
Appeal Decision

Site visit made on 16 March 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2020

Appeal Ref: APP/R3325/W/19/3240741

Land at Laws Farm, Compton Street, Compton Dundon, Somerset TA11 6PS

- 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 G Doble against the decision of South Somerset District Council.
 - The application Ref 18/03497/FUL, dated 12 October 2018, was refused by notice dated 18 July 2019.
 - The development proposed is for the removal of existing farm buildings and the erection of courtyard style development of 3 dwellings with associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the setting of the adjacent Grade II listed building.

Reasons

3. The site is to the edge of the small village of Compton Dundon, within what appeared to be a farm complex at some time. Currently, the farmhouse (Laws Farmhouse, which is now used as two separate dwellings) remains and is a Grade II listed building. Its significance derives from this being an old building with a significant proportion of pre-1700 fabric, with the building being a good example of the vernacular traditions of the area, as set out in the listing.
4. In this regard, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The Framework also states 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.
5. The proposed development is adjacent to Laws Farmhouse, on an area where there are some former agricultural buildings, which now are not in use or are used for non-agricultural purposes such as storage. However, these buildings

- do retain their appearance as relatively modern utilitarian structures, common within farms.
6. The proposal would be to remove the existing structures on site and built three new dwellings. These dwellings would have the appearance of a former agricultural building, as if they were converted. I would also regard this development to be in the setting of the listed building, given their close proximity to Laws Farmhouse. They would also be to the front of the principle elevation of this listed building.
 7. There are other dwellings around Laws Farmhouse and the Council have not raised an objection to the principle of the development of housing to replace the existing structures. The proposed dwellings would have a distinct character, being of an elongated form with mostly long ridges of continuous height, and low eaves set just above the ground floor level. The dwellings would have wide span roofs with first floor accommodation within, lit mainly by multiple rooflights. The three dwellings would be substantial in overall size.
 8. Whilst the proposed dwellings would not overdevelop the plot, which is sizable, these broad width dwellings with high roofs would result in bulky buildings, which would be significantly more noticeable than the existing low profile buildings on site when viewed within the setting of Laws Farmhouse. Whilst there are some other dwellings in the area of a similar elongated form and possibly of a similar height (some of which could be agricultural conversions), the proposed dwellings would appear excessively bulky due to a combination of their substantial width and height, in relation to the other buildings in the area.
 9. In this case it is clear that the proposed dwellings are to appear akin to barn conversions, but the proposal does not fit with the vernacular of such agricultural buildings locally. Typically, from my observations in the area and the Council's evidence, traditional agricultural buildings are not as broad and bulky as that proposed, without the low eaves also. Furthermore, such buildings would have less use of timber panelling, which is not a commonly used cladding material in this locality.
 10. The result of the proposal would be dwellings which would appear like a barn-conversion but would be incongruous as they would not appear typical of the prevailing characteristics of older barns within this part of rural Somerset. They would therefore not reinforce local distinctiveness. I recognise that there are other parts of England where such barn sizes and styles are common, but there is no substantive evidence that this part of Somerset is one of these areas.
 11. Furthermore, the use of rooflights would appear excessive, even on the large expanses of roof slopes as proposed. Rooflights are not typically common on barns and as such they can undermine the original agricultural appearance of the building. In this case the dwellings would be new build, but of the appearance of a barn conversion. Such extensive use of rooflights, even the flush conservation type, would appear at odds with the design approach and would not be in keeping with the character of the buildings locally. It may be that rooflights would be preferable to dormers from a design perspective, but this does not mean that the use of rooflights as proposed are appropriate as an alternative. I recognise that there needs to be good levels of light internally, but this should be achieved through a design which is sufficiently sensitive to its setting.

