
Appeal Decision

Site visit made on 27 January 2015

by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC

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

Decision date: 2 April 2015

Appeal Ref: APP/R3325/A/14/2221730

Pond Farm, Seavington St Michael, Ilminster TA19 0QE

- 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 Mark Simmins against the decision of South Somerset District Council.
 - The application Ref 14/01335/FUL, dated 20 March 2014, was refused by notice dated 29 May 2014.
 - The development proposed is described as "conversion, extension and rebuild of redundant farm buildings to residential use (amended scheme to extant Ref: 07/03402/FUL), new Dutch barn for residential use and conversion of an open barn to 3 car garage and workshop".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I refer to the existing buildings by the names they are given on the site survey plan which accompanied the application, drawing 001 Rev A, and to the proposed new dwelling on the site of the Dutch barn as 'the new dwelling'. The application was amended prior to being determined by the Council and I have determined the appeal on the basis of the amended proposals.
3. The grounds of appeal refer to an application for listed building consent which was submitted to the Council with the application for planning permission which is now the subject of this appeal. No appeal has been lodged in respect of the application for listed building consent and this decision relates only to the application for planning permission.
4. The Council adopted the South Somerset Local Plan (2006 – 2028) ("the Local Plan") on 5 March 2015. The Council's reasons for refusal and statement refer to the South Somerset Local Plan adopted in 2006. Planning law requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The main parties have been given the opportunity to comment on the changed position with regard to the development plan in relation to this appeal and I have taken the responses into account in coming to my decision.

Main Issues

5. These are the effect of the proposal on the character and appearance of the area and whether the proposal would preserve the setting of listed buildings.

Reasons

6. The farm buildings associated with Pond Farm lie partially within the settlement boundary of Seavington St Michael. Planning permission to convert farm buildings to two residential units and an associated B1 workshop was granted following an appeal decision in May 2010 (APP/R3325/A/10/2122675). After the proposal which is the subject of the current appeal was refused by the Council and the appeal lodged, further applications for planning permission and listed building consent were made and subsequently permitted by the Council¹ ("the permitted scheme"). The permitted scheme has been confirmed by the main parties as relating to a development which is the same as that which is the subject of the appeal, with the exception of the design of the new build dwelling proposed on the site of the existing Dutch barn.
7. There is nothing in the evidence to suggest that the permitted scheme is unlikely to be carried out. Therefore, whilst the whole of the appeal scheme is before me for determination, the permitted scheme is a material consideration to which I attach considerable weight. Accordingly, the focus of my decision is upon the Council's reason for refusal which relates to the design, detailing and appearance of the proposed new dwelling.
8. The proposed new dwelling would be built on the approximate site of an existing and somewhat dilapidated Dutch barn which would be demolished. The existing Dutch barn is open on its south and west facing elevations. The barn is covered by a corrugated metal sheet curved roof. The rear, northern section of the barn, also clad in metal sheeting, is enclosed by a lean-to roof which reaches the eaves of the main roof. From the road, part of the existing Dutch barn is visible between the stone wall of the stables and the brick wall of the byre. The top of the roof of the existing barn behind the byre wall is also visible from the road.
9. The buildings referred to as barn 1 and barn 2 are attached to the rear of a property which lies within a row of Grade II listed buildings (listed as "row of cottages between The Volunteer Arms PH (not listed) and Swan Thatch"). Swan Thatch, which lies immediately to the east of the appeal site, is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on decision makers in considering whether to grant permission for development which affects a listed building or its setting to have special regard to the building or its setting or any features of special architectural or historic interest which it possesses.
10. Setting is defined in the National Planning Policy Framework ("the Framework") as the surroundings in which a heritage asset is experienced. The appeal site, including the site of the proposed new dwelling, forms part of the setting of the listed row of cottages and of Swan Thatch. In addition, the site of the new dwelling is part of the group of farm buildings which are proposed to be converted to residential use.
11. The design concept of the proposed new dwelling is explained as being based on that of a Dutch barn, continuing to reflect the former agricultural role of the wider site and the evolving role of the farm building complex. The external walls would be clad in vertical timber boards, with glazing set into powder

