
Appeal Decision

Site visit made on 17 December 2014

by **G P Jones Bsc(Hons) MA MRTPI**

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

Decision date: 19 January 2015

Appeal Ref: APP/R3325/A/14/2226695

Dutch Barn, Marsh Farm, Yeovil Marsh, Yeovil, Somerset BA21 3QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr John Snell against the decision of South Somerset District Council.
 - The application Ref 14/03167/PAMB, dated 3 July 2014, was refused by notice dated 1 September 2014.
 - The development proposed is for Prior Approval of Change of Use of Agricultural Building to a Dwellinghouse (Use C3) and for Associated Operational Development
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) require the Local Planning Authority (LPA) to assess the proposed development solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding and whether the location or siting of the building makes it otherwise impractical or undesirable for the change of use from agricultural to a dwellinghouse (Use Class C3).
3. The description of development is not explicitly provided in the application form; I have used the description given in the 'Proposal' section of the supporting statement which is referenced in the application form. For the sake of clarity I have included Yeovil Marsh within the site address even though this was not detailed in the application form.

Main Issue

4. The main issue is whether the proposal satisfies the requirements of the GPDO with particular regard to its effect upon the setting of the nearby listed building, Marsh Farm.

Reasons

5. This proposal is for a change of use of the existing Dutch barn (the barn). The Council refused to grant prior approval for the proposed change of use, as in

the Council's opinion it would significantly affect the setting of the nearby Grade II listed building. In its decision notice the Council did not specify which of the criteria in paragraph MB.2(1) in respect of Class MB(a) it had applied in reaching its decision, as it only stated that the proposal would significantly affect the setting of the Grade II listed building. However, the officer's report considered that its location and siting would make it impractical or undesirable for the building to change use to a residential dwelling, and therefore I conclude that MB.2(1)(e) applies. In addition, paragraph N of Part 3 stipulates that when determining an application, regard must be had to the Framework (so far as relevant to the subject matter of the prior approval) as if the application were a planning application. It is no part of the Council's case that the development proposed is caught by any of the exclusions listed in paragraph MB.1, and I have no reason to disagree.

6. The barn lies in the northern part of a large field that slopes up to the south. Immediately to the north across the lane lie the properties of Follett's Dairy and Windy Bottom, and the Marsh Farm complex of buildings lies adjacent to the east of these buildings. Marsh Farm is Grade II listed and is in use as three dwellings: Marsh Farm, Cider House and Garden Cottage. The listing description for Marsh Farm refers to its eighteenth century origins, form of construction, materials and fenestration which all contribute to its significance as a heritage asset. It is evidently a farmhouse of some antiquity which, whilst having evolved over time with subdivision and alteration, remains a dominant feature in the small complex of buildings within which it sits. Its setting, and the way in which it is experienced, relies upon its relationship with both historic and modern buildings and its rural countryside location.
7. The appeal barn lies to the south-west of Marsh Farm across Marsh Lane, and with mature hedgerows bordering each side of this lane. Therefore when viewed from Marsh Lane the barn is reasonably well screened by the established hedgerows, and is not generally perceived as having a close relationship to the immediate setting of Marsh Farm. However, when viewed from the footpath that runs to the south, the barn is an evident part of the rural landscape. It is seen clearly within the context of the listed building wherein Marsh Farm draws the eye and is the dominant visual focus as befitting its history. I consider that the barn does influence the setting of the listed building in its current, utilitarian form, reinforcing the pre-eminence of the farmhouse in such viewpoints.
8. Although it is of only functional architectural merit, the barn is the sort of open-sided agricultural building that is typically associated with farms. The proposal is to convert the barn to a two storey residential dwelling. The dwelling would be of a contemporary design with a first floor outside terrace and a predominantly glazed first floor south elevation. The proposal would require significant alterations to the barn and would give rise to a building that is not agricultural in its character. As such, it would give rise to a building that would lose much of its established agricultural character and appearance.
9. The proposed change of use would introduce an additional residential built form within the setting of the listed building. The expanse of glazing and the terrace area on the south elevation of the first floor would be highly visible when viewed from the footpath to the south of the barn, would become a prominent structure and consequently would detract from the setting of the listed building. This would be further exacerbated by the introduction of a residential

curtilage to the barn and the likelihood of associated domestic paraphernalia. I therefore conclude that the proposal would harm the setting of the listed building. In reaching this conclusion I have noted the relationship of Marsh Farm to other buildings, particularly the ménage/riding school and the floodlights to the rear. However, these relationships are different to the appeal scheme which directly impinges on the setting of Marsh Farm when assessed from the south. The harm may be considered to be less than substantial but, with due regard to the new dwelling to be created, there are no public benefits sufficient to justify the scheme.

10. I note the letters of support submitted with regard to the original application and I consider that the proposal would have the benefit of providing an additional residential dwelling. However, I attach considerable importance and weight to the preservation of the setting of the listed building and consequently I consider that the proposal does not accord with paragraph 132 of the Framework. I have noted the decision of the Council at Draycott Farm¹ but, based on the available details, this appears to relate to a number of agricultural buildings which have a different courtyard context in comparison to the field location of the appeal scheme. This decision does not alter my conclusion that the proposed change of use would be undesirable and therefore would not meet condition MB.2(1)(e) of the GPDO.
11. For the above reasons, and having regard to all other matters raised, I conclude the appeal should be dismissed.

GP Jones

INSPECTOR

¹ 14/03784/PAMB