12. The appellant has suggested the use of conditions to require samples of the rooflights and the timber panelling, but such an approach would not overcome the issue that there is an excessive use of rooflights spread in a non-uniform manner across the roof slopes and that the level of use of timber as proposed is not typical of this area. Therefore, the use of conditions would not sufficiently address this issue.
13. The proposed dwellings would have a rural/agricultural style, but not one of a scale and character appropriate for this area and setting. There are a range of different house types and styles in this part of the village, but not all are within the setting of a listed building or are designed to appear as a converted agricultural building. Therefore, the consideration of the particular site circumstances and sensitivity of this location is an important factor.
14. I recognise that the proposal would use reclaimed materials as much as possible. I also note that there may be scope for some additional landscaping, to add to that which exists and to be retained. Whilst such approaches to the design and construction of the houses may be beneficial, they do not overcome the issues I have outlined above. Furthermore, whilst the dwellings as proposed would be largely screened from the street and that wider landscape views may be filtered by existing and proposed landscaping, they would still be prominent within the setting of the listed building of Laws Farmhouse.
15. I note the Council comments with regard the courtyard arrangement as proposed not being typical of the area, but it is not that dissimilar to the existing footprint of the existing buildings. However, the proposed dwellings would be incongruous and bulky buildings with a design out of keeping with its setting, thereby substantially detracting from the significance of the listed building and would be a detrimental addition to its setting.
16. I recognise that the existing structures are not of a positive appearance, but they are low profile and are typical of many relatively modern agricultural buildings. The appearance of these existing buildings does not justify the proposed new dwellings and the adverse impacts they would have to the listed building setting. There may be a need to remove these existing buildings for safety purposes, but this could possibly be achieved without their replacement with larger unsympathetic new dwellings in this sensitive location.
17. The proposed dwellings would be harmful to the setting of the listed building. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the National Planning Policy Framework, that harm should be weighed against any public benefits of the proposal.
18. There would be public benefits arising from the proposal by providing new dwellings towards local housing supply in a relatively accessible location. There would also be the removal of the existing buildings as part of the redevelopment of the site, which would have some benefits. However, such public benefits are limited, especially as it would be just three dwellings being proposed and therefore would not offset the identified harm, to which I must attach considerable importance and weight.
19. For these reasons the proposal is contrary to policy EQ3 of the South Somerset District Local Plan (2006-2028), which requires development to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets, amongst other things. The proposal also

does not accord with the National Planning Policy Framework as the development would fail to conserve the setting of the listed building in a manner appropriate to its significance.

Planning Balance

20. The appellant states that the Council cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date (including where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. However, also under criterion d), this 'tilted balance' would only apply where the application of policies of the Framework (defined by footnote 6), requiring the protection of areas or assets of particular importance, would not provide a clear reason for refusing the development proposed. If such Framework policies were applicable, the tilted balance within paragraph 11 would not be engaged, therefore righting the planning balance.
22. In this case the policies of the Framework provide clear reasons for refusing the development proposed due to the impact to a heritage asset. For the reasons set out above in respect to the adverse impact to the significance of a heritage asset (the listed building known as Laws Farmhouse), I have concluded that not only are the specific policies of the Framework engaged, but they are breached by the appeal proposals.
23. Nonetheless, I recognise that the proposal would provide new dwellings in an accessible location, which is a benefit. There may also be some benefit to taking down dilapidated existing buildings, although this would not necessarily need the proposed development to achieve this. I also note there has been little or no local objection, with the appellant stating that there is local support for the scheme as a form of redevelopment of the site.
24. However, these benefits would be modest especially as just three dwellings would be provided. Even if the 'tilted balance' under paragraph 11 of the Framework were engaged, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework. The proposal is also contrary to the Local Plan policy EQ3, for the reasons set out above.
25. I understand that the proposal went through a pre-application process. However, my considerations are based on the merits of the proposal before me, taking into account the comments of the parties and the reasons for the refused planning application.

Conclusion

26. For the reasons given above the appeal is dismissed.

S. Rennie

INSPECTOR