¹ 14/03195/FUL and 14/03196/LBC

- coated metal frames, which together would be set between the galvanised steel frame of the building. Grey profiled steel sheeting is proposed for the roof.
12. On the north side of the proposed new dwelling, the ground floor area would extend beyond the first floor, with a flat roof to this part of the ground floor allowing the creation of a first floor open terrace or balcony along the full length of the north elevation. This large balcony over part of the ground floor and an external metal staircase would thus lie outside the enclosure provided by the curved roof. A smaller balcony would be provided at first floor level on the south side of the dwelling and linked along the east elevation to the main balcony. These external areas on the east and south side of the house would be contained within the covering of the curved roof. All the balconies would have plain glass balustrades.
 13. Dutch barns, whilst lacking the historic and aesthetic attributes of more traditional agricultural buildings, are nonetheless a common feature of many farming landscapes. By their nature and purpose, they are often largely open structures. The ground floor of the proposed dwelling is approximately based on the ground floor area of the existing Dutch barn. The height and span of the proposed curved roof does not differ significantly from that of the existing barn. In this respect, I do not find the scale of the proposed dwelling excessive. However, I consider that the flat roofed element of the ground floor and the terrace above it depart significantly from the contained form of the rest of the building. I am not persuaded that this large area of the ground floor emulates a machine store in the manner described by the appellants.
 14. I find that, as a matter of principle, a modern approach to a new building which takes inspiration from a Dutch barn would not necessarily be inappropriate in this location. However, the proposed building would form part of a group of largely traditional farm buildings and dwellings, including listed buildings. Consequently, the overall form, massing and detailed appearance of the building are of critical importance to the successful integration of the building into its context. Whilst some of the detailing which is lacking from the drawings could be controlled by condition, I find that the inclusion within the scheme of a substantial area of flat roof extending beyond the enclosure formed by the curved roof and the attendant provision of a large terrace at first floor level would be incongruous and inappropriate in this location. Consequently, a substantial element of the scheme would be singularly at odds with the character of the area. Although public views of the proposal would be limited, there would nonetheless be harm, and therefore a failure to preserve, the setting of listed buildings.
 15. Accordingly the proposal, insofar as it relates to the construction of a new dwelling on the site of the Dutch barn, would conflict with those elements of Local Plan Policy EQ2 which require development to preserve or enhance the character of appearance of the area, to reinforce local distinctiveness and respect local context. The proposal would also involve a degree of conflict with Local Plan Policy EQ3 which expects new development to safeguard, and where appropriate enhance, the significance, character, setting and local distinctiveness of heritage assets.
 16. The Framework sets out that great weight should be attributed to the conservation of designated heritage assets. Whilst the harm in this case would be less than substantial harm, this would not be outweighed by the public

benefit of the modest addition to the housing stock which the scheme would provide and, in any event, is addressed by the permitted scheme.

Other Matters

17. The distance from the proposed new dwelling to the existing dwelling at Swan Thatch would be sufficient to avoid any undue problems of loss of privacy. Nevertheless, the proposed first floor balcony along the eastern elevation and southern elevations would introduce the potential to overlook the garden of Swan Thatch and, to a lesser extent, gardens east of Swan Thatch in a direction from which there is currently no overlooking. Although the distances involved would not be unacceptable in a more urban situation, I consider there would both real and perceived loss of privacy to the occupiers of Swan Thatch. However, had the proposed new dwelling been acceptable in other respects, I consider this matter could have been satisfactorily addressed by a condition.
18. Matters which are not covered in the main issues above have been raised by neighbouring and local residents. These matters have been resolved by or otherwise determined as a consequence of the permitted scheme. As such, they have not had a direct bearing on my consideration of the main issues in this appeal and do not alter my decision in this regard.

Conclusions

19. For the reasons given above, and having taken all matters raised into account, the appeal is dismissed.

Jennifer Tempest

INSPECTOR