

Effect on the listed building

The changes proposed constitute harm to the heritage assets and so the proposal is contrary to NPPF 200 which states, *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*

JLP policy DEV21.2 states, *'Great weight will be given to the conservation of the Plan Area's designated heritage assets. Where development proposals will lead to any harm to the significance of a designated heritage asset, they must be fully justified against:*

i. the public benefits of the development.....

ii. whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses or mitigate the extent of harm to the assets significance and if the work is the minimum required to secure its long term use.'

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 imposed a duty on local planning authorities 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'*. It is necessary, therefore, to treat a finding of harm to a listed building as a consideration to which must be given "considerable importance and weight" when carrying out the balancing exercise. Subsequent legal cases have confirmed it is not open to the decision-maker merely to give the harm such weight as they think fit, in the exercise of a planning judgment.

Officers emphasise that there is no fundamental objection to the conversion and even some extension of the outbuilding, but there are so many concerns that they cannot possibly be covered by conditions as suggested in the reasons for the applications being brought to this Committee.

Landscape:

Despite the location being within the curtilage of the listed farmhouse there is no indication of landscape design to demonstrate how the setting would be complemented. For the proposed use to function there will need to be steps, paths and presumably a hard surfaced patio to the west, but no information has been provided. In such a sensitive location it is reasonable to expect at least an indicative landscape design as it is integral to the overall effect of the development. The lack of any such design consideration is contrary to DEV21.

Neighbour Amenity:

No issues. The development is located within the applicant's garden some distance from neighbours so no harm to amenity would result.

Highways:

No issues. The parking on site and access to it are considered acceptable in this village centre location.

Accessibility:

The design does not demonstrate any effort to facilitate level (or improved) access to the building, even the ground floor. Smooth and level access with generous door widths would facilitate better access for a variety of users. As the proposal is for the development to be used as part of the applicants B and B business there ought to be consideration of DDA compliance. This lack of consideration is contrary to paragraph 130.f of the NPPF.

Ecology:

The Ecology Report identifies opportunities for enhancement which are supported.

Drainage:

No objection from the Drainage Specialist.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)

Neighbourhood Plan

No NP at present.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 128, 130, 132, 134, 194, 195, 196, 197, 200, 202, 206 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Joint Local Plan SPD and Barn Guide.